Online ISSN : 2249-460X
Print ISSN : 0975-587X

Global Journal

of Human-Social Sciences: F

Political Science



The Burden of Proof

India Australia Relations

Highlights

The American Foreign Policy

Elites Predation and Insecurity

Discovering Thoughts, Inventing Future

VOLUME 15 ISSUE 5 VERSION 1.0

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Volume 15 Issue 29 was originally issued as F5

Global Journal of Human-Social Science: F
Political Science

Volume 15 Issue 29
Originally issued as F5

Global Journal of Human-Social Science: F

Political Science

Volume 15 Issue 5 (Ver. 1.0)

Open Association of Research Society

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Global Journal of human-social science: f
Political Science
Volume 15 Issue 5 Version 1.0 Year 2015
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460x & Print ISSN: 0975-587X

Problems in Enforcing ICJ's Decisions and the Security Council

By Prof. Aman Mishra
Bharati Vidyapeeth University, India

Abstract- Since the creation of United Nations, the ICJ, popularly known as the World Court, has brought and boosted a positive spirit in international law by infusing the basic ideologies and fundamental principles courtesy its various pronouncements which are slowly transforming in the customary rules of international law. ICJ, since its inception albeit by adhering to some limitations, has done wonders to instill faith of States in international law. However, ICJ is affected by a serious problem for the enforcement of its judgment besides the compulsory jurisdiction issues. The Security Council, the enforcement wing of the UN is the catalyst body to express and execute the will and desires of some States. This paper shall scrutinize the unique relationship that both of these organs of the UN shares. It also highlights the problems and prospects relating to the implementation of ICJ's decisions and the crucial role, sometimes even overlapping, of the Security Council.

GJHSS-F Classification : FOR Code: 360199



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I. Introduction

The International Court of Justice is the principal judicial organ of the Court and is also known otherwise as 'the World Court'. The enforcement of its decisions becomes the responsibility of the Security Council. In this context, both ICJ and Security Council have their own duties, rights & obligations and they also share a unique relationship. . ICJ, since its inception albeit by adhering to some limitations, has done wonders to instill faith of States in international law. However, ICJ is affected by a serious problem for the enforcement of its judgment besides the compulsory jurisdiction issues. A brief analysis of their relationship is necessarily required for the purpose of understanding of the various problems in the enforcement of ICJ's decision. . The Security Council, the enforcement wing of the UN is the catalyst body to express and execute the will and desires of some States. This paper will highlight as to how Art. 94 (2) and Art. 27 of the UN Charter turn into major obstacles in the path of development of public international law and international human rights.

II. UN Charter as International Constitution

Article 94 (2) sanctifies up on the Security Council the power to enforce the judgments of the International Court of Justice and seeks to establish a harmony between these two organs of the UN.

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Art. 94 (1) of the Charter reads as "Each member of the United Nations undertakes to comply with the decision of the international Court of Justice in any case to which it is a party' while Art. 94 (2) lays down that 'If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.'[1]

One must pay close attention to the word 'may' placed under Art. 92 (2) by virtue of which discretion is conferred on Security Council to enforce or not to enforce the judgments of the Court.

It is also very tragic and unfortunate to note that the ICJ Statute which governs and dictates the complete behavior of the Court and State parties also do not contain any provision for the enforcement of its own judgment which actually should bear a mandatory clause and a condition precedent for any States before they approach the World Court. In this context, it was suggested a number of times earlier that Art. 60 of the ICJ Statute must be amended to include the remedy in the form of 'Declaration of non-Compliance'[2].

Article 94 (2) leaves much space for politics to be entered into the decisions of the Security Council while enforcing the judgments of ICJ and thus, corrupts the system. It runs contrary to Art. 60 of the Statute which states that the ICJ's judgment is final and without appeal.

In this context, the jurists and international authors are posed with yet another important question i.e. Can the judgments of ICJ be politically reviewed? The answer to this question would probably be in negative because both the UN Charter and ICJ Statute contain no provisions to that effect. However, one can argue that the decisions of the World Court can indeed be reviewed by other organs of the UN in many other indirect and informal ways. By resorting to Art. 24 (2), the judgments of ICJ may be reviewed keeping in mind various considerations like politics, economic relations with countries in favour of which the judgment has been delivered and other aspects which may be of contemporary value.

[1] See. Art. 94 of the UN Charter

[2] See. Tanzi Antilla, 'Problems of Enforcement of Decisions of the International Court of Justice and the Law of the United Nations' *6 EJIL (1995) 539-572*

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III. Approch of International Court of Justice

However, the use of Article 94(2) since its inception are still rare and utilized only on three occasions: this Article was used by the UK, in 1951, with respect to the *Anglo-Iranian Oil Company* case; by Nicaragua, in 1986, in the case against the United States and by Bosnia-Herzegovina, in 1993, in the case against the Federal Republic of Yugoslavia[3].

The Anglo-Iranian Oil Company case[4] was a typical case of '*litispendence*'. With respect to the ICJ's order, the Security Council exercised its discretion and decided to adjourn the Council's meeting on the issue until the final judgment form ICJ handed down.

Similarly the case of Military and Paramilitary Activities in and against Nicaragua[5] also highlights the use of Art. 94 (2) and ineffectiveness of the ICJ's judgments and inability of the Security Council to deal with the situation. In this case, ICJ delivered the Judgment against USA and Nicaragua asked the Security Council to enforce the judgment as early as possible. Put to the vote, the draft resolution was not deemed to be adopted by the President of the Council due to the negative vote of the United States of America, a permanent Member of the Council.

There also exists an important question i.e. what would be the fate of the case instituted in ICJ if the matter has already been seized by the Security Council. The Famous Lockerbie Case[6] may clarify the situation and provide the answer. Following the bombings of Pam A Flight 103, the US and UK jointly conducted investigations. Based on the findings of investigations, the Security Council adopted a resolution to extradite the suspects from Libya which Libya refused bluntly. Instead Libya instituted proceedings against both USA and UK in the International Court of Justice in the August of 1992. Libya's application was based on Art. 14 (1) of the 1971 Montreal Convention which was then I force between the parties. It pleaded before ICJ to declare that Libya has resorted to national remedies in taking action against and suspects and has complied with all international norms. The United States raised an objection on the ground that the Security Council has already seized the matter of same substance which was mentioned in Libya's application before ICJ and as a result the World Court should not deliver any provisional or other relief in the present matter.

The World Court found that "the circumstances of the case are not such as to exercise its power under Art. 41 of the ICJ Statute to indicate provisional measures"[7]. Thus, the Court reiterated that Both Libya and United States must follow the obligations of Art. 25 of the UN Charter and must carry out the decisions of the Security Council. The Bosnia Genocide Case also reflects the similar approach to the relationship of the ICJ and Security Council[8].

IV. Conclusion

It must always be projected that while dealing with each case, both Security Council and ICJ must be cautious. In the application of Art. 92 (2), the principle of 'Self-restraint' must be followed by the Security Council. In enforcing the judgments of the World Court, the Security Council must give full effect to the judgment in order to ensure effectiveness and abidingness of the international law in general. Political and other consideration must fade away and the veto power in cases where the World Court's decisions are involved must rarely be used. The incidents like Nicaragua must strictly be avoided. The best way feasible in this regard is to amend the relevant provisions of the UN Charter and also the provisions of ICJ Statute specifically to include the power to issue 'declaration of Non-Compliance'.

[3] *Bosnia and Herzegovina* V. *Serbia and Montenegro* [2007] ICJ 2
[4] *United Kingdom* V. *Iran* [1952] ICJ 2
[5] *The Republic of Nicaragua* V. *The United States of America* (1986) ICJ 1
[6] This case is officially referred as 'Questions of Interpretation & Application of the 1971 Montreal Convention (Aerial Incident at Lockerbie) (*Libya* v. *USA*) 1992 I.C.J. 3
[7] See. Schweihman David, 'The Authority of the Security Council Under Chapter VII of the UN Charter: Legal Limits and the Role of the International Court of Justice', Martinus Nijhoff Publishers, 2001, pg. 246
[8] *Id,*

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Global Journal of human-social science: F
Political Science
Volume 15 Issue 5 Version 1.0 Year 2015
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460X & Print ISSN: 0975-587X

The War on Terror and the American Foreign Policy in the Middle East and Abroad

By Herve Muyo
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Abstract- This paper analyzed the Jihadists mindset, perception and view on the conflict opposing the West and the Arab world. This paper perceived this war to be cultural, religious, ideological and economic between western countries and the Middle East. This perception although distorted is important for a deep understanding of the attitudes, motives and behaviors patters of the Jihadists. The understanding of the perception of the conflict between the West and the Middle East was important in the prospect of reducing acts of violence and terror and building peace between the West and the Middle East. The war on terror will not be won by military solution only. This paper points to the needs of shifting the American foreign policy to a more sustainable community building and development approach. The latter has the advantage of bringing another side of the West so that people in the Middle East and abroad can begin to see on the west not only the invader but as a true partner who is willing to help in development project such as housing, food, education, and healthcare.

GJHSS-F Classification : FOR Code: 160699p



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The War on Terror and the American Foreign Policy in the Middle East and Abroad

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Abstract- This paper analyzed the Jihadists mindset, perception and view on the conflict opposing the West and the Arab world. This paper perceived this war to be cultural, religious, ideological and economic between western countries and the Middle East. This perception although distorted is important for a deep understanding of the attitudes, motives and behaviors patters of the Jihadists. The understanding of the perception of the conflict between the West and the Middle East was important in the prospect of reducing acts of violence and terror and building peace between the West and the Middle East. The war on terror will not be won by military solution only. This paper points to the needs of shifting the American foreign policy to a more sustainable community building and development approach. The latter has the advantage of bringing another side of the West so that people in the Middle East and abroad can begin to see on the west not only the invader but as a true partner who is willing to help in development project such as housing, food, education, and healthcare.

I. Introduction

With the end of the cold war, America emerged as the only super power in the world. Russia was no more the equal super power and therefore not a threat to America. However, the 9/11 terrorist attack on the American soil has reminded the world that terrorism was on the rise and constituted the new threat of the 21st century, not Russia. Yet America was neither fully prepared to combat the new threat of the 21st century nor be the leading force against terrorism among the nations. America had to adjust to new challenges that it was not prepared to face. In order to combat terrorism and be a leading force on the war on terror around the world, it is important to understand the root causes of terrorism.

This paper will analyze the American foreign policy in the Middle East and around the world perceived as one of the root causes of the rise of terrorism in the world. This paper will also examine the jihadists' motives of getting into the holy war against America which symbolized the western civilization. This paper will also look at the American foreign policy in Africa and especially in the Democratic Republic of the Congo. Five overarching questions will guide this paper: 1) What is terrorism?; 2) What are the root causes of terrorism?; 3)What is the jihadists' perception of the conflicts between the West and the Middle East?; 4) What is the American foreign policy in the Middle East and abroad?; and 5) What does America need to do to reduce acts of violence and terrorism? Finally, why is Washington's support to Israel perceived as roots cause of terrorism?

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a) Jihadists' world view of the conflict in the Middle East.

The jihadists view the world as if there is clash of civilization between Islam and the West which is first and foremost a war of culture, civilization and religion (Aaron, 2008). The jihadists hold the belief that Islam is under attack by the West and particularly the United States. The Jihadists' perception of the conflict, whether it is a distortion of the reality, justifies the motives of their acts of terrorism towards the western countries. The analysis of jihadist perception of the reality "reinforces totalitarian and conspiratorial mindset" (Aaron, 2008, p.115).

According to Aaron (2008), there is a perception that from the Jihadists' points of view that there is a clash of civilization between Islam and western countries mainly France, Britain and the United States. More importantly, the core of the Jihadists' ideology which constitutes both the perception and the propaganda of the jihadists is that Islam is under attack by the West in general and the United States in particular. Aaron (2008) argues that in many cases Muslims were attacked in many countries as a result of the jihadists' provocation. However the jihadists hold a different perception such as Islam is under attack and that perception or belief taps into deep feelings among Muslims that the West disrespects Islam. The jihadists perceive the war between Islam and the West as a religious-economic war between the Middle East and the US; they often make reference of the war in the time of the crusades; and the West is working on becoming more tolerant and working on changing this belief.

