



**JOURNAL OF
DIPLOMACY AND FOREIGN RELATIONS**

ISSN 1511-3655

Volume 6 Number 1/1

Dec 2004

THE EVOLUTION OF THE ASIAN BOND FUND

G. Sivalingam

Izlin Ismail

THE POWER, POLITICS AND PRAGMATISM OF THE SECURITY COUNCIL

Chris A. Agoha

WESTERN INTELLECTUAL CULTURE AND PREDISPOSITION OF U.S.-
ISRAEL FOREIGN POLICY ON MUSLIM POLITICAL RIDDLES

Dr. Abdi Omar Shuriye

THE DEFINITION OF TRANSNATIONAL CRIME IN THE CONTEXT OF
TERRORISM

Nurjaanah Abdullah

GLOBALISATION (S) & THE COMMONWEALTH (S) IN THE NEW CENTURY:
TOWARDS 'NEW MULTILATERALISMS' RATHER THAN UNILATERALISM?

Timothy M Shaw

ISSN 1511-3655



9 771511 365001

**INSTITUTE OF DIPLOMACY AND FOREIGN RELATIONS
MALAYSIA**

**J O U R N A L O F
DIPLOMACY AND FOREIGN RELATIONS**

DEC 2004 Volume 6 No. 1/1

- | | |
|---|-----|
| THE EVOLUTION OF THE ASIAN BOND FUND
<i>G.Sivalingam</i>
<i>Izlin Ismail</i> | 1 |
| THE POWER, POLITICS AND PRAGMATISM OF THE SECURITY COUNCIL
<i>Chris A. Agoha</i> | 19 |
| WESTERN INTELLECTUAL CULTURE AND PREDISPOSITION OF U.S.-ISRAEL FOREIGN POLICY ON MUSLIM POLITICAL RIDDLES
<i>Dr. Abdi Omar Shuriye</i> | 35 |
| THE DEFINATION OF TRANSNATIONAL CRIME IN THE CONTEXT OF TERRORISM
<i>Nurjaanah Abdullah</i> | 53 |
| GLOBALISATION (S) & THE COMMONWEALTH (S) IN THE NEW CENTURY: TOWARDS 'NEW MULTILATERALISMS' RATHER THAN UNILATERALISM?
<i>Timothy M Shaw</i> | 103 |

© 2004 Institute of Diplomacy and Foreign Relations
ISSN 1511-3655
URL: <http://www.idhl.gov.my>

All right reserved. The *Journal of Diplomacy and Foreign Relations* encourages the reproduction of articles and other materials appearing in its pages; however no portion of this journal may be reproduced, by any process or technique, without the formal consent of the editors and publisher. For permission, please contact the Director of Research and Publications, Institute of Diplomacy and Foreign Relations, Jalan Elmu, 59100 Kuala Lumpur, Malaysia. Please email all inquiries about the *Journal* to rozita@idhl.gov.my.

The *Journal of Diplomacy and Foreign Relations* (JDFR) is a foreign affairs periodical published bi-annually by the Institute of Diplomacy and Foreign Relations, Malaysia. Founded in 1999, the Journal brings together noted scholars and policy makers to address current themes in international studies, foreign relations, diplomacy, strategic and security affairs and development studies. Each issues presents a multidisciplinary perspective. Our readership consists of individuals in government, business, academe and education locally, regionally and internationally. It is the forum that provides room for multiple appraisals of, and diverse intellectual discourses on international studies, foreign policy and diplomacy that both directly and indirectly influence Malaysia regional and international policy. The primary objective of JDFR is to enhance international studies, foreign policy and diplomacy as an art and science within the context of Malaysia both in particular and generally.

In order to establish the international quality and high intellectual profile of JDFR, an Advisory Board (AB) has been appointed. It consists of prominent individuals in academe and the foreign service and diplomatic corps. The AB advises the Editorial Board on the quality of articles and lends their expert intellectual opinions. To enhance such quality, the members of the AB may provide additional intellectual input.

The *Journal of Diplomacy and Foreign Relations* welcomes manuscript by experts in the field of foreign policy, diplomacy, international relations, security and strategic studies throughout the world. Submissions should be of interest to parties who specialise in the above areas as currently or formerly serving practitioners in government service as well as academics, thinkers and scholars. Paper from all regions around the globe are encouraged, as long as they are either directly or remotely concerned with Malaysia's interest in global strategic, security, diplomatic and foreign policy issues.

Manuscripts should meet the professional standards or academic journals, make a signifant contribution in empirical fact or interpretation, and use unpublished and primary sources or a broad range of relevant literature. Manuscripts that have been published elsewhere (including in the electronic media) or that are under consideration for publication will not be considered by the Editorial Board of the *Journal*.

GUIDE TO CONTRIBUTORS

SCOPE

JDFR is a refereed journal committed to the advancement of scholarly knowledge by encouraging discussion among several branches of international studies, foreign relations, diplomacy, strategic and security studies and development studies. The Journal publishes articles, book reviews and interviews whose content and approaches are of interest to a wide range of scholars and policy makers. JDFR is published by an Editorial Board from the Institute of Diplomacy and Foreign Relations, Malaysia. In addition, distinguished individuals from the diplomatic corps, scholars and prominent policy makers have been appointed to serve on the Advisory Board of the *Journal*.

FORMAT AND STYLE

The editors invite submission of articles on subjects within the field of international studies, diplomacy, foreign relations, strategic and security studies and development studies. The title of a manuscript should be concise, descriptive and preferably not exceeding 15 words the length of the manuscript should be between 5000-7500 words for articles (exclusive of endnotes) 1500-2500 words for book reviews. Interviews should be up to 4000 words. All submissions should be double-space and conform to the Chicago Manual of Style, Fourteenth Edition. Footnotes should be citations of sources rather than textual or bibliographical commentaries. All articles must include an abstract describing its main points between 150-250 words. The abstract should be followed by 5 keywords (separated by commas) identifying the manuscript's content for retrieval systems.

All illustrations, including figures, charts, graphs, maps and photographs must be labeled and supplied on pages separate from the text. The author has responsibility for securing permissions from copyright holders for reproduction of visual materials to be published in *JDFR*.

They should be drawn in permanent ink or photographed in sharp black and white or color and reproduced in the form of high-contrast glossy prints or digital images and provided in camera-ready form. Font Style and Size: Use a reasonably legible font such as Times New Roman, Arial or Courier, Size 11 or 12.

SUBMISSION PROCEDURE

Manuscripts should be double spaced with footnotes appended at the end and one-inch margins (right margin unjustified). They should be submitted in hard copy (**2 copies**) as well as a copy on diskette (**3.5 inch diskette**). No electronic submissions will be accepted due to systems limitation. JDFR does not accept manuscripts that have already been published or are being considered for publication elsewhere. Manuscripts will be edited for accuracy, organization, clarity and consistency. Copy-edited manuscripts will be sent to the author for approval before the articles goes to press. An author whose first draft has been accepted for final publication will be required to send a hard copy and an electronic file copy (3.5 inch diskette) of the final, edited version.

Please address all submissions to:

*Rozita Hajar
Principal Assistant Director
Research and Publications Division,
Institute of Diplomacy and Foreign Relations
Jalan Ilmu, 59100 Kuala Lumpur, Malaysia.*

*Tel: (603) 7957-6221 ext. 234
Fax: (603) 7957-4237
Email: rozita@idhl.gov.my*

THE EVOLUTION OF THE ASIAN BOND FUND

**G. Sivalingam
& Izlin Ismail**

***G.Sivalingam** is Professor and Head, Department of Finance and Banking in the University of Malaya. He obtained his MBA and PhD from Cornell University. He has been Visiting Scholar at Harvard University and the Massachusetts Institute of Technology and Visiting Fellow at Cornell University. He is the author of numerous articles and several books including his latest on Competition Policy in the ASEAN Countries.*

***Izlin Ismail** is a lecturer in the Department of Finance and Banking, Faculty of Business, University of Malaya. She obtained her BSc (Economics) from the London School of Economics and her MSc in Investment Management from the City University of London. She has presented papers in several local and international conferences. She is currently doing her PhD in Finance in the University of Nottingham.*

I. INTRODUCTION

The Asian Bond Fund that was announced on June 2, 2003 by eleven central banks and monetary authorities in the Asia Pacific region, including Australia, China, Hong Kong, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, the Philippines, Singapore and Thailand, was a response to the 1997-1998 East Asian financial crisis, which had a devastating effect on the economies of East Asia (Yam, 2003). The 1997-1998 crisis exposed the vulnerability of these countries to external speculative attacks and shocks that caused the currencies of these countries to depreciate sharply and their economies to contract. It has become well understood by the governments of East Asia and the world intellectual community that the crisis was not caused by weak fundamentals or economic mismanagement or cronyism but by a coordinated speculative attack on the East Asian currencies by hedge funds and pension funds, who had plentiful supplies of funds supplied by international banks and the federal reserve and the stock market boom in New York (Bhagwati, 1998).

The Central Banks of the affected East Asian countries were unable to defend their currencies because the speculators had more liquid funds at their disposal than the East Asian countries. The countries that had plentiful supplies of reserves, for example, China, Japan, India and Singapore did not suffer from a speculative attack (Radelet and Sachs, 1999:5). Countries that had not implemented full capital account convertibility or did not allow the free flow of capital, for example, China and India, were also insulated from the crisis (Bottelier, 1998). A consensus has, therefore, emerged that the crisis only adversely affected countries that lacked liquidity to defend their currencies against a speculative attack and countries that had allowed the free inflow of foreign capital (Wincoop and Yi, 2000).

While the rapid and large inflow of foreign capital in the first half of the 1990s created ample liquidity in the East Asian financial system, the reversal of capital flows in 1997-1998, however, created a liquidity crisis in US dollars. The sharp reversal in capital flows occurred when foreign portfolio funds withdrew suddenly and international banks recalled their short term loans and refused to roll over credit. The sharp reversal of capital flows caused the depreciation of the currencies of several East Asian countries as these countries found themselves short of US dollars. The argument was that if there was ample liquidity in US dollars at the disposal of the affected East Asian countries, they would have used it to defend their currencies with US dollars. However, the drop in the rate of growth of exports and the sudden reversal of portfolio flows and bank loans put them in a vulnerable position as they did not have sufficient US dollars to exchange for ringgit or other currencies of the affected Asian countries on demand. This led to a loss of confidence and further speculative activities resulting in the sharp depreciation of the East Asian currencies (Wincoop and Yi, 2000:52). With hindsight it has been argued that a well functioning American dollar denominated bond market issued by Asian governments and corporations would have provided the liquidity as bonds unlike bank loans can be bought and sold in the secondary market to provide the much needed liquidity. However, there needs to be a well functioning secondary market.

It was noticed during the crisis that there was potentially ample liquidity in the Asian countries as some of the Asian countries had massive external reserves. These included Singapore, Japan, China, Taiwan and South Korea. However, there was no mechanism for the affected East Asian countries to use these external reserves. Most of these external reserves were invested in Western countries.

The proposal for an Asian Monetary Fund was also resisted by the United States of America on the grounds that it will lead to problems of moral hazard. Easy liquidity would allow East Asian economies to postpone important domestic reforms. However, the rejection of the proposed Asian Monetary Fund was also probably due to a deeper problem of the loss of control over the East Asian economies by the United States of America (Lipsy, 2003:103).

To overcome the problem of lack of liquidity in the event of another speculative attack it was decided that Asian countries should get together to set up a fund using the international reserves of Asian countries to invest in the economic development of Asian countries. The Asian initiators of the fund were keen to avoid resorting to the IMF for a bailout in the case of a speculative attack on their currencies. The IMF is not politically appealing to East Asian governments because of the conditionalities imposed by the IMF in exchange for financial assistance. The countries that had accepted IMF financial assistance, that is, Thailand, Indonesia and South Korea, saw the closure of banks, massive unemployment and social unrest. The IMF conditionality led not only to economic and social restructuring but also to a change in the political leadership of Thailand, South Korea and Indonesia (O'Driscoll, 1999).

II. ALTERNATIVE STRATEGIES TO STRENGTHEN ASIAN FINANCIAL SYSTEM

To avoid the consequences of another IMF bailout, the current Prime Minister of Thailand, Shinawatra Thaksin, suggested a new International Financial Architecture in which the Asian Bond Fund (ABF) will play a prominent role (BizAsia.com, 10.7.2002). The ABF will fill the need for a local mechanism to provide nations with more access to liquid American dollars in the eventuality of a financial crisis. The plan calls for ASEAN nations to create a fund by contributing about 1 % of their foreign exchange reserves to buy one another's dollar denominated and local currency bonds.

The Asian countries as noted earlier have substantial dollar reserves and investing in bonds issued by Asian countries is one way of keeping the international reserves in Asia so that it can be converted to liquid cash at short notice. The combined reserves of Japan, China, Taiwan, Korea, Hong Kong and Singapore total more than US\$1.227 trillion (Arijit Ghosh, 2004). According to other estimates, the reserves built up by Asian central banks amount to more than

US\$1.8 trillion in November 2003 (The Economic Times, June 23, 2004). One percent of this comes to more than US\$180 billion. This fund could be of substantial use in alleviating the liquidity constraints of countries under a future speculative currency attack by fund managers or by the so-called Wall Street-Treasury complex elucidated by Bhagwati (1998).

The ABF is an initiative by central banks and monetary authorities of the Asia Pacific countries that are members of the Executives' Meeting of East Asian Pacific Central Banks and Monetary Authorities (EMEAP). It was initiated by the central banks and monetary authorities as they are the managers of the international reserves of the respective countries and hence have control over the allocation of the reserves. However, at the same time there are other parallel Asean initiatives in capital market developments that help to strengthen EMEAP's initiative in strengthening the Asian financial system both at the national and regional levels. These other initiatives in financial and monetary cooperation are organized under the auspices of the ASEAN +3 grouping; the ASEAN Cooperation Dialogue (ACD) and the Asia Pacific Cooperation (APEC) forum and the Asia-Europe (ASEM) forum.

Under ASEAN+3, which includes the ten ASEAN countries and China, Japan and South Korea, the Study Group on Capital Market Development and Financial Cooperation has made progress towards developing an infrastructure for developing capital market and financial cooperation including developing bond markets both at the national and regional level. The work of ASEAN+3 is being coordinated by the Finance Ministers of the ASEAN+3 countries.

As a follow up of the Chiang Mai Initiative, the ASEAN+3 leaders issued a formal statement in 1998 in which they identified ten areas of regional cooperation including cooperation in financial and monetary matters. In May 2000, the Chiang Mai Initiative (CMI) was launched by the ASEAN+3 countries, which focused on monitoring capital flows, regional surveillance, swap networks and training personnel. The focus on monitoring capital flows was as a result of the volatility of these flows, which had disrupted the process of economic development in these countries between 1997 and 1998. In October 2002, the original Thaksin proposal was introduced at the World Economic Forum's Annual East Asia Summit in Kuala Lumpur (Rajan, 2002:1). It received considerable support.

The ACD has formed a Working Group on Financial Cooperation to set guidelines to develop sound Asian bond markets. The ACD has also endorsed the Chiang Mai Declaration on Asian Bond Market Development. This together with the bilateral swap agreements, which is also an offshoot of the Chiang Mai Initiative is expected to strengthen the national and regional financial infrastructure. The launching of the ABF was given political support by the 18 members of the Asia Cooperation Dialogue (ACD) in its annual ministerial meeting in June 2003. India also gave its support to the ABF by pledging US\$1 billion towards the development of the Asian Bond Fund (ABF) in pursuit of its intention to have economic integration with ASEAN (The Times of India, June 23, 2004).

The APEC initiative on regional financial sector development has been working on the framework of the region's Finance Ministers' Meetings (FMM). The ministers have called for the development of securitisation and credit guarantee, both of which is expected to be implemented over a two year period. Other activities on bond market development under APEC will include seminars on bond market development and the establishment of regional market-based credit guarantee arrangements and the active development of the private sector in the development of the regional capital market.

One of the main objectives of the ASEM initiative is to link the Asian and European bond markets. Thailand's proposal to exchange information and link the "Asian bond" with the Euro bond has been supported by the Fourth ASEM Summit in September 2002. A Working Group has also been set up to promote economic cooperation between Asia and Europe and to promote the sale of Asian bonds in the European market. All four forums emphasize a need for the development of active and liquid regional and national bond markets. These initiatives will eventually, it is hoped, lead to the strengthening of the Asian financial system and not leave it vulnerable to another speculative attack.

Although there are parallel developments by EMEAP, ACD, APEC and ASEM to develop and strengthen the Asian financial architecture to deter the reoccurrence of another speculative attack on Asian currencies, the focus of this paper is modest in the sense that it focuses on the initiative of EMEAP central banks and monetary authorities in developing the ABF to retain the international reserves of Asia in Asia. Although the initial size of the ABF is miniscule in comparison to the international reserves of member countries of

EMEAP, it is a credible start with the prospect of growing into a very large bond fund. The next section of the paper will discuss the origins and rationale of the ABF. The third section of the paper will consider the problems in implementing EMEAP's proposal of developing the ABF to purchase Asian bonds. The final section that is section four will conclude with an analysis of the prospects for the future.

III. ORIGINS AND RATIONALE OF THE ASIAN BOND FUND

The origins of the Asian Bond Fund can be traced back to the 1997 East Asian financial crisis as it was during this period that Thailand, which was the first to be hit by the speculative attack, turned to its Asian neighbors for financial assistance to defend the Baht. However, the financial assistance was not forthcoming in the magnitude that was needed to fend off the speculative attack. It was also realised that there was no formal mechanism to deal with a crisis of such a magnitude and that although Asia had a sizeable pool of foreign exchange reserves they were largely invested in the US Treasury, earning a much lower interest rate than if they are invested in local Asian bonds (Jiang and McCauley, 2004:76).

According to the Prime Minister of Thailand, Thaksin Shinawatra, who is one of the chief proponents of the ABF, it is more efficient to invest Asia's reserves in Asia because, "our reserves, when deposited in the West, created more wealth for the Western hemisphere, without contributing to our own growth" (Business Week, July 28, 2003).

It was felt that the reserves could be put to better use by investing them in an Asian Bond Fund, which could be used not only in the eventuality of another speculative attack on Asian countries but also to build an Asian bond market and to invest in the economic growth of Asia to earn a higher return than the low return available from investments in the USA. The EMEAP central banks and monetary authorities also anticipate that the ABF will play the role of lead investor in the future economic development of Asia (Yoshikuni, 2003).

The formation of the ABF also implied that the EMEAP (Executives' Meeting of East Asia-Pacific Central Banks) group of central banks and monetary authorities had rejected the crony capitalism and economic mismanagement view of the causes of the currency crisis and had accepted the financial panic or herd behavior view of

speculators as the main cause of the crisis. The herd behavior or speculative hypothesis gained credence because the worst affected East Asian economies saw a reversal of capital outflows of more than US\$105 billion in a single year. This is the equivalent of 11% of the combined GDP of Indonesia, Malaysia, Thailand, Singapore and the Philippines (The Economic Times, June 23, 2004). Together with the formation of the ABF, the EMEAP countries also felt that to develop the environment suitable for the development of bond markets, the countries in the region should increase transparency, improve supervision, improve corporate governance and limit moral hazard. The emphasis on institutional reform and a new international financial architecture has become the objective of the EMEAP countries so as to strengthen their respective financial systems.

The EMEAP Countries perceive the ABF as having the potential of being an alternative to the International Monetary Fund (IMF) (Iyengar, 27.12.2003). The EMEAP views the ABF as a lender of last resort akin to the central bank. It could lend the much needed capital that the IMF was not willing to part with without conditionalities attached to it. The existence of the ABF, which could lend to countries by buying their bonds, would help to eliminate the crisis of confidence in Asian countries and would deter would be speculators from mounting a speculative attack on the currencies of countries that had access to the ABF.

The launch of the US dollar ABF has been viewed as an important step in regional co-operation aiming at promoting bond markets in the region (Chipongian, 2004). The EMEAP Group has been playing an active role in promoting the efficiency of financial intermediation in the region and the launch of the ABF will facilitate the channeling of a small portion of the very sizeable official reserves held by the Asian economies back into the region. Hitherto most of the financial intermediation was done in Europe and the United States as the reserves were invested there. The Fund will also provide a useful means for the Asian central banks to diversify their investments beyond the more traditional reserve assets and to enhance their returns.

The launching of the ABF signals the success of the East Asian and Pacific countries in forging regional cooperation in monetary and financial affairs. The ABF is also an important mechanism for developing the hitherto nascent regional and domestic bond markets as a means of reducing the region's dependence on the banking system to provide financing (Ito, 2003:7). The development of the

national and regional bond market will also help to reduce volatility and increase stability in the financial system.

The region has been dominated by bank based financial systems that are prone to boom-bust cycles (Ito, 2003:7). Bank loans lead to economic booms and the sudden withdrawal of loans often lead to a sudden downturn akin to a bust of the bubble. The bank loans are illiquid in the sense that they cannot be bought and sold in the open market and they are, more often than not, fixed price in the sense that the interest charged does not change with changing market conditions. In contrast bonds are tradable as they can be bought and sold as long as there is an active and liquid secondary market and one of the purposes of the ABF is to develop an active secondary market. The ability to buy and sell bonds reduces the risk of holding the asset. It has been argued that the movement from a bank based to a bond based system is to reduce systemic risk in the financial system. Policy makers have increasingly been concerned about the absence of broad, deep resilient bond markets in Asia. The World Bank has urged the acceleration of domestic bond markets to increase the efficiency of the financial intermediation process (Dalla, et.al, 1995:18).

Part of the rationale for the ABF, as pointed out earlier, is to reverse the flow of international reserves from Asia to the USA and Europe, which has been used to fund the balance of payments deficit of the USA and the European countries (Daily Times, August 15, 2004; BIS, June 2, 2004). The efficiency of regional financial intermediation is low in Asia with the bulk of savings in Asia being attracted to the capital markets of Europe and the USA. (Nikkeinet interactive, 2003). Some of these savings often find their way back to Asia in the form of foreign portfolio investments and short term bank loans, which are volatile. As noted earlier, the sudden reversal of capital flows from the crisis affected countries were due to the sudden withdrawal of portfolio investments and bank loans. As a result of these sudden adverse movements in the flow of capital, financial institutions and banks in Asia were faced with liquidity pressures and a financial crisis as their balance sheets needed recapitalisation.

The Asian corporations that were over-dependent on the equity markets and the banking systems for financing were also under stress as they could not service the debt, when interest rates rose as a result of the sudden reversal of capital flows (Ito, 2003:1-7). They would have been better off if they had raised long term capital from the bond market rather than relied on the equity market and

the banking system for largely short term financing. To avoid these adverse effects of the sudden reversal of foreign capital flows and the need to build bond markets as a source of long term funds, the EMEAP Group decided to build up alternative sources of liquidity. The urgency of the matter came to surface when Asian countries had to pay extraordinarily high premiums to float their bonds in the advanced countries of the West, when they needed the US dollars to recapitalise the banking system and rehabilitate the corporate sector in the aftermath of the East Asian crisis. One of the more promising alternatives to reducing the dependence on funds from the West is to invest East Asia's reserves in an Asian Bond Fund to be used to finance the purchase of foreign and local denominated loans issued by sovereign and quasi sovereign bodies in Asia.

The ABF was also formed to avoid the dangers of currency and maturity mismatches. Currency mismatches occur when, for example, Asian banks borrow in US dollars from foreign banks and lend them out to local companies in the domestic Asian currency (Ito, 2003). If the foreign bank suddenly withdraws its loan or does not roll over its credit to the Asian bank, the latter may be caught in a situation without enough US dollars to repay the loan (Radelet and Sachs, 1997). A currency mismatch occurs when Asian corporations borrow in US dollars and convert them for use in their own domestic currency but are unable to generate US dollars when they are required to repay their debt at short notice as occurred during the 1997-1998 East Asian financial crisis. This left the Asian corporations in a distressed situation (Ito, 2003: 1-7). The problem became more severe when as the demand for dollars went up, the exchange value of the domestic currencies depreciated and the domestic value of the debt denominated in US dollars went up. If in these circumstances there was an ABF, the corporations could sell US denominated bonds to the ABF and use the proceeds to repay their US denominated debt or bank loans.

Maturity mismatches occur when Asian banks borrow from foreign banks on short term but lend the borrowed funds out in the domestic economy on long term. However, sometimes even though the foreign borrowings of Asian corporations are long term they can be withdrawn at short notice (Ito, 2003:1-7). For example, even though the foreign borrowings of many industrial companies in Asia were long term, a lot of loan contracts had default clauses embedded in them. This allows the foreign investor to recall loans early when certain events occur. The maturity mismatch occurs because long term borrowings suddenly become callable almost overnight.

There are, therefore, compelling reasons as to why the development of the ABF is of importance to the sustainable economic development of Asian countries. The ABF will help to reduce the region's over-dependence on short term foreign funds from abroad and on the domestic banking system. The over-dependence on short-term foreign funds and the domestic banking system as we have noted earlier led to the sharp liquidity problems of Asian countries when foreign bank credit shrank and stock markets collapsed and overseas investors withdrew their capital from the markets because they could not diversify their investment into domestic bond markets that were denominated in US dollars.