The invasion of Muslim culture by the West through various means and aspects has led jihadists and terrorists to believe that this is the work of evil and the imperialists. The imperialistic power of western countries, namely Europe and the United States, that invade the Muslim world militarily and try to transform it culturally and religiously.

The jihadists' core belief is grounded in affirmations such as the United States has an "agenda of pushing social, cultural and religious transformation and fragmenting elements of Arab and Muslim identity"

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(Aaron, 2008, p.117). The Western imperialism is viewed as a threat for Islam and the Arab world and as an agenda of destroying Islam unity, identity and civilization. This core belief implies that the jihadists have a negative world view of the West who they believe have identified them as Islamic fundamentalist. Moreover, they believe that the West uses different tools and strategies to destroy Islam. These tools include the UN, the multinational corporations, the international relief agency and satellite media channels. Jihadists believe that Muslims suffer aggression, iniquity and injustice imposed on them by the Zionist-crusades alliance and their collaborators; to the extent that the Muslim blood became the cheapest and their wealth as loot in the hands of their enemies (Aaron, 2008).

II. The American Policies in the Middle East

There is a perception that one of the root causes of terrorism lies in the American foreign policies in the Middle East. Gareau (2010) argues that Washington's bad policies and its support given to state terrorists such as Iraq under Saddam Hussein in the 80s, to the Shah of Iran, and to Israel who has terrorized Palestinians for half a century, are the root causes of terrorism in the Middle East. He also stresses that American enemy has evolved over time from communist-leftist movements and supporters to resurgent Islam. This shift took place after the collapse of the Soviet Union and later the 9/11 attack. Usually America considers as enemies those who sympathized with its enemies around the world whether communism or Islamic, the leftist side and movement, those who have different perspectives and ideologies and those who challenge the social order in place (Gareau 2010). This justifies Washington's support to the secular bent of the Shah, to Saddam Hussein, Israel and other dictatorships around the world that share the same perspectives and ideologies and protect American interests whether dictators, terrorists, human rights violators, or not.

Washington's complicity in the State of Israel's terrorism is one of the fundamental reasons for the frustration of the Middle East and its engagement to commit acts of terrorism and why it views Washington as the enemy. Gareau (2010) argues that Israel's pursuit of developing a nuclear weapon and its refusal to sign the Non Proliferation treaty promoted by the Eisenhower administration at one hand and the diplomatic, military and economic support of Washington to Israel within or outside the United Nations have made the USA an accomplice of Israel and causes the Arab world, particularly jihadists and Islamists extremists, to conduct acts of terror and violence towards American interests around the world.

Throughout the history, there have been times when Washington has marginalized the UN in dealing with Israel or when fighting the Persian Gulf War against Iraq; in addition to the US policies of supporting state terrorism in order to protect its interests around the world. Gareau (2010) also cites the example of USA support of the Iraqi regime under Saddam Hussein in the 80s as well as the Israel state towards Palestinians. For instance, the Iraq regime under Saddam Hussein was supported by the United State in order to combat the new Iran regime which it had supported previously. Saddam had inflicted terror in his own country upon taking power. Torture was an instrumental part of his terror. In Saddam Hussein hands terror became a routine instrument of state policy intended to promote a climate of suspicion and to undermine the formation of groups; Amnesty International has listed thirty types of torture used in the country. Under Saddam Hussein, beatings, burning, administration of electric shocks and mutilation were reported (Gareau, 2010, p.175).

Washington's bad policies in the Middle East region are aimed to escalate violence and terrorism in the Islam world. For Gareau (2010) the main reason that Islam jihadists hate the United States is because of its support to Israel. In addition, Washington's attacks on Iraq and Afghanistan and other Muslim countries in the world is part of the grievance. He also thinks that the only way to reduce the Islamists hatred towards Americans and with its terrorism is to stop providing diplomatic, economic and military support to Israel. Washington needs to stop being the chief accomplice of Israel State Terrorism; doing so will reduce hatred and with it terrorism. Washington needs to stop filling the role of providing limitless and endless support to Israel which ranges from diplomatic, economic and military support to protecting even its nuclear arsenal and weapons of mass destruction.

Gareau (2010) has also stressed that if Washington wants to be serious about reducing nuclear weapon in the Middle East region than it should convince Israel to destroy their weapons of mass destruction and sign the Non-Proliferation Treaty and carry out its provision. Based on the past experience during the cold war other countries have developed their nuclear weapons in order to protect themselves against the threat of other countries in the region that have developed similar weapons. Gareau (2010) forms a comparison between Iran's pursuit of nuclear weapons and what happened after the news broke that Germany has a nuclear weapon. Likewise the Middle East is afraid of Israel's nuclear weapon and to protect itself, it is developing their own mass destruction weapon. Clearly Israel's mass destruction weapons in the Middle East region have been an incentive for other countries, such as Iran and Syria, to develop their own nuclear arm in order to protect them.

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III. American Policies Beyond the Middle East

There are pros and cons of the viewed perceptions of American foreign policy around the world. Commonly American foreign policy is perceived as imperialist and militarily stronger, dominating and exploiting weaker countries. The pros believe the American foreign policies promote stability around the world; whereas the cons argue that the rise of terrorism, extremism and radical Islamism in the Middle East should be attributed to the American bad policies. In other ways, with the collapse of the Soviet Union in 1991 and following the 9/11, American policies around the world, and particularly in the Middle East, have brought furry among not only the Jihadists and right wing Islamists but also many African countries such as the Congo.

Gareau's book (2010) provides a second look at American foreign policies that the elites in Washington have put in place but that the average Americans are not aware of. Americans have the right to know what its elected officials are doing on their behalf. Often times, in order to preserve its interests around the world, America goes against the democratic principles that this country was embedded on.

Since 9/11 the USA has engaged more than any nation on earth to combat terrorism domestically and overseas as well. As a free and democratic land, the USA has always defended and promoted democracy and human rights. Nevertheless, Gareau's (2010) analysis shows how Washington policies are contrary to democracy and human rights. The author has also demonstrated that American policies are driven by its interests and that these interests may be contrary to the principles of democracy and human rights. That why often times Washington has supported dictatorship regimes.

The US through his policies has shown strong support to the so called "State terrorists" and dictators around the world. Gareau (2010) provides examples from South and Central America, Asia to Africa where Washington has shown strong supports to State terrorists and dictatorship regimes. Unfortunately the ordinary American people are unaware of the policies carried out on their behalf. He argues that Americans deserve to know what the elected officials do on their behalf. They deserve to know the truth. In fact government actions of supporting State terrorists and dictators may likely be disapproved of by the American public that is why this government's actions are concealed. He posits that if given a chance the public may disapprove what is done on its behalf. The government of the USA needs to be held accountable for its policies around the world that make America be hated, considered evil and number one enemies not only of the Islam world but other countries as well. Gareau (2010) concludes that the main reason for hatred towards America and terrorism acts in the world and the Middle East are the bad policies that America is willing to implement. He believes that one way of stopping that is to decrease American support to Israel and encourage Israel to sign de Non-Proliferation treaties.

Equality, freedom of speech and human rights are the values upon which America was built. However, Washington foreign policies do not always reflect those values. American policies are driven by its interests and sometimes his actions are contrary to the values and principles upon which it was founded. Many cases of support to dictatorship regimes in Africa have led the African people to lose faith and trust in America. Horrible things have happened in countries like Congo and Angola because of The United States' foreign policies. For instance the assassination of Patrice Lumumba, the first legally elected prime minister of the Democratic Republic of the Congo (DRC), who was assassinated 54 years ago, on 17 January, 1961. This heinous crime was a culmination of two inter-related assassination plots by the American and Belgian governments, which used Congolese accomplices and a Belgian execution squad to carry out the deed (Nzongala-Ntalaja, 2011). According to Ludo De Witt, this assassination carried out by the United States was the "most important assassination of the 20th century" (para. 2). The assassination's historical importance lies in a multitude of factors; the most pertinent being the global context in which it took place, its impact on Congolese politics since then and Lumumba's overall legacy as a nationalist leader.

The assassination of Patrice Emery Lumbumba has haunted the imagination of young Congolese of all generations. We were told to never ask questions, and discussions were never allowed in schools. We never knew how this leader was assassinated and who ordered the murder. We would never know what direction the country would have taken if our leader had not been murdered by the American government. Today it is clear, and there is a lot of evidence, that shows that America ordered the murderer of the Congolese leader. Kettle (2000) wrote in the Guardian: "Forty years after the murder of the Congolese independence leader Patrice Lumumba, evidence has emerged in Washington that President Dwight Eisenhower directly ordered the CIA to 'eliminate' him" (para 1). He stressed that the evidence comes from a previously unpublished 1975 interview with the minute-taker at an August 1960 White House meeting of Eisenhower and his national security advisers on the Congo crisis. It turns out that Robert Johnson was the minute taker who, in his own words, said in the interview that he vividly recalled the president turning to Allen Dulles, director of the CIA, and saying "in the full hearing of all those in attendance, and saying something to the effect that Lumumba should be

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eliminated" (para. 3). Mr. Johnson recalled: "There was stunned silence for about 15 seconds and the meeting continued" (Kettle 2000, para. 4).Lumumba, the first prime minister of Congo after its independence from Belgium in June 1960, was forced from office as the country's civil war deepened and was captured by rivals. He was killed on January 17, 1961, becoming one of the key martyrs of the African independence struggle. Unfortunately no direct quotations were ever recorded at the national Security Council meetings, and Mr. Johnson only revealed the exchanges in 1975, when he was privately interviewed by staff of the Senate intelligence committees' post-Watergate inquiry into US covert action (Kettle, 2000). In order to alleviate the US responsibility in the murder of the Congolese leader, the committee concluded that the US was not involved in the murder, though it confirmed that the CIA had conspired to kill Lumumba, possibly on Eisenhower's orders. On the other hand, recent Belgian parliamentary inquiries into the murder implicated Belgium but failed to produce a direct US link. Nevertheless, the transcript of Mr. Johnson's interview has only come to light because it was included in material sent to the US national archives in connection with the assassination of President John F Kennedy (Kettle, 2000).

The effects of the US's disastrous policies go beyond the Middle East. Needless to say that in countries like the Democratic Republic of Congo many others in Africa pay the price of these bad policies which has been equally disastrous to what is taking place in the Middle East. Congo, though a rich country in natural resources, is counted as one of the poorest country on earth. For 32 years, mostly throughout the cold war, America, France, and Belgium put in place and supported a dictatorship in this country ignoring all the principles America stands for and upon which it was founded. After the dictator Mobutu's coup d'état which he carried out with the help of the American, he overthrew Lumumba the Prime Minister who was accused of being communism by the Western countries , he stayed in power for 34 years violating human rights, preventing the population's basic freedom of speech, religion, and democracy. Despite these mass violations of human rights the administration of Bush, Sr. showed its overwhelming support to the dictator Mobutu. Many who fought for democracy in the Congo where eliminated because of the strong support of the USA to the dictatorship.

> "Elevated to power with Western help, Mr. Mobutu in 26 years has amassed billions, including castles, palaces and luxurious estates in Europe. Meantime, the people of Zaire are poorer today than when the former Belgian Congo became independent in 1960 (New York Times, 1991, para. 2).

People in the Congo are impoverished, human rights are violated, free election is absent and there is no right to freely express. The administration of Bush, Sr. and many others supported Mobutu, who in their watch hung opposition leaders and violated human rights and committed different kind of abuses and left the country in extreme poverty and corruption.