An added advantage of the development of the Asian bond market will be that it will make available the use of long-term US dollar denominated funds for long-term project investment in Asia. Long term maturity Asian bonds that are denominated in US dollars will provide more stability than short term bank loans from the USA and Europe which when reversed might lead to a financial panic and collapse as it did in Asia in 1997 (Ito, 2003).

The need for an ABF was also noted by the Asian countries that needed to restructure their banks and their corporations that had been damaged by the Asian crisis. Countries that tried to float international dollar bonds to finance their bank and corporate restructuring either found that their bond issues were undersubscribed or were poorly rated by international rating agencies. As a consequence they had to pay a much higher interest rate to sell their bonds. The availability of an ABF would facilitate the recapitalization of banks. If the ABF could also be used to purchase the issue of bonds in the domestic currency, for example, the baht or the ringgit, it would assist in the bond market development of the Asian countries. The existence of a deep and liquid secondary bond market is therefore an essential factor to allow financial institutions to better prepare themselves for risk management. Moreover, a liquid bond market allows the central bank to require the commercial banks to maintain a higher liquidity ratio as bonds are considered liquid assets (Rajan, February 2, 2004).

The ABF and the development of stable and efficient financial markets in Asian countries will attract the international reserves of Asian countries and even investments from foreign countries. Hitherto, much of international investments have been centralized in Europe and the USA. The development of domestic bond markets in Asia and an Asian regional bond market would help to decentralise

major financial investments from the USA and European markets into Asian markets. If the Asian regional bond market does not function efficiently to intermediate between savings and investments, Asian central banks, governments and corporations will find an incentive to invest in bonds outside the region, which are perceived to be more liquid and having the property of lower settlement risk. There is therefore every incentive for Asian countries to develop deep and liquid bond and capital markets, which will be able to attract Asian funds that are now invested elsewhere to be reinvested in Asia.

The setting up of the ABF has also been supported because it is felt that it will reduce the vulnerability of the region to unhedged borrowings in US dollars. At the onset of the 1997 Asian crisis it was noted that several Asian corporations had issued dollar denominated or Yankee bonds that had to be serviced in US dollars. However, the depreciation of the local currencies increased the debt burden in US dollars and as a consequence some of these corporations went into distress. According to the Governor of the Bank of Thailand, the absence of bond markets made several Asian economies more vulnerable to the financial crisis (Chatu Mongol, Sonakul MR ADB 2000 cited in Herring and Chatusripitak, 2000). He has also gone on record to suggest that "If I (could) turn back the clock and have a wish (list) high in its ranking would be a well functioning Thai bath bond market" (Herring and Chatusripitak, 2000).

It was originally anticipated that after the launch of the US dollar ABF, the EMEAP Group will proceed to study the extension of the ABF concept to include bonds denominated in regional currencies, further strengthening the contribution of the initiative to the broadening and deepening of bond markets in the region. According to Thaksin Shinawatra, the main proponent of the ABF, "although the ABF will start out in US dollars, we hope to shift to Asian currencies in the future" (Nikkeinet Interactive, 2003).

The investment in the domestic currency bond market will lead to greater liquidity, increased issuance, better lending terms for governments and corporations and the stability of Asian financial markets. The development of investment grade domestic currency bonds may be able to attract foreign investments. Foreigners can bring in funds to invest in high quality papers denominated in the local Asian currency. The inflow of foreign capital does not only absorb foreign exchange risk but also offers an alternative and an

incentive to Asian enterprises and corporations not to depend too much on foreign currency denominated debt as they have to bear the foreign exchange risk of foreign currency denominated debt. Bond market development can also add to corporate transparency and market discipline as those who issue local currency denominated bonds will be subject to international accounting standards and the rigors of the international capital markets.

One of the key features of the Asian bond is that Asian issuers might raise money by issuing bonds in hard currency such as US dollars and their local currencies. There is also the possibility that the bonds could be issued as multi-currency bonds that is they are simultaneously denominated in baht, yen, ringgit or remimbi. However, it is expected that in the short run, the bonds could be denominated in US dollars and the multi-currency package of Asian bonds would be issued in the long run. An added incentive for holding the Asian bonds is that the IMF has recognised the Asian bond holdings in US dollars as part of each country's foreign currency reserves (Nikkeinet, Interactive, 2003).

There is ample savings in Asia to support the growth of an active bond market. Savings in Asia are on the average about 30% of GDP (Mulcahy, September 10, 2003). On the demand side, there is tremendous interest in high quality fixed income securities in Asia. There is also a need for Asian central banks to invest their foreign currency reserves in bonds. Moreover, besides the need for risk diversification, Asian financial institutions such as commercial banks, insurance companies and provident and pension funds, all have a strong demand for quality bonds with good yields.

In short, the bond market is the foundation of the capital market and will play an important role in mobilising savings into productive investment that promote economic growth and development. The development of bond markets in Asia is therefore recognised as being extremely important in strengthening Asian capital markets and should be done in parallel with the development of banking and equity markets.

IV. THE OPERATION AND MANAGEMENT OF THE ABF

On June 2, 2003 the eleven Central Banks and monetary authorities of the EMEAP (Executives' Meeting of East Asia and Pacific Central Banks) Group issued a joint announcement to launch an Asian

Bond Fund, with the undertaking that all EMEAP members had agreed in principle to invest in the Fund (EMEAP, June 2, 2003). The Fund, which will have an initial size of about US\$1 billion, will invest in a basket of US dollar denominated bonds issued by Asian sovereign and quasi-sovereign issuers in EMEAP economies (other than Japan, Australia and New Zealand). The announcement on June 2, 2003 setting up of the ABF also stated that the investors in the ABF will be EMEAP central banks and monetary authorities. The ABF will be invested in the first stage in US dollar denominated bonds that will be issued by member countries of EMEAP. In the second stage, the ABF will be invested in local currency denominated bonds (Jiang and McCauley, 2004:67). The ABF will be managed by the Bank for International Settlements (BIS), which has considerable experience in prudent fund management. A representative office of the BIS has been set up in Asia for the purpose of managing the ABF. The representative office will be supervised by the BIS Banking Department in Basel.

The Fund will be managed by the Bank for International Settlements in a passive style in accordance with a specific benchmark. The ABF is expected to start operations soon. The EMEAP Group will set up an Oversight Committee to monitor the performance of the Fund. The ABF's portfolio will be invested in a basket of liquid US\$ bonds of major Asian economies (excluding Australia, Japan and New Zealand). The performance of the fund management will be reviewed by a committee appointed by the EMEAP central bankers and heads of monetary authorities on a quarterly basis.

The work of the fund managers will have an important bearing on the development of Asian bond markets because hitherto investors have stayed away from Asian bond markets due to their low liquidity and low credit rating. Efforts will have to be made on securitisation and credit guarantees to enhance the quality of bonds so as to provide issues a credit quality acceptable to investment managers and to offer investors with a greater diversity of products and instruments for investments.

To develop a bond market, the EMEAP and the BIS are expected to work on three essential components, that is, (i) the development of a deep and liquid government bond market to serve as benchmark yield curve against which corporate papers can be priced; (b) the development of an adequate infrastructure, both legal and operational, to support the trade and transfer of instruments and funds and (iii) facilitate collaboration among players in the bond market, namely,

the intermediaries, the end-users and the private sector. The operational infrastructure under (ii) includes efficient clearing and settlement systems, short and long term foreign exchange hedging instruments, risk management for investors and the establishment of domestic and regional bond rating agencies, regional credit agencies, regional clearing and settlement systems and the development of secondary bond markets and repurchasing markets. These components are relevant to the comprehensive approach concept of Asian bond market development and Asian bond issuance under the regional cooperation framework. It is also part of the BIS's managers frame of reference to develop the infrastructure to develop the bond markets in Asia.

V. PROBLEMS IN IMPLEMENTING THE ASIAN BOND FUND INITIATIVE

It has been noted that to develop an active and liquid bond market it is necessary to develop a rating agency for the whole region. At present nearly every Asian country has a rating agency but the criteria that is used to rate bonds are not similar across the countries. As a result of differing criteria and methodology, a BAA rating from a Rating Agency in Thailand may not be the same as a BAA rating from a Malaysian Rating Agency. A heterogeneity of rating practices may be a deterrent to cross-border portfolio flows within the region. Without a systematic and comparable national and regional rating regime, Asian countries may have more faith in the investment climate in Europe or the United States than in Asia.

The different countries that are involved in the EMEAP initiative have different tax systems and different rates of taxing investment income and capital gains. The different statutes and taxes have to be harmonised to facilitate active cross border trading of the bonds and to build a regional bond market. Because the tax rates are different, the yield curve on one country's benchmark bond may be different from the yield curve of another country's benchmark bond.

Some countries also prohibit non-resident access to the local bond market. These include China, Taiwan and India, who require a license, prior approval or impose pecuniary disincentives to limit flows. Other countries like China, India, Malaysia and the Philippines and Thailand require prior approval for resident purchase of foreign bonds. The operation of forward and futures markets in foreign exchange are also restricted in several Asian countries including Japan, Hong Kong, Singapore and Korea and this inhibits the

building up of a diversified portfolio of Asian bonds. These restrictions have to be removed if there is to be an active and liquid bond market.

To facilitate the free flow of capital countries have to open up their capital account. However, full capital account convertibility is not favoured by all countries especially China, India and Malaysia. The 1997 East Asian crisis was attributed to the premature opening up of the capital account without first strengthening the domestic financial system. It is important to have well diversified and strong domestic financial system because otherwise the financial system will be dominated by the banking system, which should be avoided given the experience of the 1997 crisis. If capital account convertibility is allowed in a bank based financial system, the banks may over borrow and this may generate a boom-bust cycle. It is therefore necessary to build a strong bond market before embarking on full capital account convertibility.

VI. CONCLUSION

The EMEAP countries have initiated the development of an Asian Bond Fund not only to facilitate the development of an Asian bond market to keep the international reserves of Asia in Asia but also more importantly to provide the much needed liquidity in the event of another speculative attack on their currencies as occurred in 1997-1998. The development of the Asian bond market at the regional and national level also promises to diversify the financial system of Asian countries away from a bank based system, which has exposed these countries to currency and maturity mismatches when there is a sudden reversal of portfolio inflows and bank loans. The Asian Bond Fund has had a modest start with a US \$1 billion initial capital, which has been used in stages to purchase dollar denominated and local currency bonds issued by the member countries. The initiation of the fund has provided some financial security to member countries and strengthened their financial system, which acts as a deterrent to speculative attacks on their currencies. However, the future development of the bond market initiative is dependent on developing a regional rating agency, which would provide the terms of reference to national rating agencies; the harmonization of tax systems across the member countries of the ABF; the removal of restrictions on non-resident foreign investments and full capital account convertibility. These changes will take time but what should be noted is that Asia has taken the first step to retain and invest its international surplus in Asia.

NOTES

Aizenman, J., and Marion, N., "The High Demand for International Reserves in the Far East: What's Going On?," October 2002

http://econ.uscs.edu/faculty/jaizen/pubs/InRe_Ai_Ma.pdf

APEC, "Compendium of Sound Practices, Guidelines to Facilitate the Development of Domestic Bond Markets in APEC Member Economies," Report on Collaborative Initiative on the Development of the Domestic Bond Market, APEC, 1999.

<http://www.uscs.edu/faculty/jaizen/pubs/InRe-Ai-Ma.pdf>

Arijit Ghosh, "Asia Plans Bond Fund To Prevent Crisis," June 23, 2004

IHT Online, <http://www.iht.com/articles/83030.html>

Bank for International Settlements (BIS), Launch of the Asian Bond Fund, 2 June, 2003.

<http://www.bis.org/press/p030602b.htm>

Bhagwati, J.N., The Capital Myth: The Difference between Trade in Widgets and Dollars," Foreign Affairs, May/June, 1998.

Biz.Asia.Com, "Thailand's Thaksin Promotes Asian Bond Fund," 7.10.2002.

http://www.bizasia.com/economy_planning_/ebwp8/thailand_thaksin_promotes.htm.

Bottelier, P., How Stable Is China: An Economic Perspective, (Washington, D.C.: George Washington University), June 19, 1998.

<http://www.worldbank.org/html/extdr/offrep/>

Business Week, July 28, 2003

<http://www.businessweek.com/magazine/content/03-30/b384013-m2046.htm>

Chipongian, L.C., "BSP backs Phase 2 of Asian Bond Fund", The Manila Bulletin Online, August 15, 2004.

<http://www.mb.com.ph>

Daily Times: A Vice for A New Pakistan, Asia Struggles with regional bond fund hurdles.

<http://www.dailytimes.com.plc/default.asp?page=story>

Dalla, Ismail, Deena Khatdhate, D.C. Rao, Kali Kondury, Lwang Jun and Terry Chupe, The Emerging Asian Bond Market, (World Bank: 1995).

Driscoll, Gerald P. IMF Policies in Asia: A Critical Assessment, (Washington: The Heritage Foundation), 1999.

http://www.heritage.org/Research/Asia_and_the_Pacific/BG1265.cfm

Eichengreen, B., The Unintended Consequences of the Asian Bond Fund, The University of California, Berkeley, May 2004. mimeo.

EMEAP, Press Release. 2 June 2003, EMEAP Central Banks to Launch Asian Bond Fund.

EMEAP Press Release, 15 April 2004, EMEAP Central Banks Announce the Initial Structure of the Asian Bond Fund 2.

Eric van Wincoop and Kei-Mu Yi, "Asia Crisis Postmortem: Where Did the Money Go and Did the United States Benefit?" FRBNY Economic Policy Review, September, 2000:51-70.

Herring, R.J., and N. Chatusritapak, *The Case of the Missing Market: The Bond Market and Why It Matters for Financial Development*, (Tokyo: ADBI), July 2000. Working Paper No 11.

Ito, T., Promoting Asian Basket Currency (ABC) Bonds, mimeo, University of Tokyo, 2000.
<http://www.tito.rcast.u-tokyo.ac.jp/seisaku/PECCAsiaBond.pdf>

Ito, T., New Ideas Needed to Foster Asian Bond Market, Glocom Platform, Japanese Institute of Global Communications, July 17, 2003.
http://www.glocom.org/opinions/essays/20030717_ito_new/_23k

Iyengar, I., "Managing Forex Reserves – Asian Bond Fund as a safety mechanism," The Hindu Business Line, Internet Edition, December 27, 2003
<http://www.thehindubusinessline.com/2003/12/27/stories/2003122701980800.htm>

Jiang, G., and McCauley, R., "Asian local currency bond markets," BIS Quarterly Bulletin, June 2004, 67-79.

Lipsy, P.Y., "Japan's Asian Monetary Fund Proposal," Stanford Journal of East Asian Affairs, Vol.3, No.1, Spring 2003: 93-104.

Mulcahy, J., Asia's Hello Kitty Consumers Lao Up Credit," AsiaTimesOnline, September 10, 2003.
http://www.atimes.com/atimes/Asian_Economy/EI100K01.html

Nikkeinet Interactive, 2003
http://www.nni.nikkei.co.jp/FR/NIKKEI/inasia/future/2003_weekly_0005.html
Phuwanatnaranubala, T., Asian Bond Fund, BIS Review 28/2003, 12 June, 2003
<http://www.bis.org/review/r030623e.pdf>

Radelet, Stevens, and Jeffrey D. Sachs, "The East Asian Financial Crisis: Diagnosis, Remedies, Prospects," Brookings Papers on Economic Activity, no.1, 1998:1-90

Radelet, S., and Sachs, J.D., "What Have We Learned So Far From The Asian Financial Crisis?" CAER Discussion Paper No.37, March 1999.
<http://www.cid.harvard.edu/caer2/htm/content/paper37.htm>

Radelet, S., and J.D. Sachs, "The Onset of the East Asian Financial Crisis..." (Cambridge: Center for International Development, Harvard University), 1999. Briefing Note for Consulting Assistance on Economic Reform II, Discussion Paper No.27.
<http://www.cid.harvard.edu/caer2/htm/content/papers/bns/dp27bn.htm>

Rajan, S. Rakishen, "Is there a case for an Asian Bond Fund? – It Depend?" (Singapore: Institute for Policy Studies), January 25, 2002.

Rajan, R.S., The ABC of the Asian Bond Fund, Business Times, February 2, 2004

Stevens, G.R., "Regional Financial Arrangements: Recent Developments," Reserve Bank of Australia Bulletin, May 2004.
http://www.rba.gov.au/PublicationsandResearch/Bulletin/bu_May04/bu_0504_5.pdf

Thaksin, Shinawtra, "Asian Cooperation Dialogue – the New Asian Realism," 2002.
http://www.boi.go.th/french/focus/pm_sp6oct02.htm

The Times of India, June 23, 2004
<http://www1.timesofindia:Indiatimes.com/cmi.dll/articleshow?msid=22>

The Economic Times, June 23, 2004
<http://www.economicstimes.indiatimes.com/articleshow/373265.cms?>

Yam, J., The Asian Bond Fund, (Hong Kong: The Monetary Authority of Hong Kong),
19 June, 2003
<http://www.info.gov.hk/hkma/eap/pbpres2.htm>

Yoshikuni, S., Capital Flows in Asia and the Asian Bond Fund, Bank for International
Settlements, mimeo, 2003.

THE POWER, POLITICS AND PRAGMATISM OF THE SECURITY COUNCIL

Chris Agoha

Chris Agoha is the Head of the Public Affairs Division, Nigerian Institute of International Affairs, Lagos, Nigeria. He was a 2003 Laureate of the CODESRIA Governance Institute, Dakar, Senegal and 2004 Fellow of the United Nations International Courses.

ABSTRACT

This article begins with the identification of the triple Ps [3Ps] of the Security Council, which has shaped the international political system. The article arguable recognises the occasional incapacity of the Security Council to function within the framework of the charter provisions, but also, expresses concern over the emergence of geopolitical forces too strong for a legalist institution to withstand.

Arising from this, the article adopts the realist approach with a blend of the liberal perspective to explain the dynamics of the International Political System and how they clearly molds and shape the functioning of the Security Council. The central conclusion, is the shift in world power [the rise of American uni polarity] towards a configuration that was simply incompatible with the way the Security Council was meant to function. The article further demonstrates that power remains a key independent variable in shaping modern international relations.

Nevertheless, through cooperation and a balanced, and a just international system, the Security Council can be a key to the fulfillment of humanity's highest aspiration.

Keywords: Power Politics, Security Council, Hegemonic, International Peace and Security.

INTRODUCTION

A central issue for global security organisation since 1815 has been the character of its central decision-making body, particularly its memberships, its agenda setting, and its voting roles. The 1815 Congress of Vienna established that the membership of the Concert of Europe would be confined to great power, and that decisions would only be made by unanimous votes. The Hague Peace Conference of 1899 and 1907 introduced the need to include large number of non-great powers in deliberations over the basic norms and institutions of the international security order, and the 1907 conference even adopted the practice of passing recommendations by simple majority. At the 1919 Versailles Conference that formulated the covenant of the league of Nations, there were certainly differences over the respective roles and voting rules of the council and the Assembly, but the dominant consensus was that a council of great power and a small number from the rest of the members was a desirable route to take¹.

A unique feature of the development of the United Nations was that it occurred during a major war. One important impact of this was that the major powers that were winning the war had an overriding impact on the deliberations concerning the nature of the organisation. Consequently, in 1945 all states recognised that the major military powers had to have a central role in UN Security Council.

However, there were some important differences among states over the role of the great powers and the character of the Security Council. The central issue was the scope of the veto of the permanent and six (then), of non-permanent member of the Security Council, and that the passage of resolutions would require the approval of seven members. But a large number of the states at the San Francisco conference wanted the veto to be limited to issues concerning the use of military force. However, the Soviet Union made it clear that it would not join the organisation if the scope of the veto did not apply to all resolutions.

At last, the Western powers supported the Soviet stance because in part they had some sympathy for the inclusion of the Soviet Union as crucial for the future of the UN².

This is because, it was thought that great power opposition would lead to serious discrediting of the organisation, and its lack

of relevance to the control of international conflicts. Thus, at the time of its foundations, it was hoped that the United Nations would enjoy great success in preventing and curtailing international wars, but it was also not assumed that this would be the case since the history of international relations has largely been dominated by great power politics and conflicts.

THE ORIGIN AND FUNCTIONS OF THE SECURITY COUNCIL

In a way, it is perhaps important to reflect briefly on the emergence of the United Nations and situate it within the context of the role of one of its principle organs-the Security Council. Franklin Roosevelt suggested the name United Nations. From August to October 1944, representatives of its US, UK, France, U.S.S.R. and China met to elaborate the plans at the Dumbarton Oaks Estate in Washington D.C.

The U.S senate, by a vote of 89 to 2, gave its consent to the ratification of the UN Charter on July 28, 1945 and on October 24, 1945; the Charter was ratified by five permanent member of the Security Council, and by a majority of the other 46 Signatories. In December 1945, the Senate and House of Representatives, by unanimous votes requested that the UN make its headquarters in the US. Under special arrangement with the US, certain diplomatic privileges and immunities have been granted, but generally the laws of New York City, New York States, and the U.S. apply³.

Under chapter five, article 24 of the United Nations charter, the Security Council has “primary responsibility for the maintenance of international peace and security”, and all UN members “agree to accept and carry out the decisions of the Security Council in accordance with the charter.” Other organs of the UN make recommendations to member governments. The Security Council, however, has the power to make decisions, which member governments must carry out under the charter.

Decisions in the 15-member Security Council on all substantive matters-for example, a decision calling for direct measures related the settlement of dispute-require the affirmative votes of nine members, including the support of all five permanent members. A negative vote-a vote by a permanent member prevents adoption of a proposal that has received the required number of affirmative votes.

Under chapter six of the charter “Pacific Settlement of Disputes”, the Security Council may investigate any dispute which might lead to international friction or give rise to a dispute. The council may recommend appropriate procedures or methods of adjustment if it determines that the situation might endanger international peace and security. However, these recommendations are not binding on UN members.

Under chapter Seven, the Council has broader powers to decide what measures are to be taken in situation involving “threat to the peace, breaches of the peace, or acts of aggression”. In such situations, the Council is not limited to recommendations but may take action, including the use of armed force “to maintain or restore international peace and Security.” This arguably, was the basis for the UN armed action in Korea, in 1950 and the use of coalition forces in Iraq and Kuwait in 1991. Decisions taken under chapter seven, such as economic sanctions, are binding on UN members⁴.

Therefore, in comparative terms, the Security Council is the United Nations’ most powerful body. Each month, the Council establishes a program of work that includes a daily schedule of meetings. The council makes formal decisions such as Resolutions, Presidential Press Statements and Presidential Assessments. Similarly, the Council usually has a very full agenda. It responds to new-emerging crises and supervises sanctions and sometimes-peacekeeping operations. It also considers broad thematic issue, such as Natural Resources in conflicts, Diamond, and Small Arms and light weapons.

Though the first peacekeeping force was established by the General Assembly, subsequent forces have been established by the Security Council, which exercises authority over them. The Council delegates to the Security General power to organise and to exercise command and effort over the force, but it retains close management and oversight, much so, in the view of many secretariat officials and military commanders. Through the charter dose not expressly provide powers to the Council for peace keeping force, the international court of justice in a 1962 case found that the Council has an implied power for this purpose⁵.

In the early 1990s, the Security Council launched an unprecedented number of peacekeeping operations, sometimes highly ambitious and very costly. By the mid-nineties, political and financial support for Peacekeeping Operations (PKO’s) had waned, especially in the U.S, which started to promote “regional” approaches to peacekeeping.

But the war in Kosovo broad opposition to unilateral peacekeeping led to a revival of the UN variety, even though the UN reigned under funded and ill equipped for this task, as the Brahmin Report of 2000 made very clear⁶.

The drafters of the Charter without doubt envisaged more active and effective role for the Security Council. Nevertheless, by giving the right of veto to the Permanent members they also excluded such a role if there were no consensus between these five.

The post-Cold War era has been characterised not only by new (often internal) conflicts, but also by the increased possibility for the Security Council to address these conflicts: the number of resolutions adopted has risen rapidly, more frequent recourse is made to Chapter VII; a widening interpretation of the notion of a 'thread to the peace' has evolved; the second and even third generation of UN peacekeeping has been established; discussions concerning the creation of a UN standing force have taken place and so on⁷.

Under Article 42, power given to the Security Council to take enforcement action. The only explicit power given to the Council under this provision is a power to undertake such action by the use of force made available to it (and thus under its direct control) by the members in accordance with Article 43(2). When no such forces are available to the Council, the question arises whether this gap could be filled by implying powers, such as the power to use forces that are not under the Council's direct control. Such delegated enforcement action has been considered a 'half-way house' between the unilateral recourse to force by states and collective security as laid down in the charter⁸.

The mode of delegated enforcement action was used for the first time in 1950 (Korea). In this case, due to the absence of the Soviet Union, the Security Council was able to determine that a 'breach of peace' had occurred, and recommended the UN member states to make such military forces and other assistance available to a unified command under the United States of America. (Resolution 84).

In the years after 1990, the activism the Security Council demonstrated for the first time in its history, gave rise to the question whether the body's power under chapter VII of the UN charter are virtually unlimited, how far the Council can extend the scope of its activities, and whether there are sufficient legal control⁹.