Zaire's tragedy is America's embarrassment. Six successive Administrations have closed their eyes to Mr. Mobutu's kleptocracy and down played his brutality. Zaire has been viewed as "an element of stability" (New York Times, 1991, para. 4) in Africa, a vital bulwark against Communism. But with the end of the cold war, Mr. Mobutu lost his last shred of legitimacy (New York Times, 1991).

In the neighboring country of Angola, during the cold war Washington armed a rebellion to fight against a so called communist regime for twenty five years. Hundreds of thousands of people have been killed and human rights have been violated instead of making peace among the factions. Washington should change his policies in Africa and let it be driven by democratic principles rather than interests. Needless to say Mr. Mobutu was a cold war asset. He made himself useful to Washington by aiding a rebellion against a new Marxist regime in Angola. By the 1970's, Zaire was the biggest recipient of U.S. aid in sub-Saharan Africa (New York Times, 1991).

Washington needs to reconsider its foreign policy and align itself with the people who struggle and want a better life; like the kind of life the average people in America want to enjoy. There should be freedom of speech, respect of human rights, and help to build a society of opportunity for all. It is only in this way that they can build trust and restore the trust that has been lost.

With this regard, the Arab spring has forced the USA to side with the people of the Middle East in their pursuit of democracy and freedom. For instance, in Egypt, we have seen Washington provide support to Mubarak, the dictator. Moreover after decades of Washington support to the Mubarak regime which was basically violating human rights, killing and torturing opposition and suppressing freedom of speech, the regime has received billions of the American tax payers' money. The USA was forced to give up with their great friend and ally in the region and side with the people of Egypt because perhaps Washington interests have shifted. America should change its policies in the Middle East by increased development aid such as education, economy, and cooperation of different kinds. America should stop is support to Israel and demand that Israel play by the same rules as other nations in the Middle East. I am convinced that the path to winning the war on terror passes through the two states solution between Israel and Palestine.

With respect to its foreign policy in Africa and particularly to the Congo, America has a chance to make it right. The USA has a chance to rewrite history in

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the Congo-Zaire. One of the way is to side with ordinary people of the Congo-Zaire who want their Democracy to be strengthened, their constitution to be respected; but the current dictatorial regime is not showing any sign of respecting the constitution but to the contrary is willing to incorporate an entity into power unconstitutionally. Will Barack Obama make a difference and avoid the mistakes made by six American administrations; administrations that led to the assassination of Patrice Emery Lumumba and Laurent Desire Kabila and installed Joseph Kabila in power? American foreign policies strengthen the dictatorship of Mobutu which led to the impoverishment of the Congolese people which continue to haunt the imagination of the Congolese people.

Terrorism is the global threat of the 21st century. America more than ever is committed to combat terrorism domestically and abroad. However, some of the foreign policies that Washington has put in place around the world are bad. It does not reduce terrorism but rather it escalates it. According to Gareau (2010), American policies in the Middle East are the root causes of terrorism.

Among these roots causes of terrorism in the Middle East and the world, Gareau (2010) has cited the American support of "State terrorism" and particularly Israel, historical diplomatic, economic and military support. In order to diminish terrorism he has suggested that Washington change its policy in the Middle East and around the world. One of the ways of doing that is to stop its support to Israel and to convince Israel to sign a Non-proliferation treaty.

In addition my analysis has not only examined American policies in the Middle East but also the consequences of such policies around the world and precisely in Africa where America has not behaved according to the principles of the founding fathers. America has shown reckless behavior in defending human rights violators and dictators in order to secure its interests. And often times the average person is never made aware of the atrocities that the Washington elite commit on the behalf of the people who have elected them.

I have also expanded my analysis of American policies in Africa and have compared them to what is taking place in the Middle East; American foreign policies to Africa, to some, have been equally as bad as in the Middle East. In other words, Washington has supported dictators around the world and particularly in Africa. The principles upon which America was built are not respected when it comes to foreign policies. Policies are driven by interests and not values and principles.

With a growing of hatred, acts of violence and terrorism, American policies are tested more than ever and need to be readapted in order to align with the new realties and geopolitics of the current world. It is true that the new challenges that face America are terrorism and Iran nuclear ambitions. America needs to change its policies if it wants to continue to be the leader of the world and to win the war on terrorism. Iranian nuclear ambitions, the war in Syria, the Arab spring, the conflict Israeli-Palestine, bring into question Washington leadership in the Middle East and around the world. America needs to change its foreign policies if it wants to reduce terrorism in the Middle East and lead the world in years to come. Those policies should be grounded in the values and principles upon which America was created.

IV. Jihadists Strategy and Methods

The Jihadists use history and geopolitics in the Middle East as a tool of propaganda and attraction in recruiting more and more people in their organization. They also use occurrences from the past, the history as a toll of propaganda to justify the reasons why there should be a war against the West; the latter's occupation throughout the history as a justification of why they should be retaliation. Jihadists think that the Muslim identity should be preserved and protected against the threat of the West; the Arab character should be reshaped. Islam can find strengths in the past history of how the prophet, how the Orientals fought the infidels and converted the infidels into to the Muslim faith. Finally Jihadists use the war in Iraq and Afghanistan as a tool of propaganda and way to attract and recruit many people around the world to their cause.

V. Jihadists View on Colonialism, Globalization, the United Nations and Democracy

The Jihadists believed that there is a culture of colonialism in the world led by western countries such as Britain, French and the USA. This culture has been carried out in the Middle East and has contributed to the division of the Ottoman Turks that were promised independence which was never achieved. Whether during in the 19th century, World War I and II and in the aftermath of the World War II, the independence promised by the colonialists has never been earned; the colonialism never really left. Even today, the old colonialism has been replaced by the "veiled" colonialism. In other ways, new forms of colonialism, "veiled colonialism" has taken form. These are indirect forms of colonialism. Western countries and America in particular tend to colonize the Muslim world through veiled or new forms of colonization such as globalization and democracy.

The Jihadists see globalization as a tool of the Zionist/American hegemony. Globalization whether economic, political, or educational, is used as a tool of the American hegemony in the world. Regarding nationalism, Jihadists believe that the concept of the nation-state was imported to the Middle East by the

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western colonialists; they evolve out of feudal structures such as monarchies. The nation states were based on arbitrary boundaries; Arab boundaries were created with the ideas of cities linking Damascus to Cairo.

The Jihadists mistrust the UN as much as they do the western countries. Moreover, the experience of the UN with the establishment of Israel, the refugee assistance organizations for the Palestinians, the peacekeepers and the observer/monitors who have sought to stabilize the region have led the Jihadists to mistrust this international organization.

VI. Critique on the Jihadist World View of the Conflict

According to Aaron (2008) there is a difference between Islam and the Jihadists whose worldview and perception of the conflict is not always shared by the entire Muslim community. There is also a distinction to be made between Muslim jihadists and terrorists, and Muslims in general. The distinction is important in order to get a better sense of the current global political picture seen not only by jihadists and terrorists, but also those in developing countries who oppose the current imbalance of superpowers "caused by the fall of the Soviet Union." Their analysis and understanding of the western world is biased but somehow tackle deep issues that need to be addressed if at least the world wants to avoid the clash of civilizations between the West and the Muslim world but also the third world. The Jihadist world view has been shaped by history, memory and experience of colonization and creation of the Israeli state leaving Palestinians without their own state. The British, French and Americans are seen as enemies of Islam; they are seen as promoters of colonialism and as countries that are willing by any means including democracy, globalization and development to destroy Muslim civilization. In their minds Jihadists considered western countries, especially the USA as an enemy; as evil.

I understand somehow the frustration of many Muslims, the Jihadists in particular, as to where this world view may come from but I personally disagree with the tactics of violence and suicide bombing they use to cause harm and create fear among innocent people. Any acts of violence need to be condemned and I believe each side should understand what is at stake: not every Muslim is Jihadists or terrorist. Jihadists only cite the holy texts as means of justification of their acts of terrorism and interpret it in their own ways in order to influence and recruit others to enhance their agenda. Many scholars are seeing the Arab Spring as a chance to slow and reduce terrorism and Jihadists. Many Muslims around the world have been inspired by the Arab spring and more are aspiring to universal rights and human rights such as the rights to life, freedom and religion. These rights are moral and natural; they are universally moral. They are the basis and the essence of human rights.

The Arab Spring has demonstrated that the only way to combat terrorism is to help the Arab country to be more democratic; help them have access to development by the economic assistance through education program. The US approach to combat terrorism in Afghanistan and in the world has changed. There has been a shift from utilizing militaristic solution alone to utilizing more economic and development approaches. In order to win the war in terror, the UN has been providing assistance to government and civilians through offering of economic assistance and improving the educational system; along with food assistance these methods will pay off in the long run. People will begin to see in America – I mean ordinary people will not only see these colonialists as people who have invaded their countries but also as people who care about them and want them to live a better life. These kinds of action could contrast with what the jihadists are preaching out there to ordinary people in order to recruit them. I will suggest that there should be less military presence in the Middle East and an increase of economic assistance in order to achieve a sustainable development in that part of the world. If this happens, we may start seeing a decrease in terms of acts of violence or terror in Afghanistan, Yemen, Iraq, and Pakistan. Of course one may challenge my reasoning and argue that the religious component is very important in shaping the view of jihadists and terrorists and is part of their cultural identity.

Opponents of my argumentation may posit that despite a sustainable economy and development, the jihadist's perception and world view of the western countries may not change, but may certainly start a dialogue and a discussion between the West and the Middle East especially the young generation of Muslims in this globalization era. This argument may be true but at least what I suggest may contribute to the lessening of violence and acts of terror as well as the recruitment of new jihadists. People, especially the youth, will be more interested in having better jobs and securing their future by having a better education.

VII. Conclusion

Living for twelve years in America has changed my perception of the American people. What the citizens of this country want is not necessarily translated to the policies that are put in place by the elites in Washington. My own experience of living in the Congo and my view of the American people have changed dramatically as I come to understand that the average American is mostly unaware of the decisions made on their behalf on many issues and policies but foremost on foreign policy. The decisions to go to war or to invade a country or to support dictators around the world which are driven by

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the American interests around the world are not well known by its people. The American people need to become more aware; they should be consulted with; and they should have more direct say on issues of foreign policy. Decisions should not be made only through representatives who sometimes have their own agenda. There is a need to find a way to involve ordinary people to the decisions that congress and the administration make on their behalf and close the gap that exists.

This paper analyzed the Jihadists mindset, perceptions and views on the conflict opposing the West and the Arab world. This paper perceived this war to be cultural, religious, ideological and economical between western countries and the Middle East. This perception, although distorted, is important for a deep understanding of the attitudes, motives and behavior patterns of the Jihadists. The understanding of the perception of the conflict between the West and the Middle East was important in the prospect of reducing acts of violence and terror and building peace between the West and the Middle East. The war on terror will not be won by military solution alone. This paper points to the needs of shifting the American foreign policy to a more sustainable community building and development approach. This approach taken in Afghanistan and Iraq has the advantage of illuminating another side of the West where people can start to see the other party not only as an invader but as a true partner who is willing to help in development projects such as housing, food, education, and healthcare.

With the rise of the Arab spring in the Muslim world, the young generation and ordinary Muslims are aspiring more and more in democracy, liberty and freedom. This may be an opportunity to weaken terrorism and Jihadists movement in the Middle East by helping these countries in their quest for human rights, democracy and liberty. One could be Jihadists and not be terrorists. However terrorists define themselves as Jihadists. Clearly, Jihadists tap into the feelings and the emotions of the Muslims; popular feelings such as all Arabs and all Muslims are one nation. They use religion as a propaganda tool to enhance their ideology of Jihadist, and they use terrorism to inflict pain and create emotional, psychological and physical pain to those they call infidels. They view the United Nations as a western instrument of Muslim world colonization. Moreover democracy and liberty are tools to control countries and impose its hegemony; and the most effective tool is the World Trade.