The determination of a threat to the peace.... in article 39, presents primarily a factual question left to the discretion of the Security Council alone. This discretion remains, however, contingent on, and thus limited by the purposes and principles of the UN. A threat to peace and Security may also result from a breach of an international obligation of essential importance for the safeguarding and preservation of the human environment, or from the international trade in drugs¹⁰. There are thus, wide discretionary powers of the Security Council in assessing a factual situation with regard to its potential impact on international peace and security.

THEORETICAL APPROACHES TO UNDERSTANDING THE ROLE OF THE SECURITY COUNCIL

The power, politics and pragmatism of the Security Council can best be expressed from theoretical perspectives. Thus, the study of international relations is best understood as a protracted competition between the realist, liberal and radical traditions¹¹. Often thought as the “Conventional Wisdom” in international governance, realism and liberalism approximates widely held views about how states and non-state actors should behave within the broader context of world politics. Both approaches are rooted in rich intellectual traditions, and each describes different actors and dynamics in international politics¹².

Realism often referred to as power politics or real *politik* emphasizes the ending propensity for conflict between states; liberalism identifies several ways to mitigate these conflictive tendencies; and the radical tradition describes how the entire system of states relations might be transformed¹³.

This article will adopt the realist approach, and owing to the nature of the cooperative endeavors of international organisations (UN), it will blend the discussions here with the liberal perspectives where necessary. In reality however, international relations expresses relationships in the analysis of issues and events. It may therefore not be out of place if this study also finds it relevant to adopt the thesis of James Rosnau¹⁴, chief proponent of the linkage theory to analyse the relationships of the permanent five against the background of their psychological insights with conflict behavior, such as the Frustration-Aggression Theory.

Classical realists such as Hans Morganthau and Reinhold Niehbur believed that states, like human beings, had an innate desire to dominate others, which led them to fight wars. Neo-realist theory advanced by Kenneth Waltz ignored human nature and focused on the effects of international system. For him, the international systems consisted of a number of great powers, each seeking to survive. Because the system is anarchic (i.e., there is no central authority to protect states from one another), each states had to survive on its own¹⁵.

Henry Kissinger and Zbigniew Brezninski are well known realist in America politics, and they laid significant foundations in America's realist foreign policy posture.

The principal challenge to realism came from a broad family of liberal theories. One strand of liberal argued that economic interdependence would encourage states from using force against each other because warfare would threaten each side's propensity. A second strand, often associated with Woodrow Wilson, saw the spread of democracy as the key to world peace, based on the claim that democratic states were inherently more peaceful than authoritarian states. A third and more recent stand, argued that international institutions such as the International Energy Agency and the International Monetary Fund could help overcome selfish state behavior, mainly by encouraging states to forgo immediate gains for the greater benefit of enduring cooperation¹⁶.

Thus, the power component of the Security Council is therefore deeply rooted in the realist conception of power. But power is not alone; it comes with its ingredients-force, influence, legitimacy and authority.

Power has historically been measured in terms of military capabilities, economic strength and natural resources, and the capacity to transform these assets into the exertion of influence. In the classic sense, power is the ability to get one to do something that he otherwise would not do (Morganthau, Keohane and Nye). In security terms, the distribution of power might lead to competitive arms races and wars, and a stable balance of power to prevent war. Traditionally, the central measure of power in security context is derived from military capabilities assessed in either offensive or defensive terms¹⁷. (Claude, Walt, Kaufman).

The powers given to the Security Council in chapters VI, VII, VIII and XII, and in particular, article 25 that members carry out the security council's decisions seem an usually great centralisation of power. But it is well known, such Security Council decisions depends on the "concurring votes of the permanent members-that is, the veto power. Thus the Security Council arrangement was hybrid, - a unit of veto for the Big Five Countries, whose consent was deemed essential to the working of the Security Council System, but a high degree of centralisation from the perceptions of all other members"¹⁸.

The power of the Security Council is also measured through the exercise of vote. The exercise of a unit veto was defined by Morton Kaplan as a 'standoff system. He implied that a veto might be employed to block action when actors have the ability to threaten sufficient harm, or other actors to persuade them, and they cannot afford to act as they wish. He was concerned with the force and the threat of force in international system¹⁹. High-level politics is being played out in the Security Council. This is not strange considering the nature of the international system. In international politics, the contemporary scene with its ever shifting emphasis and changing perspectives surrounds the observer. He cannot find solid ground on which to stand, or objective standards of evaluation, without getting down to fundamentals that are revealed only by the correlations of recent events with the more distant past and the perennial qualities of human nature underlying both²⁰. Thus, international politics is primarily based on the need for states to survive and increase their power in an anarchical system²¹. This is the reality, which confronts the Security Council.

In its moment of efficiency and genuine commitment to the fulfillment of humanity's highest aspiration, the Security Council has demonstrated some measures of pragmatism. Pragmatism as a tendency in philosophy signifies the insistence on usefulness or practical consequences as a test of truth. It sets up as the standard of truth some non-rational test, such as action, satisfaction of needs, realisation in conduct, the possibility of being lived, and judge's reality by this norm to the exclusion of all others. The men who represent pragmatism are of the motor-active type. The age in which pragmatism has appeared is the one, which bestows its highest praise on successful endeavors. The first of pragmatists declare that pragmatism rest on the axiom "end of man is action"²².

William James in his address delivered at the University of California in 1898, observed that pragmatism is a temper of mind, an attitude,

it is also a theory of the nature of ideas and truth; and finally, it is a theory of reality²³.

CRITICAL PERCEPTIONS ABOUT THE SECURITY COUNCIL

Michael Glennon²⁴, in his article “Why the Security Council Failed”, probably drew a hasty conclusion that tends to imply a universal judgement, and that, the Security Council has ceased to exist. This conclusion can only be made if in its entire period of existence [1945 to date], the Security Council has not recorded any achievement in advancing human aspiration. If this is so, then it will be incumbent on the international community to terminate its existence, as was the case with the League of Nations. Otherwise, what needs to be done is to revamp the Security Council in order to ameliorate its shortcomings.

However this article recognises the growing inefficiency of the Security Council and tries to situate it within the context of contemporary political system. The constitutional scheme of the United Nations was built upon three political assumptions. First, the great powers, acting in unison, would deal with any threat to peace and security, regardless of its source. Second, their combined wisdom and strength would be sufficient to meet all such threats without resort to war. Third, no such threat would emanate from one great power. These assumptions have not stand the test of experience. The great powers have not been able to act in unison only in rare and exceptional circumstances. And the main threat to the peace and security of the world largely emanates from the great powers themselves. Thus, the constitutional scheme of the Charter has been defied by the political reality of the post-cold war²⁵.

Consequently the concurrent jurisdiction of a deciding Council and a deciding Assembly, which was a distinguishing feature of the League of Nations, is replaced by the alternate jurisdiction of a deciding Council and a recommending General Assembly. When the Security Council concerns itself with a matter, the General Assembly may still debate, but it can no longer even recommend. By simply putting a matter on its agenda [exercise of double veto on non-procedural matters], the Security Council can transform the General Assembly into a ‘debating society’ without even the right to express its collective opinion on the matter²⁶.

The international community now lives in a dangerous and lawless place. Sergio Viera de Mello paid the price for the inefficiency of the Security Council. His death sadly expresses the Security Council's failing responsibilities when Kofi Annan pessimistically stated during the post-bombing press conference "that he had thought that the coalition forces would have made the Iraqi environment comfortable for the United Nations to carry on its reconstruction work"²⁷. The Security Council, propelled by power and politics, helped to nurture the existence of a 'primitive' international system, characterised by mutual suspicion and hostility. As "The Economist" commented as early as 1992; The council, exult northerners, has been born to keep peace in a manner that fits with modern times. No grumble southerners; the council is becoming a flag of convenience for the old-time neo-imperialists²⁸.

Richard Butler²⁹, in his article "*Bewitched, Bothered and Bewildered: Repairing the Security Council*", describes how the Security Council has been bypassed, defied and abused. It was bypassed when NATO began military action against Slobodan Milosovic's Yugoslavia without first seeking the Security Council's approval that NATO countries knew would be vetoed by Russia and China. And to add, the Security Council was bypassed in the coalition attack on Iraq led by the United States. American unipolarity had already debilitated the Council, just as bipolarity paralysed it during the Cold War. The old power structure gave the Soviet Union an incentive to deadlock the Council; the current power structure encourages the United States to bypass it. The Security Council has rarely any good options when it comes to taking major decisions. Its approval of an American attack would have seemed to rubber-stamp what it could not stop. Express disapproval of a war, and the United States would have vetoed the attempt. Decline to take any action, and the Council would again have been ignored. Disagreement over Iraq did not doom the council; geopolitical reality did³⁰.

Elsewhere in Africa, the Council has a bad reputation. In 1994, the Security Council did not act as the Hutu regime in Kigali systematically killed over eight hundred thousand Tutsi's and moderate Hutus. It was business as usual in New York, while the genocide raged on. No apologies have been offered to the Rwandans people, who where seriously let down.

In Somalia, law and order have broken down over a decade now. For more than twenty years in Sudan, the slave trade continues with the full knowledge of the Security Council, as the Arab north

oppresses the poorer south. Nothing substantial has been done. Not much has been achieved in the DR Congo either³¹. Consequently, the Security Council's ability to function as the guardian of international peace and security has continued to be viewed with much skepticism. The UN's rule governing the use of force, laid out in the charter and managed by Security Council had fallen victim to geopolitical forces too strong for a legalistic institution to withstand³².

The debate within the Security Council over the resolution authorising the use of force against Iraq again highlighted the rift in transatlantic relations and therefore cast serious doubt on the effectiveness of the Security Council.

CHALLENGES AND OPPORTUNITIES

This article has tried to capture the linkages between power, politics and pragmatism. It also demonstrated how frustration could quickly turn to scorn and hostility, occasioned by unilateral and illegal action by the Security Council. The council is being critically scrutinised by observers of multilateral governance who recognises that analysis of the nexus between evolving global order and changes to the concrete manifestations of multilateralism can reveal much about the extent of the relevance and legitimacy of multilateral institutions³³. A major challenge facing the international community is the "veto regime" in the Security Council. As was evident during the Cold War period, the veto severely limited the possibility of discourse within the Security Council, and it reinforces the perceptions of the dominance of the P5. This scenario has also created elitism within the UN organisation that runs contrary to the Charter principle of sovereign equality of states. This is a reflection of realpolitik being play in the international arena, and will most likely remain with us for sometimes to come³⁴.

The fading into history of the Security Council as an ineffective body should constitute a big challenge in the transatlantic relations. In reality however, the problem of the Council was not the second gulf war that brought the transatlantic partnership into disrepute, "but rather an earlier shift in world power towards a configuration that was simply incompatible with the way the UN was meant to function. It was the rise in American unipolarity- not the Iraqi crises- that, along with cultural clashes and different attitudes towards the use of force, gradually eroded the Council's credibility³⁵.

Changes in power politics could serve as challenges and also provide opportunities for shaping world order. Reactions to the United States' gradual ascent to towering preeminence have been predictable: coalition of competitors has emerged. Since the end of the Cold War, the French, the Chinese, and the Russians have sought to return the world to a more balanced system. France's former foreign minister Hubert Vedrine openly confessed this goal in 1988: "We cannot accept—— a politically unipolar world" and that is why we are fighting for a multipolar one. French President has actually battled tirelessly to achieve this end. According to Pierre Lellouche, who was Chirac's foreign policy adviser in the early 1990s, says his boss wants "a multipolar world in which Europe is the counterweight to American political and military power" Chirac himself further explained, "any community with only one dominant power is always a dangerous one and provokes reaction"³⁶.

In recent years, Russia and China have displayed a similar pre-occupation. Indeed, this objective was formalised in a treaty the two countries signed in July 2001, explicitly confirming their commitment to "a multipolar world". President Vladimir Putin has declared that Russia will not tolerate a unipolar system, and China's former President Jiang Zemin has said the same. Germany, although it joined the cause late, has recently become highly visible partner in the effort to confront American hegemony. Foreign Minister Joschka Fischer said in 2000 that the "core concept of Europe after 1945 was, and still is a rejection of—— the hegemonic ambitions of individual states" Even Germany's former Chancellor Helmut Schmidt recently weighed in, opinion that Germany and France "share a common interest in not delivering ourselves into the hegemony of our mighty all, the United States"³⁷

No doubt, American hegemony has contributed to the abysmal performance of the Security Council in recent time, through its new doctrine of preemptive diplomacy. But, the United States can also incline towards multilateralism as a way to legitimise its power and to gain acceptance for its new strategy. Preemption that is legitimised by multilateral sanction is far less costly and sets a far less dangerous precedence than, the United States asserting that it can act as a judge, jury and executioner. It is now time to work out a new transatlantic bargain, one that redirects a complimentary military and civilian instrument towards common ends and new security threats.

Without such a deal, danger exists that Europeans- who were rolled over in the run-up to the Iraqi war, frozen out by unilateral U.S nation building, disparaged by triumph list American pundits and politicians- will keep their distance, and leave the United States to its own device³⁸. Though such a reaction would be a recipe for a disaster, since the United States lacks the both the will and the institutional capacity to follow up its military triumphs properly, as the initial haphazard efforts at Iraqi reconstruction demonstrates.

CONCLUSION

With a metaphor that, like most metaphors, is not altogether accurate, the Security Council could be described as a whale which for reasons known and unknown, lay quietly somewhere on a high sea for most of its life. Some ten years ago, the whale awoke and turned once or twice, sending waves to distance shores which, in turn, set in motion the ships and boats, and canoes of legal science. They are still nervously cruising while the whale, as it turned out, did not really leave its place³⁹.

The first to take in ensuring credibility within the Security Council is to restore the transatlantic cooperation. Transatlantic partnership is strategic in the future of the Security Council in maintaining international peace and security. Another key issue, which is perhaps fundamental to the rejuvenation of the Council, is the reform agenda. However, the discussions on this for the last eight years in the open- ended Working Group established by the General Assembly to consider the "Question of Equitable Representation on, and Increase in the Membership of the Security Council and other Matters Related to the Council" has resulted in virtual "log jam"⁴⁰.

Commenting on its anachronistic, dysfunctional and unrepresentative nature, Paul Knox, observed thus:

"The Security Council- the ossified nuclear unit of the UN's extended family-does not accurately reflect the distribution of population, wealth, contribution to the UN, or ability to project military force in today's world. As long as this remains true, not only will it lack credibility in many of the most acute security crises, but key members and coalition will have structured incentives to paralyze or undermine it"⁴¹

Nations will continue to seek greater power and security at the expense of others. Nations will continue to pursue their national interest with every means at their disposal. And as far as the Security Council is being controlled by states and indeed the most powerful state[s] demonstrates the reality of international politics.

NOTES

- 1 Mark W. Zacher, 2003. "The Conundrum of Power Sharing: The Politic of the Security Council", University of British Columbia p.2
- 2 Ibid, pp.2-3
- 3 U.S Department of State, Bureau for International Organization.
<http://www.state.gov/www/background-notes/un>
- 4 Ibid
- 5 Danesh D Sarooshi, 1999, ' Security Council' The United Nations and the Development of collective Security: The Delegation by the United Nations Security Council of its Chapter VII Powers. Oxford, 1999 p.2. Also see Global Policy Forum-globalpolicy@globalpolicy.org
- 6 What's on the Agenda of the Security Council? -Global Policy Forum- UN Security-globalpolicy.org/security/issues/index.htm
- 7 Is the Authorization Authorized? Powers and Practice of the United Nations Security Council to authorize the use of force by 'Coalition of the Able and Willing'. European Journal of International Law 1999-2004, or see http://www.ejil.org/journal/vol.11/No3/art_1-01.html.
- 8 "Between Unilateralism and Collective Security", 5 European Journal of International Law 1994,p.492 website, Ibid.
- 9 Bardo Fassbender 1990-2004, Review Essay: Quis judicabit? The Scurity Council, Its Powers and its Legal Control. European journal of International Law, at <http://www.ejil.org/journal/vol11/No1/br1.html>
- 10 Ibid
- 11 Stephen M. Walt 1998, International Relations: One World, Many Theories, in Foreign Policy Spring, p.30
- 12 Kelly Kate Pease, 2003, International Organisations: Perspective on Governance in the Twenty First Century. New Jersey: Prentice Hall. P.39
- 13 Walt, op.cit
- 14 James Rosenau [eds.] Linkage Politics. New York, Free Press, p.44
- 15 Walt, op.cit,p.31

- ¹⁶ Ibid,p.32
- ¹⁷ Sean Kay, 2004, "Globalisation, Power and Security, in Security Dialogue, vol.35, Number1, March,2004, pp.13-14
- ¹⁸ Lawrence S. Finkelstein [eds] 1988, Politics in the United Nations System. Duke University press pp.5-6
- ¹⁹ Morton Kaplan,1957, System and Process in International System, New York, John Wiley & sons pp.50-51
- ²⁰ Hans Morganthau, 1978, Politics Among Nations, New York, Alfred Knopf, p.17
- ²¹ Edward Newman,2004, Reference Notes on International Civil Service and Contemporary Global Challenges, UNU, p.4
- ²² The Catholic Encyclopedia. Classic 1914 Edition. Also see <http://www.newadvert.org/cathe/12333b.htm>
- ²³ Ibid
- ²⁴ Michael J. Glennon, 2003, 'Why the Security Council Failed' in Foreign Affairs May/June 2003. Also see <http://www.foreignaffairs.org/20030501faessay-11217/michael-j-glennon/why-the-sec->
- ²⁵ Morganthau, ibid,p.473
- ²⁶ Ibid,p.469
- ²⁷ The Nigerian THISDAY Newspaper, Wednesday January 7,2004, p.8
- ²⁸ The Economist, 'Open the Club" August 29, 1992,p.4
- ²⁹ Richard Butler, 1999, Bewitched, Bothered and Bewildered: Repairing the Security Council, in Foreign Affairs, vol.78, No 5, September-October, p. 10
- ³⁰ Glennon, ibid.
- ³¹ Is it Time Up for the UN in Africa? New Vision, March 7, 2002. see also <http://www.globalpolicy.org/security/issues/general/2002/0307africa.htm>
- ³² Glennon,ibid.
- ³³ Andy Knight, 2003, "The Future of the UN Security Council: Question of Legitimacy and Representation in Multilateral Governance" in Andrew F. Cooper, et.al Enhancing Global Governance: Towards a New Diplomacy? United Nations University Press, p.19
- ³⁴ Ibid,p.29
- ³⁵ Glennon, ibid
- ³⁶ Ibid.
- ³⁷ Ibid.

³⁸ Andrew Moravcsik, 2003, Striking a New Transatlantic Bargain. *Foreign Affairs*, July/ August. P.75

³⁹ Fassbender, op. cit

⁴⁰ Cooper, *ibid.*, p.32

⁴¹ *Ibid.*, pp.32-33

WESTERN INTELLECTUAL CULTURE AND PREDISPOSITION OF U.S.- ISRAEL FOREIGN POLICY ON MUSLIM POLITICAL RIDDLES

Dr. Abdi Omar Shuriye

Dr Abdi Omar Shuriye is the Assistant Professor of Contemporary Islamic Thought at the International Islamic University, Malaysia. He has published a number of journal articles on Islamic education issues, Islamic political leadership and Muslim society in tribal society. He received his BA and MA from the International Islamic University, Malaysia and Phd. from National University Malaysia (UKM).

ABSTRACT

The destructive image of Islam is becoming more inherent in the Western perception not only from the increasingly inaccurate media coverage but also the cultural propensity that extremely flouts the crux of Islam on the part of the Western sphere; academics, media and laymen in the West adhere to the same terminological and attitudinal tendency, the media creates distorted picture, the academics supply the justifications and authenticate the image and the unsuspecting audiences, the society, make use of it to further arraign the message of the last religion in a spectrum of misconceptions. The repeated motion pictures on the screens are the irrevocable guru of today's Western public. The purpose of this paper is to explore the *raison d'être* of the traumatic patent of inaccuracy and evasively deviousness on the part of the Western hemisphere on Islam and Muslims. The war on carnage has come to resemble a war on Islam and Muslims, since 9/11 we have witnessed Muslims becoming under constant assault although the Western establishments argue that the war is not a war against religion or against the Muslim faith rather against individual militants. The paper studies the foreign policy of the U.S. towards Islam and Muslims after 9/11 avoiding poignancies and employing sagaciousness as its core method. The West seem identified a new enemy or

victim; Islam. Paradoxically however, the distance-across nature of Islam and its coverage of the entire continuum of philosophy of life including the political aspect is an adequate incentive to revile its message and adherents. This part of the paper attempts to subtract the common political stereotypes in the West; ravenous political interest and pathetic heretical slogans seem to replace democracy and tolerance in the Western political system after 9/11. The paper argues that the clash dogma is not fundamentally on religious grounds rather these clashes are mainly motivated by politico-economic denominations.

PREAMBLE

Current political and intellectual relationship between the Western and Muslim blocs dictates taxonomical study on the basis of certain configurations in order to prove that Muslims and Islam should not be perceived as a monolith; a perception currently prevalent in the West. Braibani, argues that "Pejorative attitude or green menace, negative bias, antagonistic culture and fear towards Islam is reflected in the Western policy-shaping forms".¹ Any discourse between the West and Muslims however requires common perspective, common worldview and common civilisational outlook. In the past Western Christians employed religious tone to identify the other bloc, the Muslims, though in the present time the West disassociates itself from religion taking no notice of the fact that Christianity laid the theological framework, as the Western worldview and its civilisational outlook was based upon the achievements and fundamental axioms of early Christian notables such as Boethius, John Scotus, Augustine, St. Angelus and others. On the history of early discourse, both Muslim and Christian thinkers appreciated Greek thought regardless of their religious values; Christians expended Greek values to find solutions to the predicaments faced by Christianity, Muslims particularly Farabi, Ibn Rashid and Al-Kindi also attempted on the same pattern to make use of the discursive method of the Greeks to defend rationally the Islamic tenet, the '*Aqidah*'. On the Christian and Muslim intellectual contacts, St. Thomas Aquinas presents unique depiction benefiting from Farabi's logical treatise and from Ibn Sina's ontological schemes, in fact the *summa theologica* bears huge influence from the Muslim intellectual heritage though Aquinas expressed his despise for Islam. The history of medieval intellectual thought also reveals

¹ Ralph Braibanti, *The Nature and Structure of the Islamic World*, Chicago: International strategy and policy Institute, 1995, p.8.

extensive discourse between the East and the West of sharing common worldview as far as religion remained common ground for values. However, with the European nonessentialisation of religion this reciprocal affiliate petered out and subsequently the two plunge into an opposite paradigms. From here onwards, the West developed new civilisational and political outlook on Islam and Muslims. Prophet Mohamed's flexibility and peace treatises with the Christians and Pagans had elapsed, and a latecomer conception of non-coexistability of Muslims with non-Muslims for religion grounds, a notion based upon fictitious premises, replaces it.

Islam accepts alliance with Christians and Jews on basic conceptions, but the Judeo-Christian partnership, a relatively new configuration of religio-political status, overwhelmingly concentrates on the disparaging features in Muslim-Jewish relations. The Jews had discarded Prophet Jesus though the latter was an elemental figure in Judaism, that and all other atrocities committed by the West against the Jewish people have been intentionally downplayed to sideline Islam and Muslims. Based upon this alliance orthodox Christians including the Anglicans perceive that the Jewish community ought to be saved as they are the God's chosen community. In the first crusade episode however, the crusaders who left Europe between 1095-1096 murdered hundreds of Jews in the Rhineland on their way to the Middle East. The manslaughter of the Jews continued even after the European conquest of Jerusalem, so when one talks of crusade part of the episode is about Christian massacre of the Jews and not only Christendom versus Islamdom.

WESTERN APPRAISAL ON POLITICAL APOCALYPTIC OF ISLAM AND MUSLIMS

Don Feder, the author of *"Who is Afraid of the Religious Right?"* asserts that "from its seventh century breakout until the late 17th century, Islam advanced at sword point, spreading from the pyreness to the Philippines. The tide, Islam, Don said, was checked only at the gates of Vienna,² and from the decline of the Ottoman Empire until the 1970, Islam ebbed. He further observed what he termed as "realistic perspective" to him a realistic standpoint is a necessary involvement of conflict with the second largest religious community

² Don Feder "Islamic Beliefs Led to the Attack on America" in Mary E. Williams (ed.), *The Terrorist Attack on America*, London: Greenhaven Press, 2003, PP. 20-23.

in the world.³ Islam according to Don opposes Western ideals such as tolerance, democracy and civil liberty and to authenticate his arguments Don drives his data from some relevant events; “a jihad caused blood to flow in the street of Jos, a Nigerian city of 4 million population, this was only a day before the tallest buildings in Manhattan were reduced to rubble, the Laskar Jihad had engaged in a campaign of religious cleansing in the Molucca Islands of Indonesia where as many as 5000 Christians forcibly have been converted to Islam and the women were subjected to genital mutilation in the process.⁴ On October 1st, 2001 a suicide squad blew up the legislative assembly building in the Indian province of Kashmir killing 26 people. Sudan’s Islamic regime has killed more than 2 million Christians and animists and revived the slave trade to dispose of captured women and children⁵. Don asks “If Islam is so mellow, why are the most contemptible crime regularly committed in its name?”⁶ Like many of its readers, the author of this paper is not astounded with Don’s attitude to Islam and Muslims. However, to note only one fallacy in his thesis Don has mentioned none of those atrocities committed by the adherents to other than Islam. The well known orientalist Bernard Lewis has been arguing for years that the U.S. Government should deal with Muslims on tough measures long ago before 9/11. Prior to 9/11 Lewis’s words in his *Islam and the West* read “there is an advanced humane West, and then there is Islam”, which includes religion, laws, civilisation, geography and history; to Lewis, Muslims and Islam have not changed as they study the manuscript of the seventh century, the Qur’an, hoping it will solve the Palestinian problem.⁷ In *Islam and the West* Lewis elucidates on the subject of Muslims and Islam, all Muslims according to him are identical and share analogous characteristics and modes of attitude; the nasty needs of the Muslims according to Lewis can all be explained by reference to the Qur’an⁸. Similar conception is found in Maxime Rodinson, a French orientalist who explained the idea of theologocentrism, a notion according to Rodinson that explicate the attribution of all observable phenomena among Muslims to matters of Islamic theology⁹. This outlook of the West attributes all

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Bernard Lewis, *Islam and the West*, New York: Oxford University Press, 1993, PP.134, 175,178.