This paper also analyzed the US foreign policy in the Middle East, Africa and the Democratic Republic of the Congo. This paper concluded that many of the tensions and negative attitudes of foreign countries towards the USA are due to its bad policies in those countries. The USA needs to shift its foreign policies to become more interest centered and country building based. The war on terror, if any, will not be won by military solution only. It needs to be a country-building based solution that needs to be combined with military solutions in order to win the war on terror. This integration of solutions may reduce hatred, resentment and negative feelings towards the Americans. The current administration has the chance to learn from the past mistakes and rewrite history.

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Global Journal of human-social science: F
Political Science
Volume 15 Issue 5 Version 1.0 Year 2015
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460X & Print ISSN: 0975-587X

Security, International Security, Islamic Jurisprudence and the Burden of Proof

By Dawood Adesola Hamzah

Abstract- Security is vital to subsistence and survival of individuals and communities. It guarantees conducive environment and affords opportunity to live and pursue a meaningful life beyond the merely animal. However, it is threatened as terrorists groups emerged in number and operate dangerously in the name of Islam. Jihad is the ethos; suicide and arms' attack are modus operandi. Innocent people and institutions are the victims. Is this truly Islamic? This is a challenge to Islamic jurisprudence and a burden to contemporary Muslim jurists. Who is (are) the architect(s) of the terrorist groups, Islam, Muslims or political super-powers? Here lies burden of proof? The present work attempts to explore these posers.

Keywords: security, jihad, maqasid al-shari'ah, terrorism, terrorists and political actors.

GJHSS-F Classification : FOR Code: 160699p



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Abstract- Security is vital to subsistence and survival of individuals and communities. It guarantees conducive environment and affords opportunity to live and pursue a meaningful life beyond the merely animal. However, it is threatened as terrorists groups emerged in number and operate dangerously in the name of Islam. Jihad is the ethos; suicide and arms' attack are *modus operandi*. Innocent people and institutions are the victims. Is this truly Islamic? This is a challenge to Islamic jurisprudence and a burden to contemporary Muslim jurists. Who is (are) the architect(s) of the terrorist groups, Islam, Muslims or political super-powers? Here lies burden of proof? The present work attempts to explore these posers.

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I. Introduction

In the post-Cold War era, the impulse of violence and insecurity became widespread particularly in the Muslim world. Muslim groups began to emerge with the aim of promoting *'Jihad'* in a way that are arguably antithetical and questionable to the basic ethos of Islam as a religion and civilization. These emerging groups of firebrands catalogue violence as part of greater *Jihad*. Al-Qaeda, questionably claims to have sociological and historical essence in *Sunni* Islam whereas its principles *Jihad* methodology are considered deviation from the true Islam. This development puts the veracity of Islamic 'theory of peace' on lifeline. It also demonstrates a symptomatic danger not only to domestic security but also to international security. Security means absence of threats;[1] or the state of being free from danger or menace.[2]It is a precious instrumental value which gives individuals and groups the opportunity to pursue the invention of humanity rather than live determined and diminished lives – a human life beyond the merely animal.[3]The Muslims, advertently or inadvertently have become complicit in the acts that threatened the security of the cotemporary humanity.

a) *Security: A Conceptual Framework*

The aim of human security is to secure and safeguard the vital core of people's lives from critical and pervasive threats. This requires an identification of critical and pervasive threats to this vital core of people's lives, as well as relevant response mechanisms.[4]Thus, the need arises for scrutinizing and separating enormous varieties of adverse events in human life to determine which of them truly constitute threats and which may be taken as mere trivialities.[5] "Vital core" suggests a minimal or basic or fundamental set of functions related to survival, livelihood and dignity; it implies that the institutions that undertake to protect human security will not be able to protect every aspect of human well-being, but at very least they will protect this core.[6] Security threats are wittingly or wilfully caused by a bunch of people or another in different forms such as terrorists, states, rebel groups, or paramilitary formations. It is noted that organs of the state sometime may constitute threat to human security. For example police forces that violate human rights by torturing or committing acts of cruelty against prisoners.[7] Security threats can be either direct or indirect. Direct threats are usually associated with violence, but they can take several other forms such as deliberate policies of social or economic deprivation and exclusion.[8] Indirect form of threats are characterized usually in the act of groups or institutions for different primary purposes such as instigating economic crisis which may subject a large section of the population to deprivation.[9]It may take a form of state policy in the instances of mining or forestry programs that lead to environmental degradations such as oil and chemical pollutions. These may erode the very existence and survival of a community. It may also take the form of favouritism of the political elites which may lead to destabilising horizontal inequalities or social exclusion.[10] Security threats can also be traced to negligence in effective demobilisation of soldiers which can trigger violent crimes; engagement in manufacture and marketing of small arms that can lead to destabilization of a region.[11]

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[1] Booth, K., Security and Emancipation, Review of International Studies, Vol. 17, No. 4, (1991), p 319.
[2] Oxford Dictionaries – Language Matters, http://www.oxford-dictionaries.com/definition/english/security (accessed 09 June, 2015).
[3] Booth, K., Theory of World Security, Cambridge University Press, (2007), p. 107.
[4] Alkire, S., A Conceptual Framework for Human Security, CRISE Working Paper 2, Queen Elizabeth House, University of Oxford, (2003), p. 29.
[5] Ibid.
[6] Ibid at p. 24.
[7] Ibid at p. 29.
[8] Ibid
[9] Ibid.
[10] Ibid.
[11] Ibid.

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Three conceptual dimensions of security have been identified. Firstly, it is found in the general usage of the term covering the broad day-to-day usage such as a position aspired to: of being safe, secure, protected.[12]It is also used in political term to refer to political actions, processes, or structures that is capable of securing the safety of a political unit. Here it can be used as a tool to provide certain phenomenon with a specific priority by placing it in the realm of high politics.[13] It can also be used to identify, describe, understand, explain, or even predict phenomena in the general social realm such as "security policy," "security-policy interaction," or "security institutions and structures."[14]

The notion of security in political context took an innovative turn in 1947 when the US authority inaugurated the National Security Council.[15] This development later crystalized and served as a model for many countries around the world as they began to adopt and launch blue-print of "security policy". Consequently, security policy began to take a new dimension which goes beyond the purviews of defence, military policies and of course, preparation for war. It rather aimed at avoiding war comprehending and embracing internal, domestic security, economic development and policy to influence the international system with a view to achieve peaceful environment regionally and globally and in providing aid to developing nations.[16] Security policy thus, became a significant instrument in the promotion of domestic and international interests of nation-states within the framework of internationalism. This was practically demonstrated in many nation-state policies especially during the cold-war when the idea of security began to re-enact a shift from traditional notion of military defence and avoidance of aggression to economic, political and social matters at both domestic and international spheres.[17]

The end of the cold-war ushered in a new regime of security concept. This historical era (1989-91) marked the end of the hitherto bipolarity balance of world power to a uni-polarity form which opened a new chapter in the concept of security particularly at international level.[18]

II. International Relations Contextualized in Security

As the uni-polarity era could not bring a significant change to the traditional notion of security, undoubtedly most of the global conflicts were now between the only extant and most influential country in the world, the superpower United States of America and its allies fighting to protect the interest of the 'international community' against the recalcitrant rebels such as Iraq, the Taliban,[19]the Al-Qaeda, and recently the ISIS.

Traditional international relations theory has been concerned with a variety of components and elements of wars and conflicts that conventionally characterize the three levels of analysis, namely, the individual angle, the domestic and international angles of warfare.[20]The first level is an attempt to investigate the individual factor in the instigation and exacerbation of wars and conflicts now and before. Adolf Hitler, for example, who was the leader of Nazi Germany from 1934 to 1945, is an important figure if the complexities of the World War II will have to be decoded.[21] Similarly, Julius Caesar and his fellows played a critical role in the events that led to the demise of the Roman Republic and the rise of the Roman Empire.[22]Napoleon Bonaparte was a French military and political leader who dominated European affairs for nearly two decades while leading France against a series of coalitions in the Revolutionary Wars and the Napoleonic Wars.[23] He won several of these wars and the vast majority of his battles, rapidly conquering most of continental Europe before his ultimate end in 1815.[24]He was not only one of the notable commanders in history, his campaigns are subjects of research in military schools worldwide and he remains one of the most celebrated and controversial political figures in Western history.[25] Thomas Hobbes in his *Leviathan* identifies three important factors that usually trigger wars and conflicts at this individual level which include, competition, diffidence (fear), and of course, glory.[26]

Experts identify domestic politics as the important factor accounting for conflicts and war at this level.[27] Here pattern of policy and administration of a state regime coupled with influential interest group at this level constitute the important determinants of going to war and the strategies to be adopted in this regard.[28] For example, the military attack on Pearl Harbour conducted by the Imperial Japanese Navy in 1941 was

[12] Heurlin, H., and Kristensen, International Security, *International Relations, Vol II,* Danish Institute of International Affairs, Copenhagen, Denmark, para. 2.2.
[13] Ibid.
[14] Ibid.
[15] Ibid.
[16] Ibid.
[17] Ibid.
[18] Ibid.
[19] Ibid at para. 2.2.1.
[20] Patterson, E., Religion, War, and Peace: Leavening The Levels of Analysis in Seiple, C., et all, *The Routledge Handbook of Religion and Security,* Routledge, London and New York, (2013), p. 115.
[21] Ibid.
[22] Lawrence, K., "The approach of civil war", *The making of the Roman Army: from Republic to Empire*. Norman, OK: University of Oklahoma Press, (1998), p. 102.
[23] Hales, E. "*Napoleon and the Pope*", London, (1962), p. 114.
[24] See generally Andrew, R., *Napoleon: A Life*, Penguin Group, (2014).
[25] See generally, Messenger, C., *Reader's Guide to Military History,* Routledge, (2001).
[26] See generally Hobbes, T., *Leviathan,* Penguin Books Limited, (1985).
[27] Patterson, E., supra note no. 21 at p. 116.
[28] Ibid.

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arguably based on Japanese domestic politics intended to serve as a preventive measure to keep the U.S. Pacific Fleet from interfering with military actions the Empire of Japan was planning in Southeast Asia against overseas territories of the United Kingdom, the Netherlands, and the United States. [29] It was not an action initiated by an individual but by a conglomerate of interest groups including the military, the business class, and those close to the emperor all of which had its own interests to protect in the action.[30]

The international dimension which is the third angle to conflicts and wars is explained by international politics. Waltz observes that international politics is defined by anarchy as there is no central government to stop states from going to war.[31] It follows that the absence of central political administration means that it will be difficult if not impossible to stop the next interstate war.[32]Waltz argues that power and security within anarchy explaining the possibility and essence of conflict. He further observes that as anarchy continues to provide explanation for the international system, it provides leverage and clout to certain non-state actors that have, in one way or the other wielded power to engage and compete in globalized anarchy similar in pattern to that of states.[33] Waltz cites Roman Catholic Church and al-Qaeda as examples of such non-states actors. According to him, these non-state actors in competing in globalized anarchy, like the state actors, utilizes instantaneous communication, rapid and cheap international travel, sharing sets of competing values at the international level such as the legitimacy of democracy and human rights, economic resources that are freely exchangeable or replaceable as well and deadly and destructive firepower.[34]

III. International Dimension of Security

Security generally, and international security in particular are all about war and peace, life and death, safety and survival. The traditional approach was essentially on the question of stability of the states' system, the use of force, nuclear proliferation, military strategy, intelligence and the distribution of resources.[35] However, the paradigm shift from this traditional approach has widened the scope to cover new areas of contemporary security related issues such as climate change and its consequential effects, migration and population explosion, poverty, health, privatisation, organised crime and international terrorism among others. Actually it has been extended in all directions since the 1990s, from nations to groups, individuals, international systems, NGOs, and local governments.[36]

The traditional or realist model has been a dominant factor in the study of security to explaining war, peace and security in their conceptual framework. The popular expression coined by Sagan and Waltz that: "*to be at peace, prepare for war*," and "*the more weapons, the better*' are commonly accepted among proponents of the Realist school of thought.[37] Realists and later Neo-realists have always seen security as only partial and temporary, because "*war is inevitable*." They believe the world is anarchical – that there is no world government above that of the states or nations.[38] Furthermore, because they see the state as the highest authority, the security of states is the most important factor in seeking peace. Realists therefore defined peace as the absence of war and security as the absence of threats.[39]

In the period preceding the 1980s, the notion of national security was thought to be the preserve of states. It referred to the ability of states to defend themselves against encroachments of their territorial integrity and political sovereignty.[40] Matters relating to military power, strategy, and deterrence loomed large. Since then, the notion of security has been progressively broadened to incorporate such areas as economic privation, environmental degradation, and gender discrimination.[41] A condition of security is the degree of resistance to, or protection from, harm. It applies to any vulnerable and valuable assets, such as a person, dwelling, community, nation, or organization. Establishing or maintaining a sufficient degree of security is the aim of the work, structures, and processes called "security." Barry Buzman puts it simply, '*the discussion about the pursuit of freedom from threat*'.[42] Marc Levy contends that a threat to national security is a situation in which some of the nation's most important values are drastically degraded by external

[29] See generally Conn, Stetson; Fairchild, Byron; Engelman, Rose C. "7 – The Attack on Pearl Harbor", *Guarding the United States and Its Outposts*, Washington D.C.: Center of Military History United States Army, (2000).