⁸ Ibid.

⁹ Quoted in As’ad Abu Khalid, *Bin Laden, Islam and America’s New War on Terrorism*, New York: Seven Stories Press, 2002, P 24.

manifestations of Muslim political behavior to religion avoiding systematically authentic political grievances to be adherent to the fundamentals of Islam, such as daily prayers, is theologocentric and Muslim political position on Israel is an anti-Semitism¹⁰.

The West seems, more apparently after 9/11, allied to the past civilisational conflicts; reactionary statements of Western leaders prove this argument. The Italian prime minister demonstrated openly that the “civilised world”, West, need to deal with other side of the world endorsing hostility and civilisational clash. Stereotyping Muslims as cruel and savage in this modern times using the old terminologies like “Crusaders” to describe Muslims indicates that the Western position on the civilisational outlook of Muslims and Islam is in its ideological roots, a negative image remote from reality. Jonathan White and Daniel Pipes analysis on Islam and Muslims are worth mentioning. White argues that the Western view of Islam has been influenced by the various presentations of Islamic extremism in the media with popular misconceptions and stereotypes¹¹. Daniel Pipes political analysis of Islam demonstrates that various Western positions on Islam and Muslims are erroneous. Islam is a legalistic religion closely related to traditional Judaism than Pauline Christianity,¹² White notes that “it is unfortunate that Pipes’s work did not receive the attention it deserved from the policymakers, if it did, the West may have found that many of their religious precepts match those found in Islam”¹³. White then agrees with Pipes that “although most Muslims express religious concepts by combining theological and moral positions in political institution; Islam is not more than a religion of violent fanatics than Judaism or Christianity. To Robin Wright, Dilip Hiro and Amir Taher, the negative attitude of the Muslims towards the West is a translation of the political situation in the Muslim world¹⁴. However, Reuven Paz argues that Islam sees itself in a global war with the West, therefore, there is an exacerbated socio-economic difference between the two and Islamic radicals relegate the West as a realm of heresy hence, Muslims find themselves in a struggle with the West for social and political reasons. Paz asserts that the West should defend itself against Islam and Muslims¹⁵. David Kibble will not however buy this logic, to him the current

¹⁰ Ibid.

¹¹ Jonathan R. White, *Terrorism...* op. cit, P.153.

¹² Daniel Pipes, *In the Path of God: Islam and Political Power*, New York: Basic Books, 1083, P.45.

¹³ Quoted in Jonathan R. White, Ibid.

¹⁴ Ibid.

¹⁵ Rueren Paz, *Is there an Islamic Terrorism?* Institute for counter-terrorism: <http://www.ict.org.il/>.

attitude of some Muslims seem to be a threat at face value such as the Western fear of Islam and Muslims are unfounded. Kibble further maintains that the few extreme Muslim individuals act in segments and are isolated from the broad spectrum of religious and political beliefs in Islam that rejects hatred towards other people for their beliefs¹⁶.

TERRORISM IN DIVERSE PERSPECTIVES

(a) THE UNDEFINABILITY OF THE SUBJECT

Multidimensionalism and diverse contextualisation make arduous to agree on one definition on terrorism. An authority on the subject of terrorism and specialist on the political security, Brian Jenkins defines terrorism as the employment of force designed to bring about a change¹⁷. Similar definition is provided by Laqueur, who believes that terrorism is an illegitimate use of force to achieve certain objectives¹⁸. Others talk about the use of threat and violence directed towards symbolic targets to influence political behavior through fear and coercion, or criminal behavior designed primarily to generate fear in the community or to influence government policy and intimidate the population. Nonetheless it is a known fact that terrorism defies definition and researchers only attempt to describe but in most cases avoid defining it, this is due to the changing form and meaning of terrorism within the socio-political spheres, as it lacks grounded entity. The pejorativeness connotation also contributes to the undefinability of terrorism. Another reason which made terrorism thorny to define is that terrorism means different things to different audience.

However, among the definitions of terrorism including those cited above, the legal oriented definitions serve better purpose as they provide authorities with specific crime which action can be taken. On balance, the legalistic definitions are limited and subsequently play limited roles in socio-political spheres, additionally; these laws could be misused by the unnerved and nervous authorities as we observed in the United States after 9/11 incident. Nonetheless, the

¹⁶ David Kibble, "The Threat of Militant Islam: A Fundamental Reappraisal" in *Studies in Conflict and Terrorism* 19:353-364.

¹⁷ Brian Michael Jenkins, *Will Terrorists Go Nuclear?* In Walter Laqueur and Yomah Alexander, New York: the Terrorist reader 1987 P.72.

¹⁸ Walter Laqueur, *The New Terrorism: Fanatism and the Arms of Mass Destruction*, New York: Oxford University Press 1999, P.9.

legal definitions failed to recognise complex social factors that ranged beyond legal rules and unwise government restrictions which in return create internal confrontations. Instance of this contention is that the law recognises the concept of counterterrorism but under this pretext governments commit more atrocities against innocent people than that committed by the terrorists. On a diverse note, some governments, both Western and Muslims sponsor terrorist groups but have not developed any mechanism to contain them as it becomes complex to be controlled by states. James Adams stressed the fact that terrorist groups are not and never were controlled by sponsor states¹⁹. Martha Crenshaw argues that terrorism cannot be legally defined unless the act, target, and possibility of success are analysed²⁰. Martha believes that freedom fighters use to legitimate military methods to attack legitimate targets. Martha further reminds that we should not confuse revolutionary violence with terrorism; the later means to Martha socially and politically unacceptable violence aimed at innocent target to achieve a psychological effect²¹. Michael Stohl maintains that terrorism is normally used by government to maintain power.²²

Edward Herman takes the discussion a step further by suggesting that terrorism should be defined in terms of state repression, Walter Laqueur agrees with such conclusions asserting that “one would be foolish to deny that state repression has caused less suffering than modern terrorism”. Jonathan White records that” during the Reagan administration it became popular to define terrorism in terms of national policy. Laqueur however, argues that governmental repression is a long-term political problem and should not be included in modern terrorism. In his attempt to create synthesis between various approaches on the definition of terrorism Alex Schmid concludes that there is no one correct definition of terrorism due to the abstract nature of the notion; a phantom like idea with unobservable substance. Thirteen out of twenty-two common elements offered by Schmid in his empirical approach find terrorism as a method of combat where sufferers are emblematic targets. One can not over emphasis that the undefinability of the subject at hand is due to its complexity and contextualisation of those who play the

¹⁹ James Adams, *The Financing of Terror*, New York: Simon and Schuster, 1986, P.56.

²⁰ Martha Crenshaw, *Terrorism, Legitimacy and Power*, Middletown CT: Wesleyan University Press, 1983, P.72.

²¹ Ibid.

²² Michael Stohl, *Politics of Terrorism*, New York: Dekker, 1988, P.3-26.

game; governments, media, intellectuals and religious players participate in the process of forming the etymology and the hermeneutics of the term; a phenomena that make the definition of terrorism changing with the socio-political and religious contexts.

(b) RELIGIOUS TERRORISM

The complexity and lack of understanding religion and its relationship to our daily activities prompted interpreting religion in a form of violence and primitivism. Owing to the attitude of its believers, not the religion, and other external factors, Islam for instance becomes almost intertwined with terrorism. Numerous crimes based upon religion has been committed within Christianity, historically in 1054 after the split of the Catholics from the Orthodox Church on issues of ontological in nature, the two engaged in a fierce wars killing hundreds of people this should not however make Christianity as a killing religion for the crime is committed by the adherents of the it not the religion. The early Turner Diaries, a religious supremacist order in America had systematically committed grave violence against Jews based upon religion affiliation arguing that it is God's plan to create a racially pure world in the face of the Jews and the people of color.²³

A related line of reasoning to this discussion is that Muslims uphold the notion of *Akhirah* and its relevance to this life, we may call it "*Akhiristic thinking*" but Western researchers are apprehensive about this apocalyptic²⁴ thinking of the Muslims as it makes dangerous marriage with terrorism. This type of thinking invites "holy war", martyrdom, fanaticism. On similar note it is remarkable to chronicle that the term eschatology means the same in the Muslim, Christian and Jews literature, an idea that refers to the end of materials in time and space or a final judgment and the realisation of God's purpose. The *Akhiristic* thinking of the Muslims is similar in form to the ascetic eschatology of the West that is to give more weight to the world of hereafter; the Western literatures' outlook on Islam and Muslims is that the latter prefer to depart this life, contrary to the accurate teachings of Islamic fundamental dictums rooted in the Qur'an which reads "*God bestow us Goodness in this world and*

²³ Jonathan R. White, *Terrorism: An Introduction*, USA: Thompson Learning, 2002, P. 48.

²⁴ The Greeks have employed the term apocalypse to denote revelation, in the modern English however the equivalent term could be eschatology or *ghaibiyat*, *Akhirah* etc.

*in the world of hereafter*²⁵. Gunther Lewy observed that the link between political and eschatological ideologies is a prescription for terrorism²⁶. John Domanic elucidates four types of eschatology; ethical eschatology refers to extreme form of attitude in realising God, the combination of religious thinking with politics is what he refers to as political eschatology, whilst apocalypse eschatology refers to the absolute power to destroy the order of the existing beings. It is safe to practice ascetic, apocalyptic and ethical eschatology but not political eschatology. Using violence eschatology in the political process creates a battlefield for the laymen whose adherence to one religion justifies hatred for the believers of other religions, Muslims and Hindus in India during religious violence serve fitting example for this line of argument.

U.S.-ISRAEL FOREIGN POLICY FACTOR

After the establishment of the state of Israel in 1948, the U.S. and British governments had to commit to aid in setting the political roots of the new nation; recognition was given with only few non-governmental organisations, and individuals opposing it. Those individuals warned the U.S. government of the danger that the U.S. interest might face in the Muslim world.

One of those individuals was the Secretary of Defense James Forrestal, however, President Truman set aside the argument of the policy experts and established relations with Israel²⁷. In next to no time, Israel became an important partner, the Cold War proved that, Israel served as a bulwark against the then Soviet expansion in the Middle East and politically marketable Israel emerged to maintain upward position for this President Reagan declared Israel as the special non-NATO ally and promised that U.S. government would support the Israeli military edge over the neighbouring Muslim governments, the same motive for which the U.S. and U.K. invaded Iraq. According to Phillip Zelikow, an executive director of a commission set up to investigate the 9/11 attack on the U.S., revealed recently that the prime drive for the invasion on Iraq was to eliminate a threat to Israel²⁸. This top level white house intelligence official also

²⁵ Al-Qur'an Surah *al-Baqarah*, verse 201.

²⁶ Gunther Lewy, *Religion Revelation*, New York: Oxford University Press, 1974, P.40.

²⁷ M. Evan Wilson, *Decision on Palestine: How the US came to recognize Israel*, Stanford: Hoover institution press, 1979, P.22.

²⁸ Inter Press Service News Agency March 29, 2004.

confirmed that Iraq poses no threat to the U.S., understandably, President Bush could not declare his intentions to the American public as this will send iniquitous message to the voters, instead the President cited liberating the Iraqi people and destroying Saddam's WMD as the major *raison d'être* for the attack. President Jimmy Carter on May 12th 1977, declared in a press conference that, "America has special relationship with Israel and no one in the U.S. or around the world should doubt that America's number-one commitment in the Middle East is to protect the right of Israel to exist; to exist permanently and to exist in peace."²⁹ On the same note the former U.S. Secretary of State, Warren Christopher maintain the same annotations of President Carter but further added that, "The relationship is for special reasons based upon shared interest, shared values and shared commitment to democracy, pluralism and respects for the individual."³⁰ In 1994, President Bill Clinton suggested the idea that, in working for peace in the Middle East, the first pillar is the security of Israel.³¹ Hundreds of such avowals and affirmations could be established in the history of this relationship a reality that substantiates the current sentiment of the Muslim world. David Lesch argues that "Here existed a special and exclusive U.S.-Israel relationship... but these statements are more than political rhetoric or platitude; they are reflective and representative... "There is a broad scale commitment on the part of the United States at a very significant level as in any relationship of this sort."³²

In light of the aforementioned, Muslims ought to comprehend that among the several variables that affect U.S. foreign policy towards Israel is the ideological and emotional attachments, along with the political, social and economic influences of the pro-Israeli lobby in the American policy making mechanism. Israel is also seen by the U.S. as the only "power balancer" in the region, subsequently, as reflected in the U.S.-U.K. unjustified distraction on Iraq any Muslim nation, organisation or an individual seen as a threat to Israel will meet the same fate of Iraq. The first Gulf War (Iraq-Iran war) served well in the Israeli and American interests, damaging the weight of Khumaini and the Iraqi military intensity in the region, other Muslim nations blame Saddam for this erroneous oversight,

²⁹ Bernard Reich, *The United States and Israel the Nature of a special relationship* in David W. Lesch, *The Middle East and the United States*, USA: Westview press, 1997, P. 233.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

with the end of the war however, Stronger Saddam with WMD immediately shifted attention and became direct threat to Israel and by only one year later Saddam had intensified the Iraqi campaign against Israel without politically calculated strategy, he rhetorically threatened to burn half of Israel.³³ In his campaign to emerge as the leader of the Arab and the Muslim world Saddam on June 18, 1990, confirmed that Iraq will guard other Arab nations against Israel as it will retaliate from Mauritania to Syria³⁴ and after the failed Geneva meeting between the then U.S. Secretary of State James Baker and Iraqi Foreign Minister Tariq Aziz on January 7, 1991, Tariq explicitly proclaimed that if war broke out, Iraq would certainly strike at Israel.³⁵ It was therefore clear to the U.S. and Israel that Saddam was a threat to the existence and the peace of Israel, but Clinton left to the junior Bush to deal with Saddam.

Protection of Israel against Islam and Muslims is one major factor of the U.S. foreign policy, the other factor is for its own interest; the oil. Iraq is among the richest nations in oil in the region, the Saudi Kingdom is second. The Saudi factor is imperative as Muslims world wide identify Saudi Arabia as the psychological and cultural head of the adherents to Islam; as the Kingdom is the custodian of the two main sacred cites it remains a main pillar among Muslim nations. For this purpose one should concisely underscore the nature of the U.S. foreign policy toward Saudi Arabia. As recently asserted by journalist Bob Woodward a senior editor at the Washington Post³⁶ that President Bush consulted Prince Bandar bin Sultan on the war against Iraq before the Secretary of State Colin Powell discerned about President Bush's decision to go to war in Iraq. Woodward, author of a new book entitled *Plan of Attack* also mentioned that the Ambassador was shown a top secret map of the war plan.³⁷ Woodward's claim however does not substantiate that the kingdom was in support of the war in any mode as some Muslims naively proclaimed. The history of Saudi-U.S. relationship exposes that the relation between the two has never been ideological or emotional rather it has been and remains in the business level. Gregory

³³ Yair Evron, *Dilemmas facing the Israeli-Iraq-U.S. Relationship*, in David W. Lesch, *The middle East and the United States, A historical and Political Reassessment*, op. cit p. 315.

³⁴ Ibid.

³⁵ Ibid.

³⁶ The Star 20/4/2004.

³⁷ The New Straits Times 20/4/2004.

Gause III agrees with this approach.³⁸ Being the Custodian of two of the holy Muslim cities it is politically tensional or rather complex for the Kingdom to maintain political relations with the U.S. but as oil makes up the Kingdom's main export it has to do business with the U.S., the major oil consumer. As a matter of fact none of the other important Muslim nations including Iran, Malaysia, Turkey and Pakistan have ideological or cultural relations with the U.S.

Muslims across the globe strive to create a unified ethos in order to face the repressive foreign policy of the U.S. government, as we speak, the word Western does not represent the entire West. Nowadays Muslims use it in reference to the Zion-American hegemonistic approach on Islam and Muslims. Yvonne Haddad argues that the U.S. created a consummate stereotype commonly identified as "Islamic Fundamentalism" or "Islamic extremism",³⁹ after 9/11 "Islamic terrorism" overtook fundamentalism, even old terms such as "Islamic Crusade" has been revived to describe the political attitude of Islam and Muslims. It is only the political pressure and religious victimisation of Islam, extreme Muslims surfaced, this category of Muslims depict the U.S. and Israel as "the Crusader-Zionist conspiracy"⁴⁰ a tit for tat situation in the war of terminologies. The militants, extremists and terrorists currently popular in the West are freedom fighters, *Muhajidin* and *Shuhada* in the Muslim World. The critical assessment of the history of Islam and Muslims, the deep *Nahdah*, Islamic Renaissance, and the efforts to bring back the gold-vibrant of the past by some conscious Muslim leaders and scholars is seen in the West as a revolt against Western civilization, Islam and the mainstream Muslims censure extremism and violence but what aspect of Islam is acceptable to the West? The former U.S. Vice President Dan Quayle had once compared Islamic fundamentalism to Nazism and communism.⁴¹ It is also apparent right from after the 9/11 Muslims are depicted as irrational, motivated only by religious fanaticism that arise out from an innate hatred of the West-Christian heritage, and its secular values. On the pretext of fighting *terror*, Muslims are humiliated and subjugated for they opposed the *Izdiwajiyah* (double standard) in the Western foreign policy. In this policy, the U.S. demonises the Muslims with

³⁸ F. Gregory Gause III, from "Over the Horizon to into the Backyard": *The U.S.-Saudi Relationship and the Gulf*, in David Lesch, OP. Cit, P.299.

³⁹ Yvonne Y. Haddad, "Islamist perceptions of US policy in the Middle East" in David W. Lesch, Ibid, P.419.

⁴⁰ Ibid.

⁴¹ Graduation speech at the US Naval Academy, Annapolis, Maryland, May 30, 1990.

duplicity that manifest in all its dealings with Muslims and Islam. Comments from the higher policymakers such as the president that condemns radicalism and violence but praises Islam as a religion of peace are perceived by Muslims as a positive step but unimpressive since no action taken to authenticate this attitude.

PRECEPTS OF JIHAD AND DOGMATIC CIVILISATIONAL CLASH

We talk of discourse and clash; global and fundamental challenges facing the world peace and security, terrorism is only one aspect of huge issues and part of the problematic passages of the history of contemporary man, as the current surge made the world community to translate this dogma of clash into code of belief or doctrine of creed. Samuel Huntington, a famous name in your daily readings, anticipated the so-called clash of civilisations almost a decade before the 9/11 flare-up took place, Huntington articulated in 1993 by arguing that:

*“We are confronting a clash of civilisations, conflict between the Judeo-Christian world and the world of Islam is inevitable. Moreover, it cannot be addressed except by a power confrontation...the principal conflicts of global politics will occur between nations and groups of different civilisations. The clash of civilisations will dominate global politics. The challenge for Western policymakers is to make sure that the West gets stronger and fends off all the others, Islam in particular”.*⁴²

While Huntington generated debate at the time he wrote on the subject; with various entities opposing the idea of predicting clash, now scores of world leaders and intellectuals are convinced that he was at least accurate to a certain level. Huntington was able to spawn lessons from the earlier episodes prior to the disastrous 9/11 however, the new clash of civilisations dogma which has been put into skirmish by bush administration and other contributing factors has already reached a dangerous stage; on the one hand President Bush has argued that American military action against terrorism is not directed at Islam, on the other hand the avowal of jihad against Christians and Jews, on religious grounds, helps feed the rhetoric of the frenzy of those who clasp not as much of the subject matter.

⁴² Samuel P. Huntington, *The Clash of Civilizations and the Remaking of world order*, New York: Simon & Schuster 1996, see also *The Clash of Civilization?* Foreign Affairs 72:22-49.

One has to state that there are myriad flaws in the *clash of civilisations dogma*; the most obvious erroneous belief is to promote the idea that civilisation “A” stands in opposition to civilization “B” because of religious grounds. In point of fact, clashes and conflicts take place within one civilisation. Muslims alone had witnessed some major clashes; Iraq went to war against Iran; a decade-long distractive that weakened Islam and Muslims. The West had its clashes from within; in the World War II Germany Christians offensively attacked Russian Orthodox and other Western Christians.

Having said the aforementioned, the core of the subject is to realise that the 9/11 and its subsequent events have made excruciatingly lucid to us the need for improved understanding between Muslims and others, particularly the Christians. Misapprehensions, delusions and hallucinations are proliferating permitting diminutive effective communication to occur between Islam and West. In our gravely divided current world affairs should not be guided by the mutedly burning wick in our efforts to endorse peace and nonviolent attitude.

On balance, religious leaders including Muslim sheikhs and devout Orthodox rabbis are peaceful agents; there is a bond that brings religious people together. In the Middle East where the bloody conflict between Jews and Muslims is taking place the chief rabbi of Israel and the chief Muslim sheikh of the Palestinian authority have been jointly declaring religious truce and armistice, but the political leaders thwarted them from taking effective united stand. Subsequently the so-called *religious clash* is based on voracious political interests and feeble heretical slogans from all sides; Muslims, Christians and Jews; the people of the book who share the same prophets.

Western societies postulate that owing to the jihadist outlook of Islam and Muslims the acerbic state of affairs is a permanent circumstance in the relationship between the two blocs. Jihad unless misinterpreted means to strive or to work hard; the phrase “*Jihad fi sabilillah*” or fight in the course of God is used in the context of protection and self defense, or prevention of anything implies evil. It is in the Qur’an that Muslims are not permitted to wage a war of aggression⁴³ in similar verses jihad is exclusively used to denote a war of defense of one’s religion, freedom, territory and nation, upraise against oppression or human right’s violation⁴⁴. The crucial

⁴³ Al-Qur’an, Surah, *Al-Baqarah*, Verse 192.

⁴⁴ Al-Qur’an Surah *Al-Hajj*, verse 39, for further elucidation see Tafsir Ibn Kathir Vol.5.

point to be born in mind is the fact that all the Qur'anic verses related to *jihad* in this sense use the phrase *fi sabilillah* or in the course of God, the course of God is discourse and cannot be aggression. The immense misconception on the nature of jihad is due to the fact that the structural scheme of the Qura'nic verses and prophetic proceedings on the bases of thematic line is conventionally nonexistent; the other reason is the fact that some orientalist have given an erroneous interpretation of jihad.⁴⁵

According to the four main sunni jurists (Abi Hanifah, Malik, ash-Shafi'i and Ahmed bin Hanbal) Jihad is exertion of one's power and ability in fighting against aggression in the course of God, they further agreed that disbelief or *nonmuslimness* is not the justifiable reason for waging a war.⁴⁶ However there is a contrast second view that advocates jihad is waged on disbelief grounds, this group of jurists used parts of those Qura'nic verses which denotes that "fight until the word of God becomes the predominant belief system"⁴⁷. These jurists are of the opinion that jihad is for Islamisation, making the relationship between the world of Islam and West a permanent state of war. In this context we must remember the original dictum as the Qur'an states that "*there is no compulsion in Islam*"⁴⁸

The word jihad is found in the Qur'an in 21 places; 11 verses are in the form of order, *jahidu*, or fight and three verses in the form of *Mujahidin* or fighters in the course of God, and there are other forms, however, in all these verses when the Qur'an talks about a fight between Muslims and non-Muslims it goes into the causes, aims and attempts to convince the Muslims from logical and religious angles, as it treats numerous provisions and regulations; it is not a simple of document that solicits its adherents to fight without perceptible *raison d'être*.

The verses which touch on war between Muslims and non-Muslims can be categorised into three categories: a) verses permitting the war for injustice, forced to emigrate etc; b) conditional war; to fight those who pose direct oppression to freedom; c) the third category refers to several verses in the chapter 9 e.g. verses 29 & 36. The *tafsir* of these two verses is normally misconstrued as they are quoted by the subjugators of the Qur'an for other purposes, this

⁴⁵ Majid Khaduri, *War and Peace in the law of Islam*, Baltimore: Johns Hopkins Press, 1952, p.219.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Al-Qur'an, Surah *Al-Baqarah*, Verse 256.

is so because without the thematic readings they, the *sword verses* as they are known, seem giving unmitigated order to all Muslims to fight the all non-Muslims. However these verses were revealed when Muslims were already engaged in an all out war against the violent tribes. Thus in the true reading of these verses they are to be categorised with the second category of the *jihad ayat*. The imperativeness of the thematic approach is in the fact that it takes the reason for revelation, the abrogated and non-abrogated, etymology and hermeneutics of the verses and the Prophetic construal into consideration while interpreting the Qur'an.

CONCLUDING REMARKS

On Muslim-Western relations, gross distortion of historical development caused by the warring politicians driven by self interest and political realities resulted in the victimization of Islam and Muslims. It is prevalent in the Western political outlook that the menace on the Western values furl from Islam and Muslims for several reasons: a) Muslims so far remain the only community who discards to surrender to the Judeo-Western domination and psychological control, b) Fondness and inclination to Islam among Muslims is on the rise, unlike the Christian societies whose religious attachment appears to be on the low down, c) The Akhirstic thinking or the eschatological influences affect and remains relevant to Muslim daily life, a *raison d'être* that motivates the willingness to depart this life for God, d) The technological advancement makes it rather complex to contain Mass Weapon in its all forms. The fear of the West is that it may fall into the hands of Muslim hardliners. Nonetheless, both sides adhere to misconceptions in one way or the other on each other's values and religious attitude, this in turn leads to a confrontational outlook and diverse worldview. Military might is capable of distraction but silences no nation; Western military might silences no individual and group.

NOTES

¹ *AL-Qura'n al-Karim*

² Adhwa 'Ala, *As-siyah al-Amekiciyah fi ash-sharq al-Awsad*, Beirut: Dar Ibn Hazm, 1994

³ Asaf Hussain, *Political Terrorism and the state in the Middle East*, London: Mansell Publishing limited 1988

- 4 As'ad Abu Khalid, *Bin Laden, Islam and America's New War on Terrorism*, New York: Seven Stories Press, 2002
- 5 Bernard Lewis, *Islam and the West*, New York: Oxford University Press, 1993
- 6 Brain, Michael Jenkins, *Will Terrorists Go Nuclear?* In Walter Laqueur and Yomah Alexander, New York: the Terrorist reader 1987
- 7 David W. Lesch, *The Middle East and the United States*, USA: West view press, 1997
- 8 David Kibble, *The threat of militant Islam: A Fundamental Reappraisal*" Studies in Conflict and Terrorism 19:353-364
- 9 Daniel Pipes, *In the Path of God: Islam and Political Power*, New York: Basic Books, 1983
- 10 Donna M. Schlogheck, *International Terrorism*, Toronto: Lexington Books 1988
- 11 Gunther Lewy, *Religion Revelation*, New York: Oxford University Press, 1974
- 12 Inter Press Service News Agency March 29, 2004
- 13 Ihekwoaba D. Onwudiwe, *The Globalization of Terrorism*, USA: Ashgate, 2001
- 14 James Adams, *The Financing of Terror*, New York: Simon and Schuster, 1986
- 15 Jonathan R. White, *Terrorism: An Introduction*, USA: Thompson Learning, 2002
- 16 Melvin A. Friedlander, *Conviction and Credence: U.S. Policymaking in the Middle East*, UK: Boulder & London 1991
- 17 Martha Crenshaw, *Terrorism, Legitimacy and Power*, Middletown CT: Wesleyan University Press, 1983
- 18 Majid Khaduri, *War and Peace in the law of Islam*, Baltimore: Johns Hopkins Press, 1952
- 18 Michael Stohl, *Politics of Terrorism*, New York: Dekker, 1988
- 20 New Straits Times
- 21 Mary E. Williams (ed.), *The Terrorist Attach on America*, London: Green haven press, 2003
- 22 Mohamad Abdullah Al-Suluki, *Al-Qita' al-Khairi Wa da'awi al-Irhab*, Riyadh: Majalah al-Bayan 1424 H.
- 23 Mohamad Adrash, *As-Siyah al-Amerikiyah Tijah As-Sira' al-'Arabi-al-Israili*, Beirut: Markaz Drasat al-Wuhdah al-Arasiyah 1987
- 24 Mohamad Ahmad an-Nabisili, *Ath-thulatha al-Aswad; Khalfiyah al-Hujum 'ala al-Wilayat Al-Mutahidah al-Amerikiyah*, Dimisnq: Dar al-Fikr, 2002
- 25 Mohamad As-Samak, *Al-Irhab wa al-'unf as-Siyasi*, Beirut: Dar an-Nafais, 1992
- 26 M. Evan Wilson, *Decision on Palestine: How the US came to recognize Israel*, Stanford: Hoover institution press, 1979, P.22
- 27 Ralph Braibanti, *The Nature and Structure of the Islamic World*, Chicago: International strategy and policy Institute, 1995

- ²⁸ Rueren Paz, *Is there an Islamic Terrorism?* Institute for counter-terrorism: <http://www.ict.org.il/>
- ²⁹ Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York: Simon & Schuster 1996, see also *The Clash of Civilization?* *Foreign Affairs* 72:22-49
- ³⁰ The Star
- ³¹ Walter Laqueur, *The New Terrorism: Fanatism and the Arms of Mass Destruction*, New York: Oxford University Press 1999
- ³² Walter Laqueur, *A History of Terrorism*, London: Transaction Publishers, 2002
- ³³ Zaki al-Milad & Turki Ali, *Al-Ishan wa al-Gharb Hakhir & Mustaqbal*, Beirut: Dar-al-Fikri al-Mubasir, 1998

THE DEFINITION OF TRANSNATIONAL CRIME IN THE CONTEXT OF TERRORISM

Nurjaanah Abdullah

Nurjaanah Abdullah @ Chew Li Hua is lecturer in the Faculty of Law, University of Malaya. She obtained her LLB(Hon)(Mal), LLM(Mal) from University Malaya. She has written numerous articles pertaining to law in various journals.

INTRODUCTION

The simplest task can be deceiving and can be more complex than initially perceived. So it is with the task of writing this paper. The seemingly straightforward task of defining crossborder (hereinafter referred to as 'transnational') crime in the context of terrorism is fraught with difficulties in the absence of any definitive scope to both 'transnational crime' and 'terrorism'.

The approach of this paper is thus to briefly look at the wider scope of transnational crime which is then contained by the perimeters of terrorism. In so doing, references are made to relevant international instruments¹ concerning terrorism. A brief comment will be made in relation to Malaysia at the end of this paper.²

Although terrorism is one of the transnational crimes, it also rears its ugly head under various other transnational crimes such as money laundering, illicit drug and arms trafficking. There is an undeniable growing links between transnational crime and terrorism as the former can provide funding to the latter and the latter can utilise the former in carrying out its activities.

¹ These include the relevant conventions, resolutions and declarations. The conventions are as listed in Appendix A.

² Due to unavailability and limited access to documentation of MOUs, bilateral and multilateral treaties on the said matter, the writer's comment is a qualified one.

WHAT IS TRANSNATIONAL CRIME?

Under the United Nations Convention Against Transnational Organized Crime,³ an offence is transnational in nature if:⁴

- (a) It is committed in more than one State;
- (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- (d) It is committed in one State but has substantial effects in another State.

The purpose of the Convention is to promote cooperation to prevent and combat transnational organized crime more effectively. This covers the prevention, investigation and prosecution of the stated offences and transnational serious crimes involving organized criminal groups. The offences are as established under articles 5, 6, 8 and 23 of the Convention.⁵ The Convention requires States to create the following new offences unless they already exist under domestic laws:

1. the participation in the criminal activity of an organized criminal group or the commission of serious offence involving an organized criminal group;⁶
2. the laundering of proceeds of crime;

³ DOC.A/55/383, adopted by resolution A/RES/55/25 of 15 November 2000 at the 55th session of the General Assembly of the United Nations and came into force on 29 September 2003 in accordance with Article 38. Malaysia is a signatory (26 September 2002) to this Convention although it has not taken any further action on it.

⁴ Article 3, paragraph 2.

⁵ See Appendix B.

⁶ Art 2 of the Convention defines the terms as such:

‘ serious crime’ means conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;

‘ organized criminal group’ means a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes in order to obtain a financial or other material benefit.

3. corruption;
4. obstruction of justice.

TYPES OF TRANSNATIONAL CRIME

The types of criminal activities and serious offences committed by the organized criminal group may cover a wide range of crimes. The definition or rather the description of transnational organized crime is wide enough to cover a whole range of criminal activities or offences. In addition, money-laundering, corruption and offences relating to obstruction of justice are specifically stated.

As such transnational crimes may include illicit drug trafficking, arms smuggling and trafficking, trafficking of persons, piracy in the high seas, illicit trafficking in endangered species of wildlife, flora and fauna, offences against cultural heritage, piracy of intellectual property rights, bio-piracy, cybercrimes and the various acts of terrorism like hijacking and destruction of lives and property. The list is not exhaustive but inclusive.

For example, the United Nations Secretariat, as part of its Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice System, distributed to governments a questionnaire outlining the following categories of transnational crimes:⁷

1. money laundering
2. terrorist activities
3. theft of art and cultural objects
4. theft of intellectual property
5. illicit traffic in arms
6. aircraft hijacking
7. sea piracy
8. land hijacking
9. insurance fraud

⁷ A/CONF. 169/15/Add.1 of 4 April 1997.

10. computer crime
11. environmental crime
12. trafficking in persons
13. trade in human body parts
14. illicit drug trafficking
15. fraudulent bankruptcy
16. infiltration of legal business

Transnational organized crime therefore can take on innumerable forms that states may not anticipate. The increased cross-border flow of goods, money and people have resulted in the expansion of the territorial reach of criminal organizations. The advancement of technology has been adopted and utilized by such groups not only to collect and transfer funds and profits from their criminal activities but also in the commission of such acts.

The definition stated above is very broad and highly interpretive. The implications of the UN Convention on Transnational Organized Crime will unravel itself in time as the many challenges and difficulties in the implementation of the Convention present themselves to the States and the world at large.⁸

DEVELOPMENT OF ORGANIZED CRIME⁹

A useful model to explain the way in which organized crime evolves involves the process of evolution of the crime organization from being predatory, to parasitical, and to symbiotic.

The predatory stage is when a street gang or other local crime group uses criminal violence to maintain dominance over territory, to eliminate enemies, and to create a monopoly over the illicit use of force. Criminal acts tend to be directed at immediate rewards

⁸ This aspect is beyond the scope of this paper. For a good overview and critique, see "Palermo Diplomacy: Academic and Legal Implications of the UN Convention on Transnational Organized Crime", by Jonathan Weinberger, *International Affairs Review*, at p 72.

⁹ The following four subheadings were extracted from *Transnational Crime: A Threat to International Peace And Security*, <http://www.pctc.gov.ph/edocs/updates/tctthreat.htm>.

and satisfaction, rather than long-range plans or goals. Once domination is established, the predatory gang gains recognition amongst legitimate power brokers, local political leaders and “economic influentials” who can use the gang’s organization and skills at impersonal violence for their own ends, such as debt collection, turning out the vote, or eliminating political rivals or business competitors.

Criminal gangs emerge from the predatory to parasitical stage as they develop a corruptive interaction with legitimate power sectors, and mold their control of a territorial base with the power broker’s need for illicit services. There needs to be a “window of opportunity” through which the gang can pass to emerge as a fully-fledged organized crime group. The power brokers can exploit the predatory gang’s organizational skills, networks and skills in violence to create monopolies over the provision of illicit or scarce goods and services. Political corruption, which accompanies the provision of illicit goods and services, provides the essential glue binding together the legitimate sectors of the community and the underworld criminal organization. Increasingly, organized crime extends its influence over entire cities and regions and becomes an equal of, rather than servant to, the state.

At the symbiotic stage, the equal parasitical bond between organized crime and the political system becomes one of mutuality. The host has become dependent on the parasite – the monopolies and networks of organized crime to sustain itself. When organized crime reaches the symbiotic stage, it is no longer just a law enforcement problem; it is a matter of national security.

SCALE AND SIGNIFICANCE OF TRANSNATIONAL ORGANIZED CRIME IN THE ASIA PACIFIC REGION

Organized or enterprise crime, as described above, is prevalent throughout the Asia Pacific region and is involved in most of the criminal activities previously listed, particularly drug trafficking, money laundering, illegal migration, transnational prostitution, credit card fraud, counterfeit documentation, and corruption. Although some of the groups, such as the Chinese triads and Japanese Yakuza are structured along traditional organized crime lines, many of the other groups are structured more informally and readily from tactical alliances with other groups, on an opportunity basis.

The largest and most effective groupings in the Asia Pacific region are probably the various Chinese organized crime groups, including the triads. The activities of these groups are very diverse. It is estimated that internationally some 170,000 people are active in triads, such as the Sun Yee On, 14K, and Wo groups (all Hong Kong-based). All of these triads have extensive overseas contacts, especially in Southeast Asia, Europe, and the United States. However, there are a number of other very active groups in Burma and Thailand (Chiu Chow groups), Singapore, (Tiger Dragon Secret Society), and Malaysia (18 Gang and the Wah Kee), which do not appear to operate as triads but are nevertheless very actively and successfully involved in transnational crime, particularly the heroin triad.

The Japanese Yakuza is said to comprise some 87,000 members in 2,300 clans. According to the Japanese National Police Agency, the Yakuza generates about ¥1.4 trillion annually from its criminal and business activities. Prior to 1992, membership of the Yakuza was not a strict discipline being imposed on its members. The three (3) major Yakuza groups are the Yamaguchi-gumi (26,000 members), the Shimiyoshi-Kai (8,000 members), and the Inagawa-Kai (8,000 members).

The main activities of the Yakuza groups are in small businesses (especially construction), real estate and finance companies, drug trafficking (particularly crystal methamphetamine or "ice"), protection and extortion rackets against corporate businesses (using *Sokaiya* i.e. "special racketeers", usury, corruption of public officials and businessmen, prostitution, gambling, film and entertainment industry), and importing illegal workers into Japan. Externally, the various Yakuza groups are active in the United States (particularly in Guam, the Marianas and Hawaii), the Philippines, other states in Southeast Asia, and Australia, where they generally target members of the local Japanese community or Japanese tourists.

Japanese gangs, both based in Vietnam and emerging from the Vietnamese refugee communities overseas have become a significant new transnational crime problem. Originally, many Vietnamese gang members (particularly Sino-Vietnamese, known as "Viet-ching" were employed for protection and as "street enforcers" for Chinese triad groups abroad. However, since the early 1990s, Vietnamese criminal groups have been operating internationally in their own right. Internationally, Vietnamese criminal groups and entrepreneurs have become increasingly involved in heroin trafficking and money laundering.

In addition to the groups considered above, there are Australian, European, Korean, Nigerian, Pakistani, Russian, South American, and United States and other regional criminal groups or entrepreneurs operating in the Asia Pacific, particularly in transnational organized crime in transnational drug trafficking and money laundering.

REGIONAL COOPERATION AGAINST TRANSNATIONAL CRIME

The countries within the Asia-Pacific basin are gradually pooling their resources to combat transnational crime. These are manifested by recent developments to include the Asian Regional Conference against Piracy sponsored by Japan last April 2000 and attended by 15 countries within East Asia. The conference resulted in the adoption of a Regional Action Plan against Piracy which incorporates the three-pronged solution proposed by the late Prime Minister Keizo Obuchi namely: the establishment of a “regional coastguard body”, strengthening support for shipping companies and the improvement of regional coordination to respond to attack.

The Asian Regional Initiative Against Trafficking (ARIAT) in Women and Children was held in Manila on March 2000 attended by 22 countries within the Asia-Pacific, the European Union and concerned intergovernmental and non-governmental organizations, functional commissions and offices of the United Nations. It resulted in the realization of a Regional Action Plan against Trafficking in Women and Children.

Other existing regional instruments of cooperation particularly in the field of human trafficking are the Beijing Declaration and Platform for Action, the Bangkok Declaration on Irregular Migration and the Manila Process.

The Association of Southeast Asian Nations (ASEAN), which is in the process of integrating with countries of northeast Asia to include China, Japan and South Korea through the institutionalization of the ASEAN Plus Three Process, exemplifies a more concrete legal and institutional framework against transnational crime. Since the Association's inception in 1967, member-countries have persistently adopted measures to strengthen the foundation for a prosperous and peaceful region. This includes the declaration of ASEAN Concord of 1976 calling all member countries to intensify cooperation against illegal drugs and reiterated at the 5th ASEAN Summit of 1995, in Bangkok, Thailand, calling for the realization of a drug-free ASEAN.

These initiatives including those agreed by the ASEAN Heads of Government during their 1st Informal Summit in 1996 and the results of the 29th and 30th ASEAN Ministerial Meeting (AMM) in Indonesia, enjoining all member-countries to consolidate their resources against all forms of transnational crime, were incorporated in the ASEAN Vision 2020. This gargantuan covenant was adopted during the 2nd Informal Summit of the ASEAN Heads of Government held in Kuala Lumpur in 1997 outlining broad but attainable objectives in all fields of cooperation to include transnational crime.

In attaining such vision, ASEAN leaders are institutionalizing series of plans, programs and strategies in the realization of a peaceful, progressive and stable Southeast Asia. Foremost among these initiatives is the Hanoi Plan of Action conceived during the 6th ASEAN Summit in December 1998. It outlines the political, economic and social priorities of the Southeast Asian region within a 6-year time frame. The ASEAN Foreign Ministers issued a Joint Declaration for a Drug-Free ASEAN at the conclusion of the 31st ASEAN Ministerial Meeting in Manila in July 1998.

A more practical instrument derived from the ASEAN Vision 2020 is the ASEAN Declaration on Transnational Crime formulated by the ASEAN Ministers of Interior/Home Affairs in Manila in December 1997. It reiterates and further strengthens the commitment of ASEAN against transnational crime and paves the way for the realization of an ASEAN Plan of Action on Transnational Crime. An institutional framework was also put in place through the establishment and regular convening of an ASEAN Ministerial Meeting on Transnational Crime (AMMTC) whose membership includes the respective interior/home affairs ministers of member-states. It is the highest policy-making body of the ASEAN cooperation on Transnational Crime and acts as a coordinating body for all activities of relevant regional institutions such as the ASEAN Senior Officials on Drug Matters and the ASEAN Chiefs of National Police (ASEANAPOL).

The AMMTC is assisted by a Senior Officials Meeting on Transnational Crime (SOMTC) that acts as its implementing arm. The SOMTC is further tasked to formulate work programs to realize the ASEAN Plan of Action on Transnational Crime including the constitution of ad hoc committees to execute specific programs and projects.

As a test on the functionality of this institution, the AMMTC held its 2nd regular meeting in Yangon, Myanmar on June 23, 1999

and adopted the ASEAN Plan of Action on Transnational Crime. It also approved, in principle, the establishment of the ASEAN Center for Combating Transnational Crime (ACTC). The SOMTC was directed to form a working group to prepare a full report on the feasibility of establishing the ACTC. Such working group convened at the Philippine Center on Transnational Crime (PCTC) in August 1999 and endorsed the establishment of the ACTC to the SOMTC.

The ACTC is envisioned to establish a shared regional database among ASEAN countries for information on criminals, methodologies, arrests, and convictions on transnational crime. It is located in Manila with personnel seconded from member-countries of ASEAN.

INTERNATIONAL COOPERATION AGAINST TRANSNATIONAL CRIME

The international community under the auspices of the United Nations has, in several occasions manifested its concerns over the threat posed by transnational crime in all its forms. The Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order recognize the need to suppress illicit drug trafficking and other transnational crimes and the need to institutionalize extradition and mutual legal assistance as instruments of international cooperation. These international documents are instrumental in the drafting and ratification of the 1988 United Nations Convention against Illicit Traffic in Narcotic drugs and Psychotropic Substances to supplement and reinforce existing treaties against other forms of transnational crimes. These instruments also heralded the 1990 United Nations agreement on model treaties to include the Model Treaties on Extradition, Mutual Assistance in Criminal Matters, Transfer of Proceedings in Criminal Matters, and the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released.

The Naples Political Declaration and Global Action Plan against Organized Transnational Crime underscore the need for a common approach, direction and a holistic anti-transnational crime agenda. It is the forerunner of the draft United Nations Convention against Transnational Organized crime as well as three additional and supplementary protocols on trafficking in persons, on smuggling of migrants and on the illicit manufacturing of and trafficking in firearms.

The adoption of the Convention on Transnational Organized Crime and the formulation of its related protocols¹⁰ stress the indispensability of these international instruments in the face of the threat posed by transnational crime. Apart from ratifying and implementing them within a given timeframe, member states have committed to explore other areas of cooperation designed to prevent and combat transnational crime in all its forms.

It is also important to stress the numerous intergovernmental and non-governmental organizations, specialized agencies, functional commissions, and other offices that are mostly attached to the Economic and Social Council (ECOSOC) of the United Nations that are actively assisting states and regional organizations to overcome this global menace. The United Nations Office for Drug Control and Crime Prevention (ODCCP), for example, has designed and is currently implementing three global programmes on international crime prevention. These are the global programmes against corruption, trafficking in human beings and assessments of transnational organized crime.

TERRORISM

Introduction

'Terrorism', originating from the French 18th century word *terrorisme* (under the Terror), is the term commonly used to refer to the calculated use of violence or the threat of violence, against the civilian population, usually for the purpose of obtaining political or religious goals.

History

During the French Revolution (1789-1799), the most severe period of the rule of the Committee of Public Safety (1793-1795) was labelled "The Terror" (1793-1794), epitomizing state terror directed primarily at the state's own citizens: the Committee's Jacobin adherents became "Terrorists" (with a capital "T"). The Committee's leader Maximilien Robespierre is particularly noted for his fanaticism in pursuing what he believed was honest goals.

¹⁰ See Appendix C.

Before the 19th century, some terrorists went out of their way to avoid casualties among innocents not involved in the conflict. For example, Russian radicals intent on the assassination of Alexander II of Russia (reigned March 2, 1855 – March 13, 1881) cancelled several actions out of concern that they might injure women, children, elderly persons, or other innocents. When the assassination was finally performed, only the Tsar, his assassin Ignatei Grinevitski and a few members of the Tsar's escort are known to have been killed or wounded – no "innocents".

Historically, groups may resort to terrorism when they believe all other avenues, including economics, protest, public appeal, and organized warfare, hold no hope of success. This suggests that perhaps one approach to combat terrorism is to ensure that in any case where there is a population feeling oppressed, that at least some avenue of gaining attention to problems is kept open, even if the population in question is in the minority on an opinion.

Other rationales for terrorism include attempts to gain or consolidate power either by instilling fear in the population to be controlled, or by stimulating another group into becoming a hardened foe, thereby setting up polarizing us-versus-them dynamic. A third common rationale for terrorism is to demoralize and paralyse one's enemy with fear; this sometimes works, but can also stiffen the enemy's resolve. Often, several of these reasons may explain the actions of a particular group. In general, retribution against terrorists can result in escalating tit-for-tat violence.

Significant terrorist incidents and 'famous' terrorist organizations

Significant terrorist incidents include the Oklahoma City bombing (April 19, 1995), the Omagh bombing in Northern Ireland (August 15, 1998) and the September 11, 2001 terrorist attacks in the USA. The Israeli-Palestinian conflict has also spawned a significant number of terrorist incidents, the Munich massacre of Israeli Olympic athletes in 1972, the failed bombing of the World Trade Center in New York in 1993, the Passover massacre of Jews during a religious celebration in 2002, the Maalot massacre of 21 school children and 5 teachers in 1974, and Hebron massacre of Muslims at pray in 1994, the Bali bombing in 2002 and the Madrid bombing in March 2004.

The deadliest terrorist attack ever committed was the September 11, 2001 terrorist attacks. The deadliest terrorist attack ever planned

was Operation Bojinka; the first phase, which called for the death of Pope John Paul II and the bombing of 11 airliners, had a prospective death toll of about 4,000 if it had been pulled off. The plot was aborted after an apartment fire in Manila, Philippines on January 5, 1995, exposed the plot to police. The terrorists were slightly more than two weeks away from implementing their plot.

Since 1968, the US State department has counted deaths from terrorism. In 1985, it counted 816 deaths, the highest up to that time. The deaths decreased over the years, then rose to 3,295 in 2001, most as a result of the September 11 Terrorist Attacks. In 2003, however, more than 1,000 people died as a result of terrorism, the highest toll for any year with no one huge terrorist attack (like 9/11). Many of these deaths occurred from suicide bombings in Chechnya, Israel, and Iraq.

Some famous terrorist organizations¹¹ of the 20th century include:

- the American Ku Klux Klan (Founded in 1865 and revived several times since),
- the Irish Republican Army (founded 1919),
- the Pakistani Lashkar-e-Toiba and Jaish-e-Mohammad,
- two pre-state Zionist groups: Irgun (founded 1931) and Lehi (Founded 1940),
- the Spanish ETA (founded 1959),
- the Canadian Front de Libération du Québec (founded 1963),
- the Palestine Liberation Organization (founded 1964),
- the German Red Army Faction (also known as the Baader-Meinhof Gang, founded 1967),
- the Italian Red Brigade (founded 1969),
- the American Weathermen (founded 1969),
- the Peruvian Shining Path (active since the late 1960s),
- the Palestinian Black September (founded 1976),
- Puerto Rico's Los Macheteros (founded 1976),

¹¹ Appendix D.