[30] Lee, D.S., *Power Shifts, Strategy, and War: Declining States and International Conflict,* Routledge, New York, (2007), p. 114.

[31] Waltz, K.N., *Man, the State and War: A Theoretical Analysis,* New York: Columbia University Press, (1959), p. 233.

[32] Ibid.

[33] Ibid.

[34] Ibid, also, Patterson, E., supra note no. 21 at p. 116.

[35] See generally Baylis, J., "International Security in the Post-Cold War Era", in John Baylis and Steve Smith (eds), *The Globalization of World Politics*, Oxford, Oxford University Press, (1997)..

[36] See generally Rothschild, E. "What is Security." *Dædalus,* Vol.124, No. 3, (1995), pp. 53–98.

[37] Sagan, S. D., and Waltz, K., *The Spread of Nuclear Weapons: A Debate.*New York: W.W. Norton and Company, (1995).

[38] Waltz, K., *Theory of International Politics.* New York: McGraw Hills, Inc., (1979).

[39] Waltz, K., ibid.

[40] Khong, Y.F., Human Security: A Shotgun Approach to Alleviating Human Misery? *Global Governance* Vol. 7 No. 3 (2001), p. 231.

[41] Khong, Y.F., ibid.

[42] Buzman, B., *People, State and Fear, An Agenda for International Security in the Post-Cold War Era,* 2nd ed., London: Harvester Wheatsheaf (1991), p. 18.

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action.[43] Conceptualizing security, Davis Baldwin formulates the matrix in the form of a sequence of questions – security for whom? Security for which values?, how much security?, from what threats?, by what means?, at what cost?, and in what period?[44]

From international relations point of view, John Herz unfolds the meaning of security in terms of a general interpretation of International Relations as a security game.[45] He argues that the key concept from which to theorize about international relations: "*let us think first of all about how to survive, thereafter about everything else*." But thinking about how to survive means things about international politics".[46]

Hertz thus argues that in the state of nature, which is the state within which the security dilemma thrives, all men live in a condition in which a war of all against all is a permanent possibility. This possibility is the basis upon which social relations are organized. To improve their position from which to face other human being, people group into communities:[47]

> *… families and tribe may overcome the power in their internal relations in order to face other families or tribes; large groups may overcome it to face other classes untidily, entire nations may compose their internal conflicts in order to face other nations.*[48]

Der Derian agrees with Herz when he observes that

> 'a fear-of-the-power-of-others-to-kill-me splits the human species, or better, unites atomistic individuals in communities. It creates cleavages between those to be feared and those to be trusted. 'The fear of the external other is transvalued into the "love of the Neighbour" … and the perpetuation of community is assured through the internalization and legitimation of a fear that lost its original source long ago'. [49]

The notion of security among political scientists, experts in government and international relations, stands to mean "national security".[50] It refers to a set of defence mechanisms designed to protect a state so that it can continue to exist as a sovereign entity. That of course includes protection from attacks and threats that originate from outside its national boundaries, and also usually includes protection from any actions that may seriously threaten the country's ruling regime from within.[51] From the traditional point of view security strictly is defined in terms of military and political frameworks. However, in the context of modern conceptual framework, it also covers phenomena such security against drug abuse and drug trafficking, economic crises, the problems of illegal immigration, forced migration etc.[52]

a) Security and Concept of Religion

The theoretical literature in international relations and security studies has been largely indebted to a story of religious "return".[53] It is argued that since the end of the wars of religion of the seventeenth century and the foundation of the modern state system in 1648 in Europe, religion came to play an increasingly marginal role in global affairs even though it did not disappear entirely.[54] For many years, religion, like culture in general, has tended to be studied as a domestic factor, rather than an external factor in explaining security issues.[55] However, the Iranian Revolution in 1979 sparked a debate about the rise of Islam and Islamic fundamentalism in world politics, international relations theorists have generally continued to isolate religion as an important factor in explaining international conflicts. Beginning with the reunification of Germany in 1989, and in addition to the longstanding ethnic and religious conflicts in many Muslim countries, plus the September 11, 2001 tragedy in the US, all together have once again given reason for experts in security to reassess how religion particularly Islam — plays a significant role as an ideational factor in the ongoing quest to explain peace and security issues of the world.[56] The emergence of al-Qaeda as a global threat around the world has made stakeholders aware of the importance of including religion in their analytical accounts.[57]

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[43] Levy, M. 'Is Environment a National Security Issue? *International Security* Vol. 20 No. 2, (1995) p. 40.

[44] Baldwin, D., 'The Concept of Security', *Review of International Studies,* Vol 23, No. 1, (1997) pp. 12-18.

[45] Huysmans, J., Security! What Do You Mean?: From Concept to Thick Signifier, *European Journal of International Relations,* Vol. 4, (1998), p. 234.

[46] Hertz, J., *International Politics in the Atomic Age,* New York: Columbia University Press (1962), p. 3.

[47] Huysmans, J., ibid at p. 235.

[48] Hertz, J., 'Idealist Internationalism and the Security Dilemma', *World Politics,* Vol. 2, No. 2 (1950), p. 158.

[49] Der Derian, J., 'The Value of Security: Hobbes, Marx, Nietzsche, and Baudrillard', in David Campbell and Michael Dillon (eds) *The Political Subject of Violence,* pp. 94-113, Manchester: Manchester University Press, (1993), p. 104.

[50] Othman, Z., Human Security in Islam, *A paper presented at the International Development Studies Conference on "Mainstreaming Human Security: The Asian Contribution"* Bangkok, Thailand (2007), p. 4.

[51] Othman, Z., ibid.

[52] Hassan, J. M., Ramnath, Thangam (Eds): *Conceptualizing Asia-Pacific Region.* (Kuala Lumpur: Institute of Strategic and International Studies; (1996); and Yamamoto,Y., "Institutional Infrastructure and Mechanisms for Implementing Comprehensive Security in the Asia-Pacific Region" (1996), Othman, Z., ibid.

[53] Petito, F., and Hatzopoulos, P., *Religion in International Relations: The Return from Exile,* Basingstoke, U.K.: Palgrave Macmillan, (2003), in Seiple, C., Hoover, D.R, and Otis Pauletta, *The Routledge Handbook of Religion and Security,* Routledge Taylor and Francis Group, London and New York,(2013), p. 125.

[54] Gutkowski, S., *Religion and Security in International Relations Theories, in The Routledge Handbook of Religion and Security,* p. 125.

[55] Othman, Z., ibid at p.3.

[56] Piscatori, J.P., Islam *in a World of Nation-States.* New York: Cambridge University Press (1986) and Esposito, J. L., *The Islamic Threat: Myth r Reality?* New York: Oxford University Press (1999) in Othman, Z., ibid at p. 12

[57] Seiple, C., Hoover, D.R, and Otis Pauletta, *The Routledge Handbook of Religion and Security*, ibid.

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The divisive effects of religion appear to be eclipsing its cohesive role which particularly true about Islam.[58] Basically, peace in Islam means submission to God, thus a Muslim means the one who submits. It follows that Islam instructs people on how they may live together in peace and harmony regardless of race, class or beliefs. By submitting oneself to God, it will lead to true peace – internally and externally. Thus, peace in Islam is beyond realism "absence of war."[59] A goal of a Muslim is the Hereafter and to prepare one needs peace in order to submit his duty to God. Thus, peace and secured environment is important for human survival in Islam.[60]*Qur'an* categorically condemns those persons and groups who commit acts injurious to peace, security, and public order of society as a whole (including both the governmental and non-governmental sectors).[61]

A minority group of Muslims today seems to be interpreting the concept of *Jihad* out of context claiming the mantle of *"jihadist"* but are operating from a distorted and truncated definition of the word.[62]Muslim jurists are unanimous that Islam's theology and ethics contains a rich conception of security, one attaching great importance to human life, honour, and property. Islam insists on justice, respect for legitimate authority, peace building, and strict limits on the use of force.[63]

b) International Relations: An Islamic Perspective

In the orthodox Islamic jurisprudence, the world is divided into *Dar al-Islam* (the abode of peace) and *Dar al-Harb* (the abode of war) and of course, *Dar al-Ahd* (the Abode of Covenant). This is particularly the position in the Hanafi School of Thought. But Al-Shafi'i maintains contrary position. According to the Shafi'i School, the division of the world into two or three was an outcome of exigency necessitated by "the frequent foreign attacks on Islamic lands."[64] The idea of dividing the world into two conflicting abodes is not essentially rooted in the basic sources of Islamic law.[65] The two terms are neither stated nor explained in both the *Qur'an* and *Sunnah*.[66] They were coined by some Muslim scholars many centuries after the advent of Islam as a reaction to preponderant hostility and warmongering situation at that particular point in time. In other words, they were results of *Ijtihad* carried out to respond to the prevailing situation at the time.[67] Therefore, these concepts were applied to various regions according to the practical or legal condition prevailing therein in relation to the Muslim state and its citizens during the period of conflicts between the Islamic state and its rivals. This means that the division was legal rather than theological, and therefore it is capable of being changed or abrogated, especially when the condition led to its existence is over. Even if one accepts the justifications presented by traditionalists, it is no more valid to apply these concepts on the contemporary world. Today all Muslim majority states maintain diplomatic relations with almost all nations of the world and thus the concept of *Dar-Ahd* or (Abode of Covenant) appears to have relevant application at present. Abode of Covenant refers to those non-Muslim Governments which have armistice or peace agreement or diplomatic ties with Muslim governments. According to all Muslim jurists including even the traditionalists or orthodox jurists, under Abode of Covenant, peaceful and positive relations must prevail.[68]

It is thus argued that the new approach not only declines the division of the world into two parts, but also adopts different explanations to the related *Qur'anic* text. Therefore, it regards peace as the organizing principle of Muslim foreign relations and of international relation in general.[69] First considering fight as the basis of Muslim foreign relations with others not only to destructive conflicts instead of mutual cooperation among nations as the *Qur'an* explicitly commands, but also contradicts the *Qur'anic* perspicuous rule which read*:*

"no compulsion in religion".[70] This is a persistent and unrelenting law which other related verses in the Qur'an clarify and the prophetic traditions explain.

When it comes to relations between two Muslim states, the traditional trend among Muslim scholars was to view *al -Dar al-Islam* as one undifferentiated category. Although, in reality, Muslim lands can be divided into several sovereign and independent political entities but such differentiation is only in form.[71] From the Islamic jurisprudence point of view, they are one nation that cannot be divided based on artificial geographical

[58] Qibla, A., and Ahmad, R., *Islam and Security: A Sunni Perspective, in* in Seiple, C., Hoover, D.R, and Otis Pauletta, *The Routledge Handbook of Religion and Security,*Routledge Taylor and Francis Group, London and New York,(2013), p. 69.