- Hezbollah (founded 1982),
- the Islamic Jihad (active in Egypt and Palestine since the late 1970s) and
- internationally acting al-Qaeda (founded in 1988).

Famous Terrorists and Former Terrorists

The classification of a person or group as “terrorist” is nearly always disputed. Listed below are some of the better-known individuals who are regarded as terrorists (or as having been terrorists in the past) by a significant body of opinion. In many, perhaps most, cases there is also a significant body of contrary opinion. Inclusion of many people in this one list does not indicate any type of equivalence between them. Leaders of governments have not been included even when they are widely regarded as guilty of “state terrorism”.

- Mohammed Atta and his September 11, 2001 accomplices (deceased)
- Muhammad Atef (deceased)
- Yihia Ayash (deceased)
- Said Bahaji
- Djamel Beghal
- Menachem Begin (1913-1992), the leader of the Irgun (1944-1948)
- Ramzi Binalshibh
- Yasser Arafat (1929-), the leader of Fatah and Chairman of Palestine Liberation Organization (1969-)
- Haj Amin Al-Husseini (1893-1974), the grand mufti of Jerusalem
- Sheikh Ahmed Yassin, the “spiritual” leader of HAMAS
- David Copeland aka the “London Nailbomber”
- Byron De La Beckwith (1921-2001)
- Riduan Isamuddin, aka “Hambali”
- Luke Helder aka the “Smiley Face” bomber
- Khadaffy Janjalani

- Theodore Kaczynski aka the “Unabomber”
- Mohammed Jamal Khalifa
- Amir Khattab (deceased)
- Osama bin Laden, (al-Qaeda)
- Tomioka Makoto (deceased)
- Timothy McVeigh, the Oklahoma city bomber (deceased)
- Khalid Sheik Mohammed, (al-Qaeda)
- Zacarias Moussaoui, (al-Qaeda)
- Imad Mugniyah
- Hassan Nasseralla, secretary-general of Hizballah
- Terry Nichols, associate of Timothy McVeigh
- Abu Nidal (deceased)
- Jose Padilla, (al-Qaeda)
- Talwinder Singh Parmar (deceased)
- Abbedalla Qawasameh (deceased)
- Abd Al-Aziz Rantisi, leader of Hamas
- Richard Reid, AKA the “Shoebomber”
- Inderjit Singh Reyat
- Ilich Ramirez Sanchez aka “Carlos the Jackal”
- Paul Rose
- Yitzhak Shamir, one of Lehi leaders
- Abraham Stern (deceased)
- C.D. Stephenson (1891-1966)
- Mahmoud Tawallbe (deceased)
- The Weather Underground
- Tohir Yuldashev
- Ramzi Yousef
- Ayman al-Zawahiri, (al-Qaeda)

Overview of Terrorism¹²

The following are conclusions based on the ICT¹³ research in 1998-1999. Though not exhaustive, it paints a sufficiently clear picture of the extent and trend of terrorism.

1. Categories and period of occurrence¹⁴

The incidents of nuclear terrorism (involving attacks or threats against nuclear facilities and radiological terrorism) sharply declined over the past three decades, from 120 incidents during the 1970's to only 15 in the 1990's. In contrast, the incidents of chemical and biological terrorism showed a gradual but steady rise. In the 1970's there were 14 incidents of chemical terrorism and 10 incidents of biological terrorism; in the 1980's there were 34 incidents of chemical terrorism and 13 incidents of biological terrorism; whereas in the 1990's there are 36 reported incidents of chemical terrorism and 18 incidents of biological terrorism.

2. Severity¹⁵

The incidents were classified into seven categories according to their degree of severity. This permitted a more refined analysis.

Threats represented 55% of the incidents: 20% were threats to use weapons of mass destruction in terrorist attacks. In this category, threats to use chemical agents represented the majority of incidents (55%), threats to use biological weapons, 25%, and nuclear terrorism threats 20%. Threats against facilities represented 34% of the incidents, all of them threats against nuclear reactors and installations.

Twenty-five percent of the incidents related to an actual terrorist attack. Thirteen percent of the incidents referred to action against facilities of weapons of mass destruction, the majority of them against nuclear facilities, but always when nuclear material was

¹² The New Terrorism – Anatomy, Trends and Counter Strategies, Andrew Tan and Kumar Ramakrishna (eds.), Singapore, Eastern Universities Press.

¹³ International Policy Institute for Counter-Terrorism.

¹⁴ Appendix E, as cited by Ely Karmon, Senior ICT Researcher in his article "Countering NBC Terrorism", January 12, 2003.

¹⁵ *ibid.*

absent from the facility and thus did not present a real physical danger to the environment. Twelve percent of the incidents refer to actual use of non-conventional agents. In this category were included incidents that resulted in casualties but also incidents in which the perpetrators succeeded in placing the materials at its destination without causing any injuries. Eighty-eight percent of the incidents of actual use of agents of mass destruction were incidents of chemical terrorism.

3. Location¹⁶

Almost 54% of the incidents occurred in the United States. Nearly 28% of the incidents occurred in Europe.

The incidents that took place in the Middle East represented only 4% of the total. Of those, 10 out of 12 were incidents of chemical terrorism and 2 were of biological nature. However, it should be noted that Middle Eastern countries (Egypt, Iraq, Iran and possibly Sudan) made relatively massive use of chemical weapons on the battlefield, which means that these countries and their proxies had fewer moral constraints against the use of such weapons.

Ten percent of the incidents occurred in Asia, mainly Japan (mainly incidents of chemical terrorism) and less than 2% in South America and Africa.

4. The incidents of terrorist acts¹⁷ in January-March 2004 are as follows:¹⁸

January 29, 2004	Suicide bombing on Jerusalem Municipal Bus
January 21, 2004	Potential 20th hijacker detained at Guantanamo
January 19, 2004	Suicide carbomb outside U.S. headquarters in Baghdad
January 1, 2004	New Years Eve Explosion in Iraqi Capital

¹⁶ *ibid.*

¹⁷ Appendix F.

¹⁸ Sourced from ICT Terrorism News Archive.

February 27, 2004	Aum Shinri Kyo leader sentenced to death
February 22, 2004	Rush Hour Bombing on Jerusalem City Bus
February 6, 2004	Suicide Bomber suspected in Blast on Moscow subway
February 1, 2004	Two suicide bombings in Iraqi Kurdish headquarters
March 22, 2004	Hamas leader Ahmed Yassin killed in Israeli airstrike
March 14, 2004	Suicide bombing at Ashdod Port
March 12, 2004	Al Qaida claims Madrid bombings
March 11, 2004	Nearly 200 Killed in Madrid Train Bombings
March 3, 2004	Shias targeted in simultaneous bombings in Iraqi holy places

The stand against terrorism

The stand against terrorism taken by the General Assembly and the Security Council of the United Nations is stated in the various declarations and resolutions.¹⁹ Acts of international terrorism is declared to be one of the most serious threats to international peace and security in the twenty-first century. All acts, methods and practices of terrorism are condemned as criminal and unjustifiable, regardless of their motivation, wherever and by whoever committed. It covers criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes. The acts, methods and practices of terrorism are declared to be contrary to the purposes and principles of the United Nations.

¹⁹ Declaration on Measures to Eliminate International Terrorism, 1994 and Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism 1996, General Assembly's Resolution 49/60 dated 17 Feb 1995, Resolution 51/210 dated 16 Jan 1997 and Security Council's Resolution 1269(1999) of 19 Oct 1999, Resolution 1368 (2001) of 12 Sept 2001, Resolution 1373 (2001) of 28 Sept 2001 and Resolution 1377 (2001) dated 12 Nov 2001.

The stand against terrorism is similarly echoed by the Heads of State of the Non-Aligned Movement at the XIII Conference of Heads of State or Government of the Non-Aligned Movement.²⁰ It was reaffirmed that:

“criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons, for whatever purposes, wherever and by whoever committed are, in any circumstance, unjustifiable, whatever the considerations or factors that may be invoked to justify them”.

International terrorism was in the event, unequivocally condemned as a criminal act. A call to differentiate it from legitimate struggle of peoples under colonial or alien domination and foreign occupation, for self-determination and national liberation was made. Support was expressed to the efforts in combating terrorism at national, regional and international levels.

The United Nations has over the years focussed on treaties that criminalized specific manifestations of terrorism. This is reflected by the twelve universal instruments dealing with terrorism in its various forms.²¹ Additionally, there are seven regional instruments and numerous other instruments.²²

What is terrorism?

Despite the strong stand against terrorism, it is ironic that to date there is no universally accepted definition of terrorism. The term terrorism is not defined in any of the said instruments although it is stated in the International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999). The latter indirectly defines ‘terrorism’ as:

“any *act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act*”.

²⁰ Held in Kuala Lumpur, 20-25 February 2003.

²¹ Appendix A.

²² Appendix A1.

In the past decade, efforts have been intensified on the international arena to create comprehensive international standards to deal with terrorism. Several resolutions have been adopted by the United Nations, starting with the Declaration on Measures to Eliminate International Terrorism 1994.²³

Currently, there is an ongoing effort in the drafting of the Comprehensive Convention on International Terrorism and the Convention for the Suppression of Acts of Nuclear Terrorism.

Although there is a general consensus amongst States on the importance of and urgency in eradicating terrorism, there exists important disagreements on several issues, the definition of 'terrorism' being one of them.

Under the draft Comprehensive Convention on International Terrorism which obligates Parties to cooperate in the prevention and punishment of acts of terrorism, the act of terrorism is defined as:

“a person unlawfully and intentionally causing or threatening to cause violence by means of firearms, weapons, explosives, any lethal devices or dangerous substances, which results, or is likely to result, in death or serious bodily injury to a person, or a group of persons or serious damage to property – whether for public use, a State or Government facility, a public transportation system or an infrastructure facility.

It includes:

- (i) attempts to commit such an offence,
- (ii) participation as an accomplice in the commission of such an offence,
- (iii) organizing or directing others to commit such an offence
- (iv) contributing to the commission of such an offence; and
- (v) commission of any of the offences defined in the various Conventions aimed at combating terrorism.”

²³ UNGA Resolution 49/60, 51/210, 52/210, 54/110, 55/158 and UNSC Resolution 1267 (1999), 1269, 1363 (2001), 1373 (2001), 1368 (2001), 1390 (2002), 1455 (2003), 1456 (2003).

Thus far, the terms 'terrorism' has eluded the confines of a universally accepted definition. Academics, politicians, security experts, journalists and lay persons, all use a variety of definitions of terrorism. Each definition focuses on either the *modus operandi*, motivations or characteristics of terrorism. In a survey of leading academics in the field,²⁴ 109 different definitions were obtained. The recurring elements of the definitions were:

1. violence, force
2. political
3. fear, emphasis on terror
4. threats
5. psychological effects and anticipated reactions
6. discrepancy between targets and victims
7. intentional, planned, systematic, organized action
8. methods of combat, strategy, tactics.

There are many unresolved issues in the definition of terrorism. These include the boundary between terrorism and other forms of political violence, whether state terrorism and resistance terrorism form part of terrorism, whether terrorism can be justified, the relationship between guerrilla warfare, national liberation and terrorism and the relationship between crime and terrorism.

In a nutshell, is one man's terrorist another man's freedom fighter? Must the definition of terrorism be dependant on who defines it? The difficulty in defining terrorism lies in the fact that it has been subjected to the subjective perception of the party defining it.

An objective and exhaustive definition has been forwarded by Dr. Boaz Ganor²⁵ as:

"terrorism is the intentional use of, or threat to use violence against civilians or against civilian targets, in order to attain political aims".

²⁴ As cited in the book *Political Terrorism*, SWIDOC, Amsterdam and Transaction Books, 1988, p. 5; Alex P. Schmidt and Albert I. Jongman et al.

²⁵ Director of the International Policy Institute for Counter-Terrorism.

This definition has three important elements:

1. the essence of the activity involves the use of or threat to use, violence
2. the aim of the activity is always political. (It was suggested that the motivation behind the political objective is irrelevant for the purpose of defining terrorism.)
3. the targets of terrorism are civilians.

The importance of defining 'terrorism' is reflected at the operational level of combating terrorism. It forms the basis and operational tool in efforts to combat terrorism.

A pertinent question is whether States as well as organizations can be held responsible for carrying out terrorist acts? The answer to this question lies in the form of existing realm of international law. According to international conventions, any deliberate attack upon civilians in wartime by regular military forces is defined as a 'war crime'. Such an act during peacetime constitutes a 'crime against humanity'. Thus, such acts by states are already covered by international law. Ironically, organizations are not governed by the current international law!

TRANSNATIONAL CRIME IN THE CONTEXT OF TERRORISM

Having explored briefly the wide scope of transnational crime and given an overview on terrorism, we shall now attempt to work out an understanding of what constitute transnational crime in the context of terrorism.

Transnational crime in the context of terrorism would be those transnational crimes which are committed:

1. to fund the activities of terrorists
2. to facilitate the terrorist groups in their activities; or
3. to further the aims of terrorist groups.

The inter-linking of transnational crime and terrorism may result in the 'partnership' between existing organized criminal groups and terrorist group. It may be for a particular 'event' or the commission of transnational crime by the terrorists themselves. It matters not

who the players are. So long as the transnational crime is committed for the purposes above, it adds the dimension of terrorism to its existence.

CYBER CRIME AND TERRORISM

The advent of technological advances in the information and communication technology has expanded the reach of terrorist groups beyond their domestic jurisdiction. It has facilitated the networking and support system of such groups. It has also opened up the channel for audience to the world population via various websites set up by the terrorist groups.²⁶ These are the uses which are available to all and sundry. The difference lies in the purpose behind the communication. Investigations of the September 11 attack revealed the utilization of information and communication technology to carry out the attack. The utilization of information and communication technology in itself however is not a crime but can be utilized as evidence of the crime.

However, there is a need to protect information infrastructure from improper utilization and attacks. In line with concerns regarding the vulnerability of information infrastructure to improper utilization and attacks, a draft International Convention To Enhance Protection From Cyber Crime and Terrorism has been prepared. It acknowledges the potentially grave consequences of attacks and improper utilization to persons and governments worldwide. The consequences include failures of system, damage to critical infrastructure, economic losses and interruption of communication.

The draft Convention creates offences under Article 3 and 4²⁷ which link the unlawful use of a cyber system as a material factor in committing an act made unlawful by the stated treaties. The treaties mentioned are those that govern acts of terrorism.

It is undeniable that cyber crime, attacks and improper utilization of transnational information infrastructure can have the added dimension of terrorism. As such, governments must keep abreast with such development by updating and creating the necessary legislation. This is necessary to ensure that efforts to counter terrorism

²⁶ Cyberspace - A New Medium of Communication, Command and Control by Extremists, Michael Whine, director of the Board of Deputies of British Jews Defence and Group Relations Division, May 5, 1999.

²⁷ See Appendix G.

bear fruit. It is also to facilitate the setting up of the appropriate infrastructure for the effective investigation, prosecution and enforcement of such offences.

MALAYSIA

To date, Malaysia has ratified or acceded to only five of the universal instruments. These are:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft
2. Convention for the Suppression of Unlawful Seizure of Aircraft
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
5. International Convention for the Suppression of Terrorist Bombings

There are also various memorandum of understanding, declaration of cooperation, bilateral agreements and extradition orders (as passed under the Extradition Act 1992) which are applicable in the context of terrorism. These include:

1. M.o.U. between the Government of Malaysia and the Government of Australia on Cooperation to Combat International Terrorism
2. Declaration of Cooperation between the Government of Malaysia and the Government of United States of America on Cooperation to Combat International Terrorism
3. Perintah Ekstradisi (Republik Indonesia) 1992
4. Perintah Ekstradisi (Amerika Syarikat) 1997
5. Perintah Ekstradisi (Hong Kong) 2000

To come to a meaningful attempt at defining transnational crime in the context of terrorism in so far as Malaysia is concerned, a thorough research, perusal and analysis of all the relevant documents is needed. Perhaps the task will be better accomplished by someone with access to all the relevant documents.

CONCLUSION

Nevertheless, it can be concluded that a crime is transnational if:

1. it is committed in more than one country or jurisdiction;
2. it is committed in one country but a substantial part of its preparation, planning, direction or control takes place in another country;
3. it is committed in one state but involves an organized criminal group that engages in criminal activities in more than one country; or
4. it is committed in one country but has substantial effects in another country.

In the context of terrorism, the transnational crime must fulfil the following three elements:

1. the essence of the activity involves the use of or threat to use, violence
2. political aim
3. the targets are civilians

The above criteria will assist in identifying whether or not a transnational crime is one which also involves terrorism.

Due to constraint of space, the writer has refrained from elaborating on each type of transnational crime. Of particular importance is money laundering which is linked to the financing of terrorist groups and their activities. It is also to be noted that there are various other specific issues pertaining to this topic. These include the following:

1. financing of terrorist groups and their activities
2. jurisdiction
3. mutual legal assistance
4. extradition
5. investigation
6. prosecution
7. enforcement

Appendix A

Universal Instruments on Terrorism

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963
2. Convention for the Suppression of Unlawful Seizure of Aircraft, 1970
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973
5. International Convention against the Taking of Hostages, 1979
6. Convention on the Physical Protection of Nuclear Material, 1979
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1988
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988
9. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991
11. International Convention for the Suppression of Terrorist Bombings, 1997
12. International Convention for the Suppression of the Financing of Terrorism, 1999

Appendix A1**Regional Instruments**

1. OAS Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance, 1971
2. European Convention on the Suppression of Terrorism, 1977
3. SAARC Regional Convention on Suppression of Terrorism, 1987
4. The Arab Convention on the Suppression of Terrorism, 1998
5. Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism, 1999
6. Convention of the Organisation of the Islamic Conference on Combating International Terrorism, 1999
7. OAU Convention on the Prevention and Combating of Terrorism, 1999

Other Instruments

1. Convention on the Safety of United Nations and Associated Personnel, 1994
2. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949
3. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949
4. Geneva Convention relative to the Treatment of Prisoners of War, 1949 (selected excerpts)
5. Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949
6. Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977
7. Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977

Appendix B

UN Convention Against Transnational Organized Crime

Article 5

Criminalization of participation in an organized criminal group

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:

(i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;

(ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:

a. Criminal activities of the organized criminal group;

b. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;

(b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.

2. The knowledge, intent, aim, purpose or agreement referred to in paragraph 1 of this article may be inferred from objective factual circumstances.

3. States Parties whose domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1(a)(i) of this article shall ensure that their domestic law covers all serious crimes involving organized criminal groups. Such States Parties, as well as States Parties

whose domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1(a)(i) of this article, shall so inform the Secretary-General of the United Nations at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention.

Article 6

Criminalization of the laundering of proceeds of crime

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

(b) Each State Party shall include as predicate offences all serious crime as defined in article 2 of this Convention and the offences established in accordance with articles 5, 8 and 23 of this Convention. In the case of States Parties whose legislation sets out a list of specific predicate offences, they shall, at a minimum, include in such list a comprehensive range of offences associated with organized criminal groups;

(c) For the purposes of subparagraph (9b), predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State party implementing or applying this article had it been committed there;

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence;

(f) Knowledge, intent or purpose required as an element of an offence set forth in paragraph 1 of this article may be inferred from objective factual circumstances.

Article 8

Criminalization of corruption

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences conduct referred to in paragraph 1 of this article involving a foreign public official or international civil servant. Likewise, each State Party shall consider establishing as criminal offences other forms of corruption.

3. Each State Party shall also adopt such measures as may be necessary to establish as a criminal offence participation as an accomplice in an offence established in accordance with this article.

4. For the purposes of paragraph 1 of this article and article 9 of this Convention, "public official" shall mean a public official or a person who provides a public service as defined in the domestic law and as applied in the criminal law of the State Party in which the person in question performs that function.

Article 23

Criminalization of obstruction of justice

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences covered by this Convention;

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences covered by this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public officials.

Appendix C

The Protocols related to the Convention Against Transnational Organized Crime are:

1. Protocol against the Smuggling of Migrants by Land, Air and Sea;
2. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
3. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

Appendix D**List of terrorist groups**

Groups considered by many to be terrorist and the countries where they are/were active. Defunct groups are marked in italics.

Islamic groups

- Abu Sayyaf – Philippines
- Al-Qaida – International
- Ansr al-Islam – Iraq
- Armed Islamic Group – Algeria and Europe
- Hamas – Gaza Strip/West Bank/Israel
- Harakut ul-Ansar (HUA) – Pakistan and Kashmir
- Hizballah – Lebanon
- Islamic Movement of Central Asia – Central Asia
- Islamic Movement of Uzbekistan – Uzbekistan
- Jemaah Islamiyah – Southeast Asia
- Palestinian Islamic Jihad – Gaza Strip/West Bank/Israel
- Egyptian Islamic Jihad – Egypt
- Maktab al-Khidamar – Afghanistan
- Muslim Brotherhood – International
- People Against Gangsterism and Drugs – South Africa
- Salafish Group for Call and Combat – Algeria

Front organisations

- Al Barakaat
- Benevolence International Foundation
- Global Relief Foundation

- Holy Land Foundation for Relief and Development
- Konsojaya Trading Company
- Abu Nidal Organization – International (went by the name of *Black September* during the 1972 Olympics in Munich)
- Al-Aqsa Martyr's Brigade – Gaza Strip/West Bank/Israel
- Democratic Front for the Libereation of Palestine (DFLP-Hawatmen) – Syria/Lebanon/West Bank
- Palestine Liberation Organization – Gaza Strip/West Bank/Israel
- Popular Front for the Liberation of Palestine (PFLP) – Gaza Strip/West Bank/Israel
- PELP-GC – Gaza Strip/West Bank/Israel
- The Popular Resistance Committees – Gaza Strip/Israel

Zionist terrorist groups

- Irgun – British mandate of Palestine (some dispute the definition of the Irgun as a terrorist group due to its avoidance of civilian casualties)
- Jewish Defense League – United States
- Kach – Israel and United States
- Stern gang- British mandate of Palestine

Groups in Northern Ireland Republican

- Continuity Irish Republic Army
- *Fenian Brotherhood*
- Provisional Irish Republican Army
- Real Irish Republican Army
- Irish National Liberation Army

Loyalist

- *Loyalist Volunteer Force*
- Orange Volunteers
- Ulster Freedom Fighters
- Ulster Volunteer Force

Other separatist and anti-imperialist groups

- ETA (Basque Fatherland and Liberty) – Spain and Southern France
- Front de Liberation du Quebec – Canada
- Kurdistan Workers Party (PKK) – Turkey
- Liberation Tigers of Tamil Eelam – Sri Lanka
- Los Macheteros – Puerto Rico
- *Mau Mau* – Kenya
- National Front for the Liberation of Corsica (FLNC) – France

Leftish groups

- Action Directe – France
- Armenian Secret Army for the Liberation of Armenia (ASALA) – Lebanon and Armenia
- Chukaku-Ha – Japan
- Japanese Red Army (Sekigun) – Japan
- GRAPO – Spain
- *Khmer Rouge* – Cambodia
- Manuel Rodriguez Patriotif Front – Chile
- *Montoneros* – Argentina

- National Liberation Army – ELN in Colombia
- November 17 (17N) – Greece
- *Red Army Faction* (popularly known as the *Baader-Meinhof Gang*) – Germany
- Red Brigades (Brigade Rosse) – Italy
- Revolutionary Armed Forces of Colombia (FARC) – Colombia
- Shining Path (Sendero Luminoso) – Peru
- *Symbionese Liberation Army* – USA
- *Weathermen* – USA

Neo-Nazi and white-supremacist groups

- Boeremag – South Africa
- Combat 18 – United Kingdom
- Ku Klux Klan – USA, United Kingdom
- National Socialist Movement – United Kingdom
- *The Order* - USA
- *Organisation de l'Armee Secrete* – **France, Algeria**
- World Church of the Creator – USA

Other terrorist groups

- *The Angry Brigade* – United Kingdom (anarchists)
- Army for the Liberation of Rwanda – Rwanda (Hutu emancipatory; possibly genocidal)
- Aum Supreme Truth (Aum Shinrikyo) – Japan (homicidal religious cult)
- Autodefensas Unidas de Colombia – Columbia
- *Contras* – Nicaragua (anti-communist)
- Croatian Revolutionary Brotherhood – Yugoslavia

- Death Squads – El Salvador (anti-communist)
- Earth Liberation Front – USA (radical environmentalist) – avoids harming people or animals, but is considered by the FBI to be a terrorist group
- EOKA (ethniki Organosis Kypriakou Agonistov) – Cyprus (anti-Turkish, pro-Enosis)
- Interahamwe – Rwanda
- Revolutionary United Front – Sierra Leonean rebels
- Umkhonto we Sizwe (“Spear of the nation”) – South Africa

Appendix E

Table of Incidents by Categories and Period of Occurrence

Period	No. of incidents			
	Nuclear	Chemical	Biological	Total
1970-1979	120	14	10	144
1980-1989	32	34	13	79
1990-1996	15	36	18	69
Total	167	84	41	292

Table of Incidents by Degree of Severity

Severity	No. of incidents			
	Nuclear	Chemical	Biological	Total
Threats to Use WMD	10	28	13	51
Threats Against WMD Facilities	98	-	-	98
Attempts to Acquire WMD	11	6	7	24
Possession of WMD	1	8	6	15
Attempted Use of WMD	2	4	10	16
Action Against Facilities of WMD	43	3	-	46
Actual Use of WMD	2	35	5	42
Total	167	84	41	292

Diagram of Incidents by Their Location

Country	No. of incidents			
	Nuclear	Chemical	Biological	Total
EUROPE				
Europe-general	-	3	-	3
Austria	2	1	-	3
Belgium	-	1	1	2
Bosnia	2	-	-	2
Bulgaria	-	1	-	1
Chechnya	2	-	-	2
Croatia	-	1	-	1
Cyprus	-	1	-	1
Czechoslovakia	-	-	-	-
Denmark	-	1	-	1
France	7	1	1	9
Germany	9	4	7	20
Greece	-	1	-	1
Italy	4	2	-	6
Moldavia	-	1	-	1
Ossetia	1	-	-	1
Russia	3	1	-	4
Spain	6	-	-	6
Switzerland	5	-	-	5
Ukraine	1	-	-	1
United Kingdom	1	6	4	11
Total – Europe	43	25	13	81

Country	No. of incidents			
	Nuclear	Chemical	Biological	Total
MIDDLE EAST				
Iran	-	1	-	1
Iraq	-	1	2	3
Israel	-	4	-	4
Lebanon	-	1	-	1
Palestinians	-	1	-	1
Turkey	-	2	-	2
Total – Middle East	-	10	2	12
NORTH AMERICA				
Canada	1	2	5	8
United States	116	22	16	154
Total – North America	117	24	21	162
SOUTH AMERICA				
Argentina	1	-	-	1
Bolivia	-	-	-	-
Chile	-	1	-	1
Colombia	1	-	-	1
Total – South America	2	1	-	3
ASIA				
Australia	-	-	1	1
Hong Kong	-	1	-	1
India	1	1	-	2
Japan	2	12	4	18
Kyrgistan	-	1	-	1
Philippines	2	3	-	5
Sri Lanka	-	2	-	2
Tajikistan	-	1	-	1
Total – Asia	5	21	5	31
AFRICA				
South Africa	1	1	-	2
Uganda	-	1	-	1
Total – Africa	1	2	-	3

Appendix F**List of terrorist incidents****15th Century**

- 1492-1502 - In a series of four expeditions to what is now the West Indies, Christopher Columbus launched a genocidal campaign against native Arawaks that monks described as including murder, torture, dismemberment and mass rape.