[59] Othman, Z., ibid at p. 12

[60] Ibid.

[61] Qibla, A., and Ahmad, R., supra.

[62] Ibid.

[63] Ibid.

[64] Abu Zahrah, M., *al'Alaqat al-Dawliyyah fi al-Islam (International Relations in Islam),* Cairo, Al-Dar al-Qawmiyyah, (1964), p. 31.

[65] Azuhaili, W., *Athar al-harb fil Fiqh al-Islam, (Effects of War in Islamic Jurisprudence)* Damascus, Dar al-Fikr, p. 76.

[66] Abo-Kazleh, M., Rethinking International Relations Theory in Islam: Toward a More Adequate Approach, *Alternatives Turkish Journal of International Relations, Vol. 5, No. 4 (2006) , pp. 45-46*

[67] Zahid, M.I., *Glossary of Islamic Terms,* (Online Document), 1998, (accessed 27th April, 2006).

[68] Ibn Qayyim, *Za al-Ma'ad,* Beirut: Ar-Risalah Foundation, vol. 3 (1986), p. 160; Ibn al-Qayyim, *Ahkam AhluDhimmaa,* (Provision of the People of the Book), Damascus, Matba'at Jami'at, Damascus, (1961), pp. 475-485; Ibn al-Qayyim, *Ahkam AhluDhimmaa,* (Provision of the People of the Book), Damascus, Matba'at Jami'at, Damascus, (1961), pp. 475-485.

[69] Al-Qurtubi, *al-Jami le Ahkam al-Qur'an, (Provision of the Qur'an) vol. 5, Cairo, Dar al-Katib al-Arabi, (1976), pp. 310-11;* Al-Tabari, *Jami al-Bayan fi Ta'will al-Qur'an (Interpretation of Qur'an) vol. 9, Cairo, Dar al-Ma'arif, (n.d.), p. 20.*

[70] Qur'an 2:256.

[71] Hassan, M.H., War, Peace or Neutrality: An Overview of Islamic Polity's Basis of Inter-State Relations, A Working Paper at S. Rajaratnam School of International Studies, Singapore, (2007), p. 14

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boundaries or ethnicity.[72] The majority of traditional Muslim scholars' view that Islam does not permit the existence of multiple *Dar al-Islam* and it is not permissible to appoint two Muslim rulers in the same period.[73] This is because Islam enjoins unity and forbid the opposite.[74]The current reality in the Muslim world is considered by the modern scholars as an exception justified on the basis of a maxim in Islamic jurisprudence that: "*dharurat* (emergencies) permits the prohibited".[75]

From the above, the basis of relationship between different Muslim states is mutual peace and security. A war situation is an exception only permissible against those who transgress God's rule after all peaceful means have been exhausted.[76]

In the basic theology, Islam considers all Muslims to be one *Ummah*, a community whose basis is faith and common objectives. There exists among all its constituent units a deeper unity which does not allow the differences of region, race, language, and nation to disrupt and disintegrate it. Islam has established on very strong footing the solidarity and fraternity among all the Muslims and has abolished all the distinctions on the basis of race, colour, language, blood or nationality. The concept of Islamic brotherhood makes all the Muslims men and women, to whatever nation, race, colour, rank or status they may belong, equal in rights and obligations.[77]

The *Qur'an* declares: *Surely this community of yours is one community (ummah), and I am your Lord, therefore serve Me.*[78]"*The Believers are but a single Brotherhood*."[79]In another verse, the believers are called as protecting friends of each other.[80] Unity and solidarity among the Muslims has been stressed by the Holy Qur'an in these words: *"And hold fast, all of you together, to the cable of Allah, and don't separate…."*[81]

One *Hadiths* states that: "*It is sufficient evil for a Muslim that he should look down upon his brother. The life, wealth, and honor of a Muslim are inviolable by another Muslim*"[82]In his famous sermon delivered on the occasion of Farewell Pilgrimage in 10th A.H., the Prophet Muhammad declared that: "*You must know that a Muslim is the brother of the Muslim and they form one brotherhood. Nothing of his brother is lawful for a Muslim except what he himself allows willingly. So, you should not oppress one another….."* In another Hadith he was quoted to have said: Sahih Muslim on the authority of Abu Hurairah, the Messenger of Allah said: *"A Muslim is brother to a Muslim. He does neither wrong him, nor puts him to disgrace, nor does he hate him…. . Every Muslim's blood, property and honour are sacred to another Muslim*."[83]

The principles enunciated in the above quotations are not only applicable to the Muslims at individual level but also at national and international levels.[84] A Muslim country, therefore, would regard other Muslim countries as brother nations and would extend every sort of help to his brothers in every field of life such as defence, economic development, education, finance, social sector, etc. If there is conflict between two brotherly Muslim countries, it is imperative for other Muslim countries to arrange reconciliation between the two. But if the aggressor among the conflicting Muslim countries is not ready to reconcile, the other Muslim countries would help the one wronged by the aggressor till the aggressor is forced to come to terms in accordance with a *Qur'anic* injunction.[85]

Accordingly, Muslims are identified as one *Ummah* (community), as parts of which they move towards a common goal, strive to realize their common objectives, worship one and the only God.[86] The above authorities from *Qur'an* and *Sunnah* lead to the conclusion that all Muslims are brothers and are like a single body, and therefore can never be indifferent towards one another. Among them should prevail the spirit of cooperation, brotherhood, fraternity, goodwill, love, sympathy, and unity of direction and purpose, and they should be always united for the defence of the *Ummah*. From this we can infer that the responsibility of the Islamic State is not confined to its boundaries only, but it is also responsible for and committed to all individuals of the Muslim *Ummah*.[87]

c) Security in Islamic Perspectives

In the contemporary globalized world, Islam has become synonymous with turmoil and violence, and thus, security risks.[88]It is thus argued that the current climate of security-driven politics strengthen the conception that Islam is destined to remain associated with these negative labels for some decades to come.[89]The veracity of this contention is reinforced by the widespread political instability in different parts of Islamic world due to lack of genuine initiative to bring

[72] Ismail, L.F., *Ikhtilaf Ad-Darain wa Atsaruhu fi Ahkam Al-Munakhat wa Al-Muamalat, pp. 8, as quoted in* Hassan, M.H., ibid.
[73] Al-Mawardi, Al-Ahkam As-Sultaniyyah, p. 8.
[74] Qur'an 49:10; 3:103.
[75] Hassan, M.H., War, ibid.
[76] Al-Mawardi, Al-Ahkam As-Sultaniyyah, ibid pp. 70-72.
[77] Chaudry, M.S., Islam's Concept of International Relations, http://www.muslimtents.com/shaufi/b17/b1711.htm (accessed 21st February, 2013).
[78] Qur'an 21:92.
[79] Qur'an 49:10.
[80] Qur'an 8:72.
[81] Qur'an 3:103.
[82]Sahih Muslim.
[83] Sahih Muslim as quoted in Chaudry, M.S., Islam's Concept of International Relations, ibid.
[84] Chaudry, M.S., Islam's Concept of International Relations, ibid.
[85] Chaudry, M.S., Islam's Concept of International Relations, ibid.
[86] Amini, I., Foreign Policy of an Islamic State, *Al-Tawhid Islamic Journal,* Vol. II, No. 4 (1985), Part 11, as quoted in http://www.al-islam.org/al-tawhid/foreign_policy/ (accessed 21st Feb., 2013).
[87] Ibid.
[88] Mansouri, F., & Akbarzadeh, S., Islam and Political Violence in the New World Order, in Mansouri, F., & Akbarzadeh, S., *Political Islam and Human Security,* Cambridge Scholars Press, (2006), p. 2.
[89] Ibid.

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about political reforms in most Muslim states.[90] This calls for an examination of the Islamic theoretical framework of security. Security can be considered a corollary to the issue of peace. The factors that bring about peace contribute to the establishment of security.[91] There is certainly an interconnection between security and law as the latter lays down principles for the attainment of the former. Law sets out parameters of acceptable conducts. It is argued that Islam is a religion that provides general principles for life as well as detailed laws on acceptable conducts that guarantee peace and security in a society.[92]That explains why it imposes penalties on certain criminal acts. Though, those penalties are strongly contested in certain quarters on the notion that they are harsh. However, the ultimate goals of those penalties are not only to serve as deterrent but also to guarantee security and safety in the society.

Under theory of Maqasid *Shari'ah* (the goals of *Shari'ah*) as specified by majority of Muslim jurists including al-Shatibi, are of two types, namely, *dini* or values of the Hereafter and *dunyawi* or values pertaining to this world.[93] The worldly values (*dunyawi*) are further classified into four, namely, the preservation of *nafs* (life), the preservations of *nasl* (progeny), the preservation of '*aql* (intellect), and the preservation of *mal* (wealth or property).[94] The totality of these classifications yield five ultimate values of the law, namely, *din* (religion), life, progeny, intellect, and wealth or property.[95]"And there is (a saving of) life for you in the Law of Equality in punishment, O men of understanding, that you may become the pious."[96]*Jihad* has thus been endorsed and authorized with a view to protect religion, and so is just retaliation (*qisas*) which is designed to protect life.[97] The *Shari'ah* takes affirmative and also punitive measures to protect and promote these values. Theft, adultery and wine-drinking are punishable offences as they pose a threat to the protection of private property, the well-being of the family, and the integrity of human intellect respectively.

The Qur'an is categorical in denouncing and reproaching commission of acts injurious to peace, security, and public order, thus, attaching great importance to human life, honor and property. It says: "Because of this did We ordain unto children of Israel that if anyone slays a human being unless it be [in punishment] for murder or for spreading, corruption on earth – it shall be as though he had slain all mankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all mankind."[98]

In his farewell pilgrimage declaration, the Prophet Muhammad emphatically stressed the inviolability of security of life and property saying that equality of human beings and the sanctity of human life, honor, and property are not negotiable. He stated that:

> "There is no superiority for an Arab over non-Arab and for a non-Arab over an Arab; nor for the black over the white, except in God's consciousness. All humankind is the progeny of Adam and Adam was made out of clay. Behold every claim of privilege whether that of blood or property is under my heels. Verily your blood, your property and your honor are sacred and inviolable until you meet your Lord and you will he held accountable for your actions."[99]

The Prophet was also quoted to have said that: "Among the deadly sins: polytheism is the deadliest one, and killing a human being, and disobedience of parents, and telling lies."[100]

Two important points can be established from the above analysis. First,Islam makes peace a corner-stone of its ideology. It thus makes it imperative on its adherents to be involved in peace-building mechanism rather to be involved in anarchy, violence and acts of terrorism. The ultimate goal of Islam is the institutionalization of peace based on justice and equity, freedom and human rights.[101] Therefore, to attribute terrorism to Islam as widely and presently believed is erroneous and distortion of fact. The word Islam itself is rooted in notion of surrendering, submitting and becoming reconciled with one another, to make peace.[102]

d) Characterization of Jihad

Opinions differ on the definition of the word '*Jihad*'. However, there appears to be a unanimity on that '*Jihad*' is capable of two meanings, namely, an inner spiritual struggle (the "greater *jihad*"), and an outer physical struggle against the enemies of Islam (the "lesser *jihad*")[103] which may take a violent or non-violent form.[104] *Jihad* is often controversially translated as "Holy

[90] Ibid.
[91] Zarabozo, J.D., *Peace and Security (parts 2 of 3): Society,* http://www.islamreligion.com/articles/509/peace-and-security-part-2 (accessed 22 June, 2015).
[92] Ibid.
[93]Nyazee, I.A.K., Theories of Islamic Law, Islamic Research Institute, International Islamic University, Islamabad, Pakistan, (2009), p. 231.
[94] Ibid.
[95]Ibid.
[96] Qur'an 2:179.
[97] Kamali, M.H., Principles of Islamic Jurisprudence, The Islamic Texts Society, Cambridge, (2003), p. 513.
[98] Qur'an 5:32.
[99] Ibn Sa'd A.M., *Al-Tabaqat Al-Kubra,*(trans. Abdallah A'madi), Karachi: Nafees Academy, (1987), 1:469.
[100] Al-Bukhari, M.I., *Al-Jami' al-Sahih,* Beirut: Dar Ihya' al-Turath al-'Arabi, (1987), 6:2519.
[101] Ayaz, Q., and Ahmad, R., Islam and Security: A Sunni Perspective in Seiple, C., et al, *The Routledge Handbook of Religion and Security,* Routledge, Taylor and Francis Group, (2013), p. 70.
[102] Ibid.
[103] Diane, M., *Essential Islam: A Comprehensive Guide to Belief and Practice,* ABC-CLIO/Greenwood, (2010), p. 87.
[104] DeLong-Bas, N.J., *Jihad for Islam: The Struggle for the Future of Saudi Arabia*, Oxford University Press, (2010), p. 3.

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War".[105] Some orientalists including Bernard Lewis argue that '*Jihad*' in many instances connotes military expeditions,[106] but others disagree. For example, while Javed Ahmad Ghamidi contends that there is consensus among Islamic scholars that the concept of *jihad* will always include armed struggle against wrong doers,[107] he also maintains that there is no concept in Islam obliging Muslims to wage war for propagation or implementation of Islam after the time of Muhammad and his companions, and the only valid basis for *jihad* through arms is to end oppression when all other measures have failed.[108]

Al-Ghunaimi observes that Muslim jurists advocated a holy war of aggression under the doctrine of the *Jihad* which has influenced the whole concept of Muslim international law and relation and resulting in a theory that is generally irreconcilable with the modern standards of international law.[109]According to him, the word '*jihad*' which literally and classically signifies exertion, toil, painstaking, doing one's utmost or striving, later began to acquire a narrower sense of hostility or waging war against infidels.[110]This technical definition subsequently obfuscated the classical one to the extent that some writers misrepresent the word "*Jihad"* as synonymous to "holy war."[111]It is noted that the word '*Jihad*' can be used in its restrictive and wider senses. For example, in the Makkah text it is to be construed in its classical meaning because Muslims, as then, had not resorted to arms in defending themselves. The Prophet Muhammad was quoted to have remarked that "The pilgrimage is the most excellent of all the *jihads."* Here it is used in a wider sense. However, in some Medinah texts, where it is used in technical and restrictive sense, the word rather has implication of holy war. [112] Muir agrees saying that "The word *jihad* is the same as subsequently used for a religious war, but it had not yet probably acquired its fixed application. It was employed in its general sense before the Hegra and probably up to the battle of Badr."[113]

An example of Qur'an verses usually quoted to justify 'Jihad' reads: "And do battle against them until there be no more *fitnah,* persecution."[114] It is observed that this verse was revealed in the second year after the conclusion of the treaty of *Hudaybiyay* at a time when the Muslims were gearing up for pilgrimage were unsure of whether the Makkans would allow them to carry out their ritual plan. They were thus, reluctant to engage in battle with them in case they resorted to force to prevent them.[115] It was on account of possibility that fighting would be taking place within the precinct of the Makkah sanctuary and during the sacred months. Thus, the Muslims were divinely permitted to defend themselves within the prescribed limits stated in the above verse. It follows that an aggressive war was not anticipated in the light of this verse. It is significant to note that the verse specifically used the word *fitnah* to indicate persecution by the Makkans against the Muslims.

This contention is affirmed by the two verses that precede the one earlier discussed which state that: "Fight in the way of God against those who fight against you, but begin no hostilities. Lo! God loves not aggressors. "And slay them whenever you find them, and drive them out of the places whence they drove you out, for persecution is worse than slaughter. And fight not with them at the Inviolable Place of Worship until they first attack you there, but if they attach you (there) then slay them. Such is the reward of disbelievers. But if they desist then Lo! Allah is Forgiving; Merciful. "And fight them until persecution be no more, and religion is for God. But if they desist, then let there be no hostility except against wrongdoers."[116]

Muslims are allowed only to fight those who launch attack or perpetrate aggression against them and are forbidden to begin any hostilities. It is noted that the phrase "religion is for God"in the above verse has been wrongly interpreted by some commentators to mean that 'all people should embrace Islam'. Such interpretation could not be sustained as it contradicts the remainder of the verse which states that: "But if they desist, then let there be no hostility except against wrongdoers."[117] Muslim jurists hold that aggression or oppression perpetrated against the Muslims by others constitute the cause (*Illah*) that legitimizes *Jihad*[118] and in this regard, for self-defense.[119] A number of Qur'anic verses (including those that have been earlier discussed in this work) are quoted to support this position.[120]

e) Ethics of Military Jihad

Acting in the light of the *Qur'anic* verses and *Sunnah* of the Prophet discussed above, the Muslim jurists introduced some rules to govern the military

[105] Lloyd, S.L., *Holy War, Just War: Exploring the Moral Meaning of Religious Violence,* Rowman & Littlefield, (2007), p. 221, and Peters, R., *Jihad in Medieval and Modern Islam,* Brill, (1977), p.3.
[106] Lewis, B., *The Political Language of Islam,* University of Chicago Press, (1988), p. 72; Watt, W.M., Islamic Conceptions of the Holy War in: Murphy, T.P., *The Holy War,* Ohio State University Press, (1974), p. 143.
[107] Javed, G., The Islamic Law of Jihad, *Mizan, Dar ul-Ishraq, http://www.renaissance.com.pk/junespart2y2.html*(accessed 24 June, 2015).
[108] Ibid.
[109] Ghunaimi, M.T., *The Muslim Conception of International Law and the Western Approach,* Martins Nijhoff/ The Hague, (1968), p. 163.
[110] Ibid at p. 164.
[111] Ibid.
[112] Ibid.
[113] Muir, W., *Life of Mohammad,* Vol. III, Edinburgh: John Grant, (1923), p.
[114] Qur'an 2:193
[115] Ghunaimi, M.T., supra note no. 105 at p. 166.
[116] Qur'an 2:190-192.
[117] Ghunaimi, M.T., supra note no. 105 at p. 167.
[118] Ayaz, Q., and Ahmad, R., supra at p. 71.
[119] Ibn al-Hummam, K.D.M., *Fath al-Qadir,* Beirut: Dar Ihya' al-Turath al-'Arabi, (1986), vol. 4, p. 291.
[120] Qur'an 22:39-40)`

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aspect of *Jihad.* According to them, Jihad becomes legitimate for the Muslim under the following conditions:

- When Muslims are subjected to oppression, or attack by others *Jihad* could be used as a means of self-defense
- When their land and homes are either unjustly invaded or/and usurped by others
- When they are persecuted simply on account of their being Muslims, it means their rights for freedom of religion and faith are being denied and thus, they can protect this right by means of military *Jihad*
- When the need arises for safeguarding the path of justice; as a last measure to check treachery and fraud; and for checking internal enmity against legitimate authority of the state and for safeguarding peace; and support for the oppressed people.

Under the ethics of Jihad, two categories of enemies are identified, namely, belligerents and non-belligerents. The former include an individual, group, country, or other entity that acts in a hostile manner, such as engaging in combat. The word 'belligerent' comes from Latin, literally meaning "one who wages war". The latter is the opposite. It is not permissible under the Islamic rules of war to attack the non-belligerents in any case. This is reflected in Article 3 of the Cairo Declaration on Human Rights in Islam that it not permissible to kill non-belligerents such as old men, women and children.[121]

f) Ethical Rules of (Military) Jihad

Under the Sunni theology, it is prohibited to launch *Jihad* for worldly motives or gain. This was based on the *Sunnah* of the Prophet Muhammad where he was quoted to have said that: "He who went to fight in the way of God but had the intention of benefiting himself with a rope to fasten his camel will get the string but no reward in the Hereafter."[122] Thus, the Sunni jurists lay down guidelines that must be observed before a military *Jihad* could be declared.

1. Approval of Imam: It is mandatory that a sensitive matter like declaration of military *Jihad* should first be approved by a legitimate Imam or ruler of the community. This shows that war is not declared on flimsy reasons or excuses as it involves life which is considered highly sacrosanct in Islam. It follows that in order to bring any military operation under a recognized command structure the first step is to centralize the combative operation and to inculcate in the army the principle of "listen and submit" (*sam'a wa ta'ah*)[123] which in modern military parlance stands for "Obey first before you complain" or "You do what I say."This requirement is aimed at maintaining peace and public order and conforms to a saying of the Prophet in which he asked Muslims "to obey the ruler even if he is a black slave with his head like a dry grape".[124]
2. Avoidance of Aggression: Muslims are not allowed to crave for war and so, should not be aggressive in their declaration of military *Jihad*. The Prophet was quoted to have said that: "Do not ask for a clash with the enemy, rather pray for peace and wellbeing. If conflict is inevitable, fight with courage and determination. Be it known that the path to heaven lies under the shadow of swords."[125]This Hadith confirms that right from its inception, Islam had encouraged to crave for peace rather than war but where war becomes inevitable, they are encouraged to face it with fortitude and steadfastness.[126]
3. Refrain from Surprised Attack: In the Pre-Islamic Arabs, the war strategy is to launch surprised attack against the enemy especially at night. This practice was stopped and declared prohibited by the Prophet of Islam. He forbade the Muslim from attacking the enemy at night or early dawn.[127]
4. Mutual Dialogue before War: Muslim jurists hold that it is obligatory to engage in dialogue with the enemy of Islam before restoring to force. This position was based on a tradition of the Prophet which states that: "Whenever you meet polytheist in a battlefield, invite them to accept one of the three options: first, invite them to accept Islam, and if they do, accept this from them; second, if they do not accept, then offer them the status of *dhimmis* [protected citizens of the Islamic State], and if they accept it, then abstain from bloodshed; third, if they do not accept this offer then seek the help of God and begin fighting against them."[128]
5. Respect to Human Dignity: In pre-Islamic period, it was the practice to burn enemy alive while engaging in warfare. The Prophet Muhammad stopped this practice as revealed in a statement he was reported to have made that: "Nobody has the authority to award a punishment of fire. It is the prerogative of the Creator of fire."[129]
6. Prohibition of Subjecting Enemy to Torture and Humiliating Killing: The Prophet prohibited the act of tying with ropes and torturing the enemy before

[121] Abiad, N., & Mansoor, F.Z., *Criminal Law and the Rights of the Child in Muslim States – A Comparative and Analytical Perspective,* British Institute of International and Comparative Law, (2010), p. 54.
[122] Al-Hindi, H. A.A., *Kanz al-'Ummal,* Beirut: Muassasa al-Risala, (1979), Vol. 4. P. 336.
[123] Maududi, S.A.A., *Al-Jihad fi al-Islam,* Lahore: Tarjaman al-Qur'an, (2010), p. 238.
[124] Al-Bukhari, M.I., supra, Vol. 6, 2612.
[125] Ibid Vol. 3, 1101.
[126] Abiad, N., & Mansoor, F.Z., supra at p. 72.
[127] Al-Tirmidhi, M. I. *Al-Sunnan,* Beirut: Dar Ihya' al-Turath al-'Arab, Vol.1, (n.d.), 563.
[128] Abu Dawud, S.A.S., *Al-Sunan,* Lahore: Islamic Academy, (1983), Vol. 2, 328.
[129] Ibid, Vol. 2,351.