17th Century

- 1605 – Failed Gunpowder Plot to blow up English Parliament with James I in attendance.

18th Century

- 1793-1794 - During the Reign of Terror in France hundreds were killed in public executions of those accused of treason by a Revolutionary Tribunal.

19th Century

- 1856, 1858, 1859 - Raids by John Brown in his fight against slavery.
- 1864 Nov. 29 - In the Sand Creek Massacre more than 150 Cheyenne people travelling with Chief Black Kettle were massacred by Colorado militia troops.
- 1864 - In Sherman's March to the Sea a victorious army pillaged and destroyed civilian property throughout much of Georgia.
- 1865-1882 - Jesse James and his gang attack "Northern" railroads and banks in personal continuation of the American Civil War.
- 1881 March 1 - Tzar Alexaner II of Russia is assassinated by a People's Will (Narodnaya volya) terrorist.
- 1881-1884 - Waves of Jewish pogroms sweep southern Russia. The word pogrom becomes international.
- 1890 Dec 29 - At the Wounded Knee Massacre civilians were machine gunned to death in retaliation for 7th Cavalry combat losses.

- 1889-1918 - During these years, 2,522 African Americans were lynched by mobs of Anglo vigilantes, mostly in the American South.

1910s-1960s

- 1910 - A bomb at the Los Angeles Times newspaper building in Los Angeles, California killed 21 workers.
- 1914 - Assassination of Franz Ferdinand, Archduke of Austria, precipitating World War I.
- 1920 - Jerusalem pogrom of April, 1920 incited by Haj Amin Al-Husseini (subsequently the grand mufti of Jerusalem).
- 1920 - A bomb exploded on Wall Street in New York City, killing 30 peoples and wounding 400 others.
- 1929 August 23 - The ancient Jewish community of Hebron is destroyed in the Hebron massacre.
- 1937-1945 - Hundreds of thousands of civilians were intentionally killed in aerial bombardment of cities first by German forces then mutually by warring nations throughout WWII.
- 1945 - Allied troops discovered large scale detention camps in Germany, where millions had died of starvation, disease and murder in group-sized gas chambers during a reign of wartime terror.
- 1946 - Bombing of King David Hotel, the British Army HQ, by the Zionist terrorist group Irgun.
- 1946 July 4 - The Kielce pogrom of Jews who returned home from the death camps: 42 dead, 200 wounded.
- 1948 - Deir Yassin massacre.
- 1953 - Qibya massacre.
- 1962 - In Operation Northwoods U.S. Secretary of Defense proposed U.S. operatives could hijack airliners, assassinate Cuban refugees and commit other acts of terrorism in the U.S. to be blamed on Cubans.
- 1963 - 16th Street Baptist Church bombing. A member of the Ku Klux Klan bombed a Church in Birmingham, Alabama, killing four girls.

- 1965 March 5 - The U.S. president starts "Rolling Thunder" bombing campaign to terrorize Ho Chi Minh into negotiating with the U.S.
- 1969 - A bomb in a Bank killed 16 people in Milan.

1970s

- 1970 - October Crisis (Quebec): FLQ murder of Pierre Laporte, kidnapping of James Cross.
- 1970 - Nahariya/Avivim School Bus Attack by Palestinian PLO terrorists.
- 1972 - Lod Airport Massacre by the Japanese Red Army terrorists.
- 1972 - Munich Olympis Massacre by Black September.
- 1972 - Bloody Friday nine are killed and many injured as Provisional Irish Republican Army (IRA) set off 22 bombs.
- 1974 - Guildford pub bombing by the IRA leaves 5 dead and 44 injured.
- 1974 - Birmingham pub bombing by the IRA kills 19, 182 people are injured.
- 1974 - Kiryat Shmona Massacre at an apartment building By the Popular Front for the Liberation of Palestine Palestinian terrorists.
- 1974 - Maalot Massacre at the Maalot High School in Northern Israel by Popular Front for the Liberation of Palestine Palestinian terrorists.
- 1974 - UVF detonate 3 car bombs in Dublin and one in Monaghan.
- 1975 - Tel Aviv Savoy Hotel guest attacked by Palestinian PLO terrorists.
- 1976 - Hijacking of Air France Flight 139 (Tel-Aviv-Paris) and the following Operation Entebbe.
- 1976 - 73 died when a Cubana aircraft was bombed while flying from Barbados to Havanah.

- 1978-1995 - The Unabomber kills three and injures 29 in a string of anti-technology bombings.
- 1978 - A bomb is detonated outside the CHOGM meeting in Sydney Australia, killing 2 people. 3 Ananda Marga members are late arrested and jailed for the attack.
- 1978 - Palestinian Fatah terrorist on the Tel Aviv – Haifa highway kill 34 Israelis.
- 1979 - Lord Mountbatten and three others are killed by IRA.

1980s

- 1980 - Archbishop Oscar Romero assassinated by Death squads in El Salvador.
- 1980 - Four US nuns killed by death squads in El Salvador.
- 1980 - December U.S trained Salvadoran Army unit executes 800 civilians at the village of el Mozote.
- 1980 - Neo-Fascist bomb kills more than 80 people in Bologna railway station.
- 1982 - In the September 16-18 Sabra and Shatila Refugee Camp Massacre, Christian Phalangist irregular army units massacre several thousand men, women and children. An Israeli Commission found then defense minister Ariel Sharon partially responsible.
- 1982 - Two bombs in Hyde Park and Regent's Park, London by the IRA kill 18 members of the Household Cavalry and the Royal Green Jackets seven horses are also killed.
- 1983 - US Embassy Bombing in Beirut, Lebanon kills 63.
- 1983 - Marine Barracks Bombing in Beirut kills 241 US Marines.
- 1983 - Harrods bomb by the IRA. Six are killed (including three police officers) and 90 wounded during Christmas shopping at the West London department store.
- 1984 - IRA bomb in the Grand Hotel Brighton 5 are killed in an attempt to kill members of the British cabinet.

- 1985 - TWA Flight 847 hijacking.
- 1985 - Achille Lauro cruise ship hijacking by Palestinian Liberation Front.
- 1985 - IRA mortar attack kills nine soldiers in Newry.
- 1985 - Air India flight 182 is blown up by a bomb put onboard the flight from Canada by Sikh nationalists. All 329 passengers are killed.
- 1985 - Egypt Air Flight 648 hijacked by Abu Nidal group, flown to Malta, where Egyptian commandos storm plane; 60 are killed by gunfire and explosions.
- 1985 - Palestinian terrorists kill twenty people inside Leonardo da Vinci International Airport near Rome and Vienna International Airport in Vienna.
- 1986 - New Year's Eve fire at the Dupont Plaza Hotel in San Juan, Puerto Rico, claimed 97 lives, mainly in the casino area. Fire set by 3 hotel workers, trying to make tourists stay away from Puerto Rico as a protest to their working wages.
- 1986 - TWA Flight 840 bombed on approach to Athens airport; 4 Americans, including an infant killed.
- 1986 - Berlin discotheque bombing on April 6, the La Belle discotheque, a known hangout for U.S. soldiers, was bombed, killing 3 and injuring 230 people, for which Libya is held responsible.
- 1986 - Pan Am Flight 73 is hijacked; 22 people killed when plane is stormed in Karachi, Pakistan.
- 1987 - Enniskillen massacre. Remembrance Day parade in Enniskillen, County Fermanagh is bombed by the IRA and 11 are killed and 63 injured.
- 1988 - Pan Am Flight 103 bombing(Lockerbie).
- 1989 - Ten Royal Marines bandsmen are killed and 22 injured when base in Deal, Kent is bombed by the IRA.
- 1989 - UTA Flight UT-772.

1990s

- 1990 - A series of car bombings directed by the IRA in Northern Ireland leave 7 people dead and 37 wounded.
- 1991 - Two IRA members are killed by their own bomb in St Albans.
- 1992 - Israeli Embassy destroyed by car bomb in Buenos Aires, Argentina; 29 die.
- 1992 - Eight Protestant builders killed by an IRA bomb on their way to work at any Army base near Omagh.
- 1993 - World Trade Center bombing.
- 1993 - Failed New York City landmark bomb plot.
- 1993 - Mumbai car bombings in India.
- 1993 -IRA bomb in Warrington kills two children.
- 1993 - IRA detonate a huge truck bomb in the City of London at Bishopsgate, killing two and causing approximately £350m of damage.
- 1993 - A bomb at a fish and chip shop on the Protestant Shankill Road, Belfast kills 10 people, including two children.
- 1994 - Bombing of Jewish Center in Buenos Aires, Argentina kills 86 and wounds 300.
- 1994 - Baruch Goldstein machine gun attack on mosque in Hebron.
- 1994 - Air France Flight 8969 is hijacked by GIA members who planned to crash the plane on Paris but didn't succeed.
- 1994 - A small bomb explodes on board Philippine Airlines flight 434, killing a Japanese businessman. Authorities found out that Ramzi Yousef planted the bomb to test it for his planned terrorist attack.
- 1995 - Operation Bojinka is discovered on a laptop computer in a Manila, Philippines apartment by authorities after an apartment fire occurred in the apartment.
- 1995 - Sarin gas attack on the Tokyo subway.
- 1995 - Oklahoma City bombing.

- 1995 - Bombing of military compound in Riyadh, Saudi Arabia.
- 1996 - Central Bank Bombing in Sri Lanka kills 90 and wounds 1,400.
- 1996 - A series of four suicide bombings in Israel leave 67 dead and 161 wounded within 10 days.
- 1996 - Centennial Olympic Park bombing, killing one and wounding 111.
- 1996 - IRA break their cease-fire and kill two in a bomb at the Canary Wharf towers in London.
- 1996 - Manchester bombing by IRA.
- 1996 - Khobar Towers bombing.
- 1997 - Islamic terrorists attack tourists at the Luxor pyramids in Egypt, killing 58 people, many of them German and Japanese vacationers.
- 1998 - U.S. embassy bombings.
- 1998 - Omagh bombing by the so-called "Real IRA" kills 29.
- 1999 - Gunmen opened fire on Shi'a Muslims worshipping in an Islamabad mosque killing 16 people injuring 25.
- 1999 - David Copeland nail bomb attacks against ethnic minorities and gays in London.
- 1999 - Ahmed Ressam is arrested on the US-Canada border in Port Angeles, Washington; he confessed to planning to bomb the Los Angeles International Airport as part of the 2000 celebration terrorist attacks plot.
- 1999 May 9 - Chinese authorities claim U.S. attacked the Chinese embassy in Yugoslavia as an act of terrorism in response to suspected Chinese support for U.S. enemies.
- 1999 - Jordanian authorities foil a plot to bomb US and Israeli tourists in Jordan and pick up 28 suspects as part of the 2000 celebration terrorist attacks plot.
- 1999 - Indian Airlines Flight 814, which just took off from Kathmandu, Nepal for Indira Gandhi International Airport in Delhi, India is hijacked, one passenger is killed and some hostages are released. After negotiations between the Taliban and the Indian government, the last of the remaining hostages on board Flight 814 are released.

- 1999 - Russian Apartment Bombings lead Russia into Second Chechen War.

2000s

- 2000 - The last part of the 2000 celebration terrorist attacks plot fails, as the boat meant to bomb the *USS The Sullivans* sinks.
- 2000 - Beginning of a campaign of attacks on civilians in Israel.
- 2000 - USS *Cole* bombing.
- 2000 - German police foil plot to attack a cathedral in Strasbourg, France.
- 2001 September 11 - Terrorist Attack ("9/11") kills thousands in New York, and hundreds in Washington, D.C. and Pennsylvania.
- 2001 - Paris embassy terrorist attack plot foiled.
- 2001 December 13 - Terrorist attack on Indian Parliament.
- 2001 - Palestinian attacks against Israeli civilians continue.
- 2001 - Richard Reid attempts to destroy American Airlines Flight 63, is subdued by passengers and flight attendants before he could detonate his shoe bomb.
- 2002 - Singapore embassies terrorist attack plot foiled.
- 2002 June 14 - Terrorist attack outside US Consulate in Karachi.
- 2002 - Limburg tanker bombing in Yemen.
- 2002 - Murder of Daniel Pearl.
- 2002 - Bali car bombing of holidaymakers.
- 2002 - Zamboanga bombings in the Philippines.
- 2002 - Moscow theatre siege.
- 2002 - Most deadly year of Palestinian terror campaign against Israel, including the Passover Massacre in which 30 people are killed.

- 2002 - Chechen militants carry out several deadly suicide bombings across Russia and nearby provinces, killing more than 250 people.
- 2003 May 12 - Riyadh Compound Bombings –bombings of United States expat housing compounds in Saudi Arabia kill 26 and injured 160. Al-Qaeda blamed.
- 2003 May 16 - Casablanca Attacks in Casablanca, Morocco leaves 41 dead. The attack involved 12 bombers and 5 targets. The targets were “western and Jewish”. Attack attributed to al-Assirat al-Moustaquim, a Moroccan group but “al-Qaeda influence not ruled out.”
- 2003 August 19 - Canal Hotel Bombing in Baghdad, Iraq kills 22 people including the top UN representative, Sergio Vieira de Mello.
- 2003 - Borrowing a name from a 1996 book on the tactic, Shock and Awe, U.S. president uses attacks on television studios and hotels, among other targets, to terrorize supporters of Saddam Hussein.
- 2003 - In response to the US invasion of Iraq, terrorists in that country stage dozens of suicide bombings targeting Iraqi and Coalition targets.
- 2003 - Istanbul Bombings – Within five days, truck bombs go off at two synagogues, the British Consulate, and the HSBC Bank in Istanbul, Turkey.
- 2003 October 15 - A bomb is detonated by Palestinians against a US diplomatic convoy in the Gaza Strip.
- 2004 - 109 Kurds are killed in 2 suicide bombings in Irbil, Iran.
- 2004 - Bomb on Moscow subway kills 39.

Appendix G

**Draft International Convention To Enhance Protection
From Cyber Crime and Terrorism**

Article 3

Offenses

1. Offenses under this Convention are committed if any person unlawfully and intentionally engages in any of the following conduct without legally recognized authority, permission, or consent:

(a) creates, stores, alters, deletes, transmits, diverts, misroutes, manipulates, or interferes with data in a cyber system for the purpose and with the effect of providing false information in order to cause substantial damage to persons or property;

Article 4

Attempts, Aiding and Abetting, Conspiracy

An offense under this Convention is committed if any person unlawfully and intentionally:

1. attempts to engage in any conduct prohibited in Article 3;
2. aids or abets others in engaging or attempting to engage in any conduct prohibited in Article 3; or
3. conspires with others to engage in any conduct prohibited in Article 3.

REFERENCES

1. Addressing International Enforcement Issues Related to Cyber crimes and Cyber Terrorism: A Concern of the Philippine Center on Transnational Crime, Directorate for Research, Philippine Center on Transnational Crime, August 31, 2000
2. Anti-Terrorism Measures In South Africa and Challenges Facing Prosecutors, Bulelani Ngcuka – The National Director of Public Prosecutions, Head of the National Prosecuting Authority of South Africa, at the International Association of Prosecutors 8th Annual Conference, Washington DC, 10-14 August 2003
3. Cyberspace, A New Medium for Communication, Command and Control by Extremists, Michael Whine, Director of the Board of Deputies of British Jews Defence and Group Relations Division, May 5, 1999
4. Defining Terrorism – Is One Man's Terrorist Another Man's Freedom Fighter? Dr Boaz Ganor, ICT Director Sept 24, 1999
5. Ministerial Conference of the G-8 Countries on Combating Transnational Organized Crime, Communique, Moscow, Oct 19-20, 1999
6. PCTC Paper on Terrorism (Philippines), Police Superintendent Felipe L Rojas, www.pctc.gov.ph/edocs/papers/International_Terrorism.htm
7. Summary of Discussions – Tackling Cross Border Crime – Challenges of International Development Cooperation. www.dse.de/ef/crime/rep.htm.
8. Terrorism: No Prohibition Without Definition, Dr Boaz Ganor, ICT Executive Director Oct 7, 2001
9. Transnational Crime Updates and the National and Regional Responses, Directorate for Research, PCTC Nov 29, 2000
10. What is Terrorism? www.terror.gen.tr/english/whatisterrorism/index.html
11. The New Terrorism – Anatomy, Trends and Counter Strategies, Andrew Tan and Kumar Ramakrishna (eds.), Singapore, Eastern Universities Press.
12. Political Terrorism, SWIDOC, Amsterdam and Transaction Books, 1988m, Alex P. Schmidt and Albert I. Jongman et al.

GLOBALISATION(S) AND THE COMMONWEALTH(S) IN THE NEW CENTURY: TOWARDS 'NEW MULTILATERALISMS' RATHER THAN UNILATERALISM?

Timothy M. Shaw

Timothy M. Shaw is the Director, Institute of Commonwealth Studies and Professor of Commonwealth Governance and Development, School of Advanced Study, University of London, London, United Kingdom. He has published a number of monographs on International Affairs of Africa, journal articles on Political Economy of Africa and articles in magazines. He received his BA in Politics and Sociology from the University of Sussex, MA in International Relations from University of East Africa, MA and Phd in Politics from Princeton University. He is also an Occasional consultant for CIDA, DFAIT, IDRC, UN, UNDP, UNECA, UNESCO, UNU etc.

The Commonwealth is a unique grouping, embracing developed, developing and least developed countries across all regions of the globe, and including many of the world's smallest countries. It is a valuable forum for addressing issues such as tax, competition, money laundering, and corruption, as well as broader political issues such as good government. We will work to sharpen the focus in the Commonwealth's activities on its areas of comparative advantage. (DFID 2000: chapter 8, para 350)

'New multilateralism' (Keating 2002: 5-6) has emerged in the post-bipolar era as a symbol of novel, flexible forms of international cooperation which is not only state-centric, long-term, comprehensive, universal and/or top-down but may also be non-state, short- or medium-term, specific, sub-universal and bottom-up (Cox 1997). Good examples of such redefined multilateralism are 'coalitions of the willing', humanitarian or other forms of 'intervention', Montreal and Kyoto Accords, Ottawa and Kimberley Processes, This article suggests that, at its best, inter and non-state Commonwealths may come to epitomize such new multilateralism, but when either/both

fail to identify or respond to emerging issues or crises, then they symbolise its deficiencies or limitations. Certainly, in a world of two hundred states, with one strategic hegemon, the imperative of creative multilateralism is undeniable, especially post-9-11/ Afghanistan/Iraq: can the Commonwealths rise to this challenge in the new and unstable new millennium?

After its first half-century, the Commonwealth or Commonwealths - official and unofficial, cultural and social as well as economic, political and strategic - are at something of a crossroads, facing an unexpectedly complicated and conflictual world, certainly not a 'new world order' yet hardly a simple 'clash of cultures' or a 'coming anarchy' either. My thesis is that, given the impetus of decolonisation, the Commonwealth 'family' - both official and non-official - was ahead of other inter- or trans-national organisations in the middle of the Cold War in the 1970s in terms of ideas, links, networks etc. Yet, despite the successes of the anti-apartheid struggles, the grouping was in decline by the mid-1990s despite the end of bipolarity. Can it recoup its status as pioneer among global agencies by, say, 2010 in a distinctive post-Cold War yet hardly -conflict context? The inter-state Secretariat asserts that:

...the modern Commonwealth is a family with members in every continent and their association is as much a Commonwealth of peoples as of nations; it is a network not only of governments but also of individuals, non-governmental organisations and civil society groups. (Commonwealth Secretariat 2001b: 1)

But how 'joined-up' is it in reality (Shah 2002)? Is the whole really bigger than the sum of the parts? And how 'competitive' is it with other international agencies/networks in the new century, such as ASEAN, EU and NAFTA, even the enlarged NATO? In short, might it yet catch the wave of any new multilateralism or is it in danger of being submerged by the revival of US strategic unilateralism and/or by more focused and flexible forms of multilateralism such as heterogeneous 'coalitions of the willing' around Montreal, Ottawa and Kimberley Processes?

i) COMMONWEALTHS AT TURN OF THE MILLENIUM

As Ian Taylor recently indicated, official and unofficial Commonwealths together constitute a very under-appreciated and -analysed (as well as -funded?!) feature of contemporary world politics, especially in terms of their contribution to any new multilateralism:

Past literature on the Commonwealth has been overwhelmingly descriptive, historical and lacking in theoretical substance. It has also, perhaps like the Commonwealth itself, sought to avoid controversy and has been largely devoid of any strong critical reflection of the organisation. (Taylor 2000: 51)

In response, I seek to advance the comparative study of inter- and trans-national organisations/relations, treated as new multilateralism, by placing the Commonwealth nexus or family in context at the start of the new millennium (Randall 2001). To develop my thesis, then: it is that the inter- and non-state Commonwealth is uniquely placed because of its genesis, composition and character to play a crucial role in advancing human development and security in the twenty-first century by contrast to some other global agencies which lack its rather unique flexibility and adaptability. But, conversely, it may lose such comparative advantage if it fails to appreciate and exploit generic opportunities such as using the current global *lingua franca* of commerce and diplomacy, English.

Regrettably, yet symptomatically, unlike the United Nations (UN) system in New York, Geneva, Vienna, Nairobi etc - now approaching its 60th year - or the international financial institutions in DC, the contributions of the Commonwealth to new multilateralism – to global government/governance and international development - have not been seriously considered by either students of international relations/organisations or policy-makers concerned with multilateralism or global governance. It is not mentioned for instance in the Report of the Commission on Global Governance, *Our Global Neighborhood* (1995), even though Shridath (Sonny) Ramphal, the second Secretary-General of the Commonwealth (1975-1990), was its co-chair!). The latest collection from UNU WIDER on *Governing Globalisation* (Nayyar 2002) is likewise silent on the Commonwealth(s) as are a recent EGD I report coedited by Bjorn Hettne and Bertil Oden (2002), a recent monograph on *Multilateral Institutions* (Boas and McNeill 2003) and a new monograph from Mark Brawley (2003) on *The Politics of Globalisation*.

The pair of *fin de siecle* essays by Jean Philippe Therien (1999) and Tom Weiss (2000) provide informed, nuanced and succinct overviews of the origins and varieties of contemporary international or global governance. The former differentiates current UN from World Bank formulations while the latter looks at the concept's evolution since 1945, the half-century of the Commonwealth: OECD, Ramphal Commission and UNDP as well as IBRD and UN deliberations

and formulations. All such connections or contracts have since been 'updated' or 'modernized' by reference to 'networks' and 'partnerships', which typically include corporate as well as civil society partners.

I advance my comparative analysis by looking at the Commonwealth(s) in relation to ongoing pro- and anti-globalisation movements and then considering their lessons for/from established disciplines and debates.

ii) THE COMMONWEALTH IN THE NEW CENTURY GIVEN GLOBALISATION and ANTI GLOBALISATION ONTO 'SMART' NETWORK 7 THINK TANK FOR HUMAN DEVELOPMENT/ SECURITY?

If the Commonwealth does have a future as a thriving and relevant intergovernmental organisation, it is probably through some combination of the last three 'reinventions' listed here (small states, good governance and globalisation) ...Alongside the 'network of networks' that the Commonwealth still embodies and its lingering community-like features it would still be possible for the Commonwealth to play a role that was both highly visible and not duplicated by any other intergovernmental organisation. (Armstrong 2001: 46-47)

Given its inherent limitations as well as distinctiveness, the Commonwealth has to be 'smart' to define and maintain a niche in a world of competing regional to global arrangements, now including willing coalitions for particular humanitarian or other interventions. This reflects the comparative framework of Cox and Jacobson (1973) in which they emphasise how international organisations evolve in response to external competition as well as internal pressures. As Cox (1999) and others recognise, most new issues and creative coalitions have come from below rather than above, especially in the post-Cold War era: biodiversity, 'blood diamonds', diasporas, gender, governance, human rights, indigenous communities, land-mines (Tomlin 1998) (www.icbl.org), ozone (Haas 1989), small arms (GIIS 2004) etc.

Such emerging global issues typically are brought into the Commonwealth arena initially by its unique set of Pan-Commonwealth professional associations, which now number some 70, following 'a virtual explosion' in their ranks in the post-independence era (McIntyre 2001: 168). However, with the parallel rise of NGOs in

'global civil society' in the last two decades of the twentieth-century, some of these rather traditional and staid associations have been somewhat overtaken and overshadowed by the NGOs, including some large INGOs which are active in the 'Commonwealth Plus'; i.e. centred in but limited to the Commonwealth's member-states (e.g. AKF, Oxfam, SCF etc) (Lindenberg and Bryant 2001). The people's Commonwealth and the Foundation can draw strength from such connections, but the Secretariat remains congenitally cautious, tending to be driven by the lowest common denominator (Shah 2002). Hopefully the recent Expert Group on Democracy and Development (Commonwealth Secretariat 2003) which treated MDGs etc, chaired by Manmohan Singh and including such non-establishment figures as Richard Jolly and Martin Khor, might revive the lapsed tradition of creative analysis and direction from Marlborough House so that the Commonwealth might again punch above its weight.

To date, while the former - Foundation - has advanced its network around non-state governance and has provided the framework for the innovative Commonwealth Human Rights Initiative (CHRI) of some eight professional associations and has nurtured the CPSU, the latter - ComSec - has not been actively engaged in several current issues such as land-mines or small arms. Such 'silences' are telling. Similarly, the 'Mbeki' High Level Review to outline the medium-term future was hardly creative, as the alternative 'Vision' (crafted by and a reflection of a willing coalition of non-state groupings) indicated. Mbeki does not indicate where the Commonwealth might again become more than an advocacy coalition; ie over what issues it could again become an epistemic community (Commonwealth Secretariat 2002: 33-57) so contributing to new multilateralism(s).

Several representative and visible groupings in the unofficial Commonwealth lament the inter-state association's apparent inability to contribute effectively to the new multilateralism. Certainly, the 2001 report of the CHRI (2001: 24) was not sanguine about receiving much attention or support given its assertion that pervasive poverty in the Commonwealth has now become a human rights issue. It called for the 'new' Commonwealth to become a champion of human rights as the means to eliminate poverty through a more effective CMAG and Human Rights Unit along with a new post of Commonwealth High Commissioner for Human Rights. And likewise, the Secretariat's apparent discomfort with myriad issues around indigenous communities is not reassuring in terms of its adaptability and flexibility. As Alison Duxbury (1997: 386) cautioned well before the end of the twentieth century:

While the Commonwealth has used rights to reaffirm its role as an international organisation, further reform is needed if it is to fulfill all the functions traditionally performed by such institutions.

Here I turn to the very new 'virtual' Commonwealths to which all the younger generation related before and after the Mancunian games. One of the wonders of contemporary globalisation is the ability to be anywhere (in the Commonwealth, from Malaysia to Mauritius to Malawi) anytime as myriad and increasingly interconnected Commonwealth websites so indicate.

While civil society in the Commonwealth is officially recognised, encouraged and nurtured, in fact there has been considerable caution in the Secretariat, reflective of some member regimes' ambivalence. Yet in mid-2004 a new pan-Commonwealth Civil Society Advisory Committee was established in the Foundation, with its elected representatives being included in the Foundation's executive body. Thus, the very limited formal contact between the official and unofficial around CHOGM: the NGO Forum is hardly reflective of the diversity and energy of communities or agencies, notwithstanding the innovation of a Commonwealth People's Centre/Festival (Commonwealth Foundation 2001c), essentially a market-place for non-official activity. Such arrangements are imperative if any distinctive notion of 'Commonwealth governance', as opposed to less organic or authentic IBRD or UN/UNDP versions (Therien 1999, Weiss 2000), is to be designed and developed.

However, the CHRI (2001: 24) cautions that 'open governance' in the Secretariat and related official organs is elusive and that formal consultation with civil society is insufficient, calling for the Secretary-General to 'signal his clear and unequivocal support for the unofficial Commonwealth and the importance of these somewhat bottom-up networks for the longevity of the Commonwealth itself.' The CPSU's current project on 'Joining up the Commonwealth' (www.cpsu.org.uk) constitutes a most welcome, empathetic overview of the limits and prospects (Shah 2002). In association with RCS and ComSec consultations and deliberations, hopefully the Commonwealth family can once again maximise rather than minimise its inherent advantages. Indeed, the Secretariat has advertised a series of challenging posts over the last 12 months, reflective of new demands plus new resources.

There is another important, yet largely unrecognised aspect to the Commonwealth's networking, especially for those members who are immigrant societies and/or multi-racial/-cultural: it facilitates relations among diasporas. As much of the world becomes more

cosmopolitan – not just traditional immigrant countries like Australia and Canada but also Britain and South Africa etc – so Commonwealth connections constitute a framework for communication and understanding: the Harare principles applied domestically as well as externally? Hence the continuing burgeoning of Commonwealth literatures etc: onto the annual Commonwealth writers' prize.

In short, alternative 'inclusive' versus 'exclusive' scenarios or 'futures' can be envisaged for the Commonwealth family over the next decade or so (McIntyre 2001: 221-229), with implications for advancing or retarding multilateralism. The former would entail a welcome for the diverse range of non-state institutions and relations, such as the Commonwealth Games, Writers' Prize and Young Commonwealth. By contrast, the latter would constitute a retreat away from engagement with civil society, tentatively pursued in the last decade, back towards a more limited, state-centric focus, even if 'governance' remained on the agenda, albeit in diluted form, more compatible with prevailing IBRD and UN/UNDP formulations and *de facto* US unilateralism and veto. The former would tend to attract more NGO attentions whereas the latter might attract more state applicants, even members.

Hence, as suggested at the start, the Commonwealth is at something of a crossroads at the start of the new millennium (Bourne 2001), intensified by the understandable yet regrettable postponement post-September 11 of the official CHOGM from October 2001 to March 2002 (Commonwealth Secretariat 2002). To be sure the People's Commonwealth proceeded with vigour in Brisbane (Commonwealth Foundation 2001c), but missed the other, official side to which to relate. And now Amanda Shah (2002) and others are seeking to identify ways to transcend such solitudes. Hopefully, in taking the events on and after September 11 into account the Mbeki report can be further revised to reflect the profound challenge of global governance after two decades of neo-liberalism and related inequalities and alienation: the intensity of some forms of anti-globalisation.

iii) THE COMMONWEALTH IN COMPARATIVE PERSPECTIVE: ONTO RESTRUCTURING AROUND THE BIENNIAL SUMMIT BETWEEN ABUJA and MALTA?

The half-century of the state and non-state Commonwealth, coinciding with the founding and then programming of the Institute which I am honoured to presently animate, I would argue should have generated some insights of relevance to several fields of analysis and policy

debates, especially in terms of contributions to both old and new multilateralism.

I highlight a trio of these below, but beforehand would also note some 'silences' of special relevance to such multilateralism: the Commonwealth does not relate to issues of (national, regional or global) security, except in a very broad sense of enhancing the context for human security (though, as noted below, it has recently advertised for several new officers to inaugurate an enhanced 'good offices' facility), or regionalism, although there are some regional dimensions to the Foundation's youth and professional activities (Lundun and Jones 1997). Further, the Commonwealth has not been an active player in peace-keeping interventions, though its election monitoring augments longer-term confidence-building (Sives 2001) and occasional appointments of special representatives of the Secretary-General can nudge mediations in some of the smaller member-states (Anglin 2000); in late 2002, it advertised posts in a new good offices section in its political affairs division. Neither has the Commonwealth related to regional economic blocs like the APEC, ASEAN or NAFTA although these impact its members' development prospects profoundly; but, happily, it is beginning to dialogue with the EU, which post-accession 2004 had a trio of off-shore, island Commonwealth members shortly (including the UK!). Unlike some other regional or sub-global groupings in the UN system, the Commonwealth has not used that forum to advance its network or concepts though, post-Mbeki review, its Ambassadors-cum-High Commissioners in NYC are beginning to meet monthly.

Before turning to the trio of discourses where the Commonwealth holds particular relevance, let me note the dramatic impact which new technologies associated with both pro-and anti-globalisation movements (Addison and Rahman 2002) have had for it and other international organisations, state and non-state. The internet, which is dominated by the Commonwealth's own English language, has transformed the family along with other such inter- or trans-national agencies (McIntyre 2001: 231-234) even if the 'digital divide' reinforces the North-South fissure throughout all of them! Hence the expanding role for the ACU as a 'knowledge network' of great relevance to the global political economy/culture - the centrepiece of the BOP issue? - from Bangalore to Singapore, Britain to Mauritius, where the English-speaking communities have an advantage (Addison and Rahman 2002, Lundin and Jones 2001): onto the next CHOGM's motif: networking within the Commonwealths.

The Commonwealth itself now exists 'virtually' as well as in reality as indicated in the helpful list of web-sites in an appendix in McIntyre (2001: 231-234), some of which are listed below in the Bibliography. This 'virtual' Commonwealth may appeal more to the new generation throughout its 54 members than the old-fashioned CHOGMs of middle-aged men etc. Happily, most major Commonwealth web-sites are hyper-linked to each other so one can 'surf' both official and unofficial Commonwealth any day, anytime, anywhere (see Commonwealth Secretariat flyer 'Click into the Commonwealth' (London, August 2001)).

iv) LESSONS FOR/FROM NEW MULTILATERALISM

I conclude by reflecting on lessons from the Commonwealth in relation to continuing debates about multilateralism(s) at the start of the millennium for a trio of disciplines or debates with which I've been associated for some four decades.

First, in regard to established 'disciplines' like *political science/ international relations/ foreign policy*, including old and new multilateralisms, the Commonwealth nexus is a prime case of endless institutional adaptation as Empire gave way in stages to new forms of governance: not so much planned decolonisation as muddling through. And certainly for small, especially island, states (Sutton 2001), it remains a very attractive forum in which they are not totally overshadowed. Furthermore, as an international organisation, it was, not always wittingly, in the *avant garde*, of the movement for such inter-state agencies to engage non-state actors, notably civil society. Fortuitously, this trend accelerated in the post-Cold War era, just as the Commonwealth was seeking a post-apartheid *raison d'être* (Vale and Black 1994). So it was well-placed to maximize the benefits to it of the historic nexus of professional associations and related NGOs clustered around the Commonwealth Foundation. Nevertheless, as already indicated, the Secretariat still exhibits ambivalence about being too positive towards the unofficial or people's Commonwealth, not wishing to yield the initiative to it, notwithstanding its invaluable role in discovering and advancing new global issues around the turn of the century.

Moreover, other global institutions have begun to emulate the Commonwealth and develop their own working relations with civil

society, notably the World Bank, which has the resources to co-opt at least programmatic if not advocacy NGOs, and the UN. And both of these have gone further than the Commonwealth (cf Commonwealth Business Forum (www.cbforum.com) especially its 'tri-sector' activities) in developing close working relations with the private sector, again the former in terms of subcontracting, the latter in terms of image and finance: the UN Global Compact ([HYPERLINK http://www.unglobalcompact.org](http://www.unglobalcompact.org)) as advanced by another Canadian international relations scholar, John Ruggie et al. The Commonwealth may be in danger of being left behind by the movement for 'partnerships' or 'strategic alliances' as advanced by the Body Shop (www.thebodyshop.com), Copenhagen Centre (www.copenhagencentre.dk), New Academy for Business etc. Yet CHOGM has carved out its own niche/claim. And the Foundation has a new, active Civil Society Advisory Committee, which has representatives on its executive committee for the first time.

Second, in relation to *development studies*, now along with global (globalisation?) studies (www.acu.ac.uk and www.dsa.ac.uk), the Commonwealth has been quite adaptable in terms of recognising new ideas and institutions, such as governance and CHRI etc. But it did not directly confront the prevailing neo-liberal orthodoxy of the last two decades, neither did it take on board all new multilateralist issues which relate to a subset of members such as landmines or blood diamonds. Rather, the Secretariat has 'contracted out' difficult issues like 'human rights' and indigenous peoples to the Foundation: one way to get around a member's de facto veto. The Commonwealth has always been pragmatic and creative in terms of development policies and its recent 'Manmohan Singh' 'Expert Group on Democracy and Development' (Commonwealth Secretariat 2003) has a golden opportunity to mediate between later-day sceptics like Soros (2002) and Stiglitz (2002) and the resiliently conservative IFIs, as indicated by the Foundation's current work on civil societies and MDGs. The Commonwealth remains central to the development strategies of small island states whose challenges now include dealing with the WTO and regional free trade zones as well as sea level rise and cruise boats. And it had already begun to deal with the 'new' issue of offshore financial centres and money-laundering even ahead of September 11 2001, which put the issue high on the global agenda. In short, the Commonwealth nexus constitutes an interesting and representative segway into contemporary issues of globalisation (Payne 2002) – raw material for new multilateralism? - facilitated by its use of/association with the primary *lingua franca* of globalisation, English.

Finally, in relation to *governance*, a central feature of any new multilateralism, the Commonwealth has the potential to bring states, civil societies and corporations together in productive ways given its unique set of professional associations, Business Council, Commonwealth Games etc (cf absence of reference to either non- or inter-state Commonwealth in Anheier 2001 and 2004/5 and Glasius 2002!): signal contributions to new multilateralism in a transformed global context?

If it can facilitate communication, confidence-building and innovation, then it will have earned its status as a smart international agency at the start of the new millennium. For this to happen, it would have to consult continuously with a range of stakeholders and design new consultative mechanisms so that both non-state as well as state members came to feel a higher level of comfort and ownership than at present. Alas, the Mbeki report was not particularly creative in this regard despite both the IBRD and UN (www.unglobalcompact.org) becoming much more competitive in this area of governance. If the Commonwealth is able to build on its unique advantage and heritage in this regard then rather than generic debates about good and global governance (Therien 1999, Weiss 2000), we might come to define and advocate 'Commonwealth governance' Can the several Commonwealths together advance Scholte's ambitions (2000: 206-314, especially 313) to reform and humanise globalisation, thereby advancing human development/security?

In short, at the start of the twenty-first century, the Commonwealth nexus can be seen as a distinctive case of a transition from old – state-centric, comprehensive, top-down, long-term and universal - to new multilateralisms; ie from the well-established tradition of 'international organisation' to the contemporary notion of 'global governance'...one which might attract the interest of medias as well as new generations from around the world. Hopefully, the deliberations of the official Commonwealth at its CHOGM in Malta in late-2005 will reflect such opportunity and optimism especially though its further consideration and elaboration of the Manmohan Singh Group on Democracy and Development.

* an earlier version of this paper appeared in *Commonwealth and Comparative Politics* and is based on revisions to part of my inaugural lecture in Senate House at the University of London on 22 October 2002; the original lecture is available at www.sas.ac.uk/commonwealthstudies.

BIBLIOGRAPHY

- Addison, Tony and Aminur Rahman (2002) 'Capacities to Globalize: why are some countries more globalised than others?' (London: UCL.)
- Anglin, Douglas (2000) 'Zanzibar: political impasse and Commonwealth mediation' Journal of Contemporary African Studies 18(1): 39-66
- Anheier, Helmut et al (2001) *Global Civil Society 2001* (Oxford: OUP for Centres for Civil Society and for the Study of Global Governance, LSE)
- (2004/5) Global Civil Society 2004/5 (London: Sage, 2005 for Centres for Civil Society and for the Study of Global Governance, LSE)
- Armstrong, David (2001) 'From International Community to International Organisation?' *Commonwealth and Comparative Politics* 39(3), November: 31-50
- Boas, Morten and Desmond McNeill (2003) Multilateral Institutions: a critical introduction (London: Pluto)
- Bourne, Richard (1998) (ed) (2001) 'What Next for the Group of 54? Five essays on the future of the Commonwealth of Nations at the start of the 21st century' (London: CPSU, ICS)
- Brawley, Mark R (2003) The Politics of Globalisation: gaining perspectives, assessing consequences (Peterborough, ON: Broadview)
- Commission on the Commonwealth (2001) 'A Future for the Commonwealth' (London, March)
- Commonwealth Business Council (2002) 'Promoting Trade and Investment for Shared Prosperity: achievements and prospects' (London, September)
- Commonwealth Foundation (2001c) 'Commonwealth People's Festival Guidebook' (Brisbane, September)
- Commonwealth Human Rights Initiative (2000) 'Rights Must Come First. The CHRI Unit: a chequered history' (New Delhi)
- (2001) 'Human Rights and Poverty Eradication: a talisman for the Commonwealth' (New Delhi)
- Commonwealth Secretariat (2001a) 'The Commonwealth Today' (London, September)
- (2001b) 'Commonwealth High Level Review Group' (London: Commonwealth Secretariat, October)
- (2002) 'Commonwealth Heads of Government Meetings (CHOGM) 'The Coolom Communique, March 2002' (London)
- (2003) 'Making Democracy Work for Pro-poor Development: report by a Commonwealth group of experts' (London, October)
- Cox, Robert W (ed) (1997) The New Realism: perspectives on multilateralism and world order (London; Macmillan for UNU/MUNS)
- and Harold K Jacobson (eds) (1973) Anatomy of Influence: decision making in international organisation (New Haven: Yale University Press)
- (1999) 'Civil Society at the Turn of the Millennium' Review of International Studies 25(1), January: 3-28
- Duxbury, Alison (1997) 'Rejuvenating the Commonwealth - the human rights remedy' International and Comparative Law Quarterly 46, April: 344-377

- Ford, Kate and Sunder Katwala (1999) 'Reinventing the Commonwealth' (London: Foreign Policy Centre)
- Gladius, Marlies, Mary Kaldor and Helmut Anheier (eds) (2002) Global Civil Society 2002 (Oxford: OUP for Centres for Civil Society and for the Study of Global Governance, LSE)
- Graduate Institute of International Studies (2004) Small Arms Survey 2004: rights at risk (Oxford: OUP)
- Green, Richard (2004) The Commonwealth Yearbook 2004 (London: TSO)
- Haas, Peter (1989) 'Do Regimes Matter? Epistemic communities and Mediterranean pollution control' International Organisation 43(3), Summer: 377-403
- Hettne, Bjorn and Bertil Oden (eds) (2002) Global Governance in the 21st Century: alternative perspectives on world order (Stockholm: Almqvist and Wiksell for EGD)
- Jones, Geoffrey et al (1997) 'Commonwealth Trade and Investment Study' (University of Reading, October)
- Keating, Tom (2002) Canada and World Order: the multilateralist tradition in Canadian foreign policy (Toronto: OUP)
- Lindberg, Marc and Coralie Bryant (eds) (2001) Going Global: transforming relief and development NGOs (Bloomfield, CT: Kumarian)
- Lundun, Sarianna M and Geoffrey Jones (2001) 'The "Commonwealth" Effect and the Process of Internationalisation' The World Economy 24(1), January: 99-118
- McIntyre, W David (2001) A Guide to the Contemporary Commonwealth (London: Palgrave) (NB first, introductory chapter available as Adobe attachment at www.palgrave.com)
- Morphet, Sally (2000) 'States Groups at the UN and the Growth of Member States at the UN' in Paul Taylor and A J R Groom (eds) The UN at the Millennium: the principal organs (London: Continuum)
- Nayyar, Deepak (ed) (2002) Governing Globalisation: issues and institutions (New York: OUP for UNU/WIDER)
- Our Global Neighborhood: the Report of the Commission on Global Governance (1995) (Oxford: OUP)
- Payne, Anthony (2002) 'Resetting the Table for Commonwealth Studies at the Beginning of the 21st Century' Round Table 367, October: 657-661
- Randall, Vicky (ed) (2001) 'Special Issue on the Commonwealth in Comparative Perspective' Commonwealth and Comparative Politics 39(3), November: 1-164
- Round Table (2004) 'Special Issue: Commonwealth perspectives: essays in honour of Peter Lyon' 376, September: 499-640
- Royal Commonwealth Society (2000) 'A UK Response to the High-Level Review of the Commonwealth' (London: RCS with CI, ICS and RT)
- Scholte, Jan Aart (2000) Globalisation: a critical introduction (London: Palgrave)
- Schreuder, Deryck M (2002) 'A Commonwealth for the 21st Century: an organisation whose time has come?' Round Table 367, October: 649-656
- Shah, Amanda (2002) 'Joining Up the Commonwealth: a response to governmental calls for increased co-ordination with civil society' (London: CPSU, August)
- (2003) 'Survival of the Youngest: Pan-Commonwealth NGOs and the younger generation' Round Table 369, April: 249-267

Shaw, Timothy M (2003) 'Globalisation, Anti-globalisation and the Commonwealth(s): governance for development?' Round Table 369, April: 235-248

— (2003a) 'The Commonwealth(s) - inter- and non-state - at the Start of the Twenty-first Century: contributions to global development/governance' Third World Quarterly 24(4), August: 729-744

— (2003b) 'Towards "New Multilateralisms"? Globalisation, Anti-globalisation and the Commonwealth' Commonwealth and Comparative Politics 41(3), November: 1-12

— (2004) 'The Commonwealth(s) and Global Governance' Global Governance 10(4), November:

Sives, Amanda (2001) 'Adding Value to the Commonwealth Democracy Programme: a CPSU submission to the Commonwealth High Level Review on election observation and deepening democracy' (London: CPSU)

Soros, George (2002) On Globalisation (New York: Public Affairs)

Stiglitz, Joseph (2002) Globalisation and its Discontents (New York: Norton)

Sutton, Paul (2001) 'Small States and the Commonwealth' Commonwealth and Comparative Politics 39(3), November: 75-94

Taylor, Ian (2000) 'Legitimisation and De-legitimisation within a Multilateral Organisation: South Africa and the Commonwealth' Politikon 27(1): 51-72

Therien, Jean Philippe (1999) 'Beyond the North-South Divide: the two tales of world poverty' Third World Quarterly 20(4), August: 723-742

Tomlin, Brian et al (eds) (1998) To Walk Without Fear: the global movement to ban landmines (Toronto: OUP)

Vale, Peter and David R Black (1994) 'Seizing the Future: post-apartheid South Africa and the 'post-modern' Commonwealth' Behind the Headlines 51(4), Summer: 1-16

Weiss, Thomas G (2000) 'Governance, Good Governance and Global Governance: conceptual and actual challenges' Third World Quarterly 21(5), October: 795-814

www.acu.ac.uk

www.cbcnet.org

www.col.org

www.commonwealthfoundation.com

www.commonwealth.org.uk

www.commonwealthwriters.com

www.comparlhq.org.uk

www.cpsu.org.uk

www.rcsint.org

www.sas.ac.uk/commonwealthstudies

www.thecommonwealth.org

www.unglobalcompact.org

www.weforum.org

www.youngcommonwealth.org

December 2004

EDITORIAL BOARD

EDITOR-IN-CHIEF

DATO' DR. MOHD YUSOF AHMAD

MANAGING EDITOR

DATO' SALLEHUDDIN ABDULLAH

EDITOR

ROZITA HAJAR

PUBLICATION EDITOR

LEE KUEN YEE

PATRON

YBHG. TAN SRI SAMSUDIN BIN OSMAN
CHIEF SECRETARY TO THE GOVERNMENT OF MALAYSIA

ADVISORY BOARD

TAN SRI AHMAD FUZI HJ. ABDUL RAZAK
TAN SRI GHAZALIE SHAFIEE
TAN SRI ZAINAL ABIDIN SULONG
TAN SRI MUSA HITAM
TAN SRI ZAKARIA ALI
PROF. DR. LEE POH PING
PROF. DR. K.S. NATHAN
PROF. DATO' DR. ZAKARIA HJ. AHMAD



PRINTED BY
PERCETAKAN NASIONAL MALAYSIA BERHAD
KUALA LUMPUR, 2005
www.printnasional.com.my
email: cservice@printnasional.com.my

EDITORIAL OFFICE/PUBLISHER

INSTITUTE OF DIPLOMACY AND FOREIGN RELATIONS

RESEARCH AND PUBLICATIONS DIVISION
JALAN ELMU, 59100 KUALA LUMPUR, MALAYSIA

TEL: (603) 7957-6221 EXT 234
FAX: (603) 7955-3201
E-MAIL: rozita@idhl.gov.my
Website: www.idhl.gov.my