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killing. It has been reported on the authority of Abu Ayyub Ansari that the Prophet proscribed the act of executing of a person with his hand tied.[130]

7. Prohibition of Acts of Rampaging and Looting: The act of rampaging, looting and stealing property by violent method under the guise of waging *Jihad* is condemned in absolute terms. During the battle of *Banu Nadir* which was a battle with a Jewish tribe that took place in June 625 CE, this was affirmed in a statement made by the Prophet while addressing a gathering that:

> "Does anybody from you, in his arrogance, believe that God has not prohibited anything except the restrictions mentioned in the Glorious Qur'an [?]. By Almighty Allah, the advice I give you and the decree of *amr* and *nahi* (doing right and abstaining from wrong) – my proclamations – are like the Glorious Qur'an or more than that. God has not permitted you to enter into the houses of the People of the Book (*Banu Nadir*) without permission, and beat their women, or consume their fruits. They have paid you whatever was due from them."[131]

8. Prohibition of Brutal and Revengeful Acts: In situation where Islam permits waging war against enemy, it prohibits the destruction of crops, murdering the local population, and burning of properties. Such acts are considered as mischief which is condemned in the Qur'an in absolute terms. It says that: "Whenever he attains authority, he goes about the earth spreading mischief and destroying harvests and killing the human race, even though God (whose testimony he invokes) does not like mischief."[132] This guiding principle was re-enacted by Caliph Abu Bakr who, while dispatching the Muslim army to fight in Syria specifically instructed them in following order:

- Do not kill women, children, and the elderly;
- Do not mutilate dead bodies (*muthla*);
- Do not attack or persecute religious dignitaries and do not destroy places of worship;
- Do not cut fruit-bearing trees and do not set ablaze the harvests;
- Do not demolish houses;
- Do not slaughter animals;
- Honour your pledges; and note that
- The life and property of those who confess loyalty are as sacred as those of Muslims.[133]

9. Peace Gesture Must Be Respected: If fighting military *Jihad* is,*ab initio*aimed at stamping out mischief, injustice and oppression with a view to establish peace, justice and orderly society, peace gesture from the opponent serves as a signal to incline towards those positive values and must be complimented and respected. A number of Qur'an verses points to this position. Military *Jihad* is permitted "until the war lays down its arms,"[134] and "until mischief ends and the way prescribed by God prevails,"[135] The Qur'an is more specific when it states that: "If they leave you alone and do not fight against you and offer you peace, then God does not permit you to harm them."[136]

10. Envoys and Neutral Parties Must not be Harmed: In Islamic jurisprudence, envoys are protected and under no circumstance should they be harmed. When the envoy of Musailama, a rival claimant to prophethood came to Prophet Muhammad and delivered the message of his mission, the Prophet's response was to the effect that: "Had the murder of envoys been permissible, I would certainly have killed you."[137] By method of Qiyas, Muslim jurists have extended the ruling in this prophetic statement to conflict situation and held that if a person approaches the frontiers of an Islamic state and discloses his identity as an ambassador or envoy and declares that he has a message for the Head of State, he will be protected and allowed safe passage without hindrance. Such immunity should be extended to his goods, equipment, servants, staff, and even arms. However, if he fails to establish his credentials as an envoy, he may be denied this immunity.[138] Similarly, those who are neutral and impartial in hostility should not be attacked. This is established in Qur'an where it is stated that: "If they leave you alone and do not fight against you and offer you peace, then God does not permit you to harm them."[139] Muslims are thus required to give this category of people asylum if it sought. It states that: "And if any one of those who associate others with God in His divinity seeks asylum, grant him asylum that he hear the word of God, and then escort him to safety for they are a people bereft of all understanding."[140]

g) Terrorism: A Challenge in Jurisprudence Discourse

Muslims have been victims of embarrassing vilification in recent time as their faith has been persistently associated with terrorism and violence due to the actions of a few extreme individuals who have

[130] Ibid, Vol. 2, 358.
[131] Abu Bakr, M., *Al-Tamhid,* Lahore: al-Maktaba al-Quddusiyya, (1983), Vol. 1, p. 149.
[132] Qur'an 2:205.
[133] Ibn Khaldun, R., M., *Al-'Aibar wa Dewan al-Mubtada Khabar fi Tarikh al-'Arab wa al'Ajami w al-Barbar,* Urdu trans., Lahore: al-Faisal Nashiran, (2004),
[134] Qur'an 47:4.
[135] Qur'an 2:193.
[136] Qur'an 8:61.
[137] See generally Ibn Hanbal, *Musnad,* Beirut: Dar al-Kotob al-'Ilmiyah, (1986).
[138] Abu Yusuf, Y.I., *Kitab al-Kharaj,* Cairo: al-Matba'a al-Salafiyyah, (1963), p. 116; Maududi, S. A.A., *Al-Jihad fi al-Islam,* Lahore: Tarjaman al-Qur'an, (2010), p. 231.
[139] Qur'an 4:90.
[140] Qur'an 9:6.

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engaged wantonly in the act in the name of Islam. The examples of the attack on the twin towers in New York, the bombings of Bali, Madrid and London, the recent attack by 24-year-old Seifeddin Rezaugi that left about 18 British tourists dead at Tunisia popular beach resort in Sousse give justification for this criticism. But the outrage been fuelled further by many media channels which defame Islam by portraying these attackers as 'Islamists' or 'Jihadists', as though they were sanctioned by Islam, or had any legitimacy to act or speak on behalf of the Muslims.[141] It is has been noted that the blanket usage of the terms such as "Islamist terrorism", "Muslim terrorists" "Muslim militants", Muslim extremists" in Western political speech and media has variously been called "counter-productive," "unhelpful," "highly politicized, intellectually contestable" and "damaging to community relations.[142]

Attempt to define terrorism has generated debate among academicians and jurists. Thus, there is neither an academic nor an accurate legal consensus regarding the definition of the term.[143] It is not intended hereto discuss theoretical details of terrorism either in conventional or Islamic jurisprudence. Suffice to say that the contemporary Muslim jurists catalogue all acts of terrorism as rebellion and un-Islamic.[144] This has been replicated in Fatawah and Declarations by a number of internationally acclaimed Muslim institutions and organizations. For example, the Jeddah-based pan-Islamic organization, the Organization of the Islamic Conference (now Cooperation) (OIC), adopted a Convention in the twenty-sixth session of its Islamic conference of Foreign Ministers in Ouagadougou, Burkina Faso, held in July 1999 declaring acts of violence and terrorism un-Islamic. It is stated in the Preamble to this Convention, *inter alia* that:

"…. Believing that terrorism constitutes a gross violation of human rights, in particular the right to freedom and security, as well as an obstacle to the free functioning of institutions and socio-economic development, as it aims at destabilizing State; convinced that terrorism cannot be justified in any way, and that it should therefore unambiguously condemned in all its forms and manifestations, and all its actions, means and practices, whatever its origin, causes or purposes, including direct or indirect actions of States; recognizing the growing links between terrorism and organized crime, including illicit trafficking in arms, narcotics, human beings and money laundering; Have agreed to conclude this Convention, calling on all Member State of OIC to accede to it."[145]

The Convention contain about 12 Articles making provisions on wide range of issues relating to security, violence and terrorism at both local and international levels and how the member states of the Organization could cooperate in combating these phenomena.

Similarly, the Muslim World League in its sixteenth session which was held in the Islamic Academy of Jurisprudence in Makkah in January 5-10, 2002, declared act of terrorism un-Islamic. The Declaration states that all forms of terrorist activities, whether committed by individuals, groups, or states, are inconsistent with Islamic teachings.[146]It is specifically states that:

> "Terrorism is aggression perpetrated by individuals, groups, or states in a spirit of oppression against one's religion, blood, reason, wealth, or honour. It comprises all types of fear-inducing behaviour, harms, and threats, including armed burglary, the spreading of fear amongst travellers, and acts of highway robbery. It covers all acts of violence or threats to commit individual or group crimes for the sake of striking fear amongst people or terrifying them through threats of causing harm to them or endangering their lives, freedom, security, or general conditions. Included in the types of terrorism is the endangering of national resources or the damaging of public utilities or private properties. All of the above are types of mischief on earth, which God prohibited Muslims from committing when He said in the Qur'an: "[A]nd seek not mischief in the earth. Indeed, God does not like those who spread mischief." God has legislated a rigorous punishment for terrorism, aggression, and corruption, and regarded them as acts of war against God and His Messenger (PBUH)."[147]

In similar vein, the Pakistani religious scholars held a meeting in Jamia' Ashrafa, Lahore, Pakistan between 15and 17 April, 2010. The aim of the gathering was to explore the Islamic rules on acts of violence and terrorism. The gathering declared in a Resolution that militant methods such as suicide bombing, kidnapping for ransom, and bombing in public places are un-Islamic.[148]

[141] What Does Islam Say About Terrorism? http://discover.islamway.net/articles.php?article_id=47 (accessed 29 June, 2015).
[142] See for example Jackson, R., "Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse", *International Journal of Comparative Politics,* Vol. 42, No. 3, (2007), pp. 394-426.
[143] Myra, W., *Terrorism, War and International Law: The Legality of The Use of Force Against Afghanistan in 2001*, Ashgate Publishing,(2009), p. 38.
[144] Ayaz, Q., and Ahmad, R., supra at p. 77.
[145] *Convention of the Organization of the Islamic Conference (OIC), on Combating International Terrorism,* Council on Foreign Relations, http://www.cfr.org/terrorism-and-the-law/convention-organization-islamic-conference-oic-combating-international-terrorism/p24781 (accessed 29 June, 2015).
[146] Ibid at p. 78.
[147] Ibid.
[148] Abu 'Ammar, Z. R., "Kalimat al-Haqq", *The Monthly, al-Shari'ah,* (2010), p. 2.

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IV. Security and the Making of al-Qaeda and isis

The usual narrative has been that the violent Muslim groups emerged from the influence of teachings of Islam. This narrative is not different from the old accusation of many oriental writers. For example Professor Wilfred Cantwell Smith who in his controversial comments against the background of the history of Western-Islamic relationships said that Muhammad preached Islam with a sword in one hand and the *Qur'an* in the other.[149] In the century immediately following the death of the Prophet Muhammad, Muslim forces conquered lands stretching from the borders of China and India to Spain's Atlantic coast. Bernard Lewis notes:

> "For almost a thousand years ... Europe was under constant threat. In the early centuries it was a double threat—not only of invasion and conquest, but also of conversion and assimilation. All but the easternmost provinces of the Islamic realm had been taken from Christian rulers, and the vast majority of the first Muslims west of Iran and Arabia were converts from Christianity. North Africa, Egypt, Syria, even Persian-ruled Iraq, had been Christian countries, in which Christianity was older and more deeply rooted than in most of Europe. Their loss was sorely felt and heightened the fear that a similar fate was in store for Europe."[150]

A US congressional report alleges that "Saudi Arabia has not stopped its interest in spreading extreme Wahhabism. ISIS...is a product of Saudi ideals, Saudi money and Saudi organizational support, although now they are making a pretence of being very anti-ISIS." It states further that Saudi "money goes to constructing and operating mosques and madrassas that preach radical Wahhabism. The money also goes to training imams; media outreach and publishing; distribution of Wahhabi textbooks, and endowments to universities and cultural centres."[151]

However, DeLong-Bas expresses doubt about this position. According to her, there is too much negative comment towards Wahhabism in the West. She argues that Ibn Abd al-Wahhab was "not the godfather of contemporary terrorist movements", but "a voice of reform, reflecting mainstream eighteenth-century Islamic thought. His vision of Islamic society was based upon monotheism in which Muslims, Christians, and Jews were to enjoy peaceful co-existence and cooperative commercial treaty relations.[152]DeLong-Bas believes that extremism in Saudi Arabia "does not stem from" Islam, but from issues such as oppression of the Palestinian people, "Iraq, and the American government's tying [the hands of] the U.N. [and preventing it] from adopting any resolution against Israel, have definitely added to the Muslim youth's state of frustration."[153] DeLong-Bas was quoted as saying[154] that she did "...not find any evidence that would make me agree that Osama bin Laden was behind the Attack on the Twin Towers.[155] A month later in *The Justice*—the student newspaper of Brandeis University (where she was teaching at the time) -- she disputed the quote, stating: "Of course he did. He's the CEO of Al-Qaeda and the leader of their political agenda. All I claimed was that he didn't have anything to do with the logistics or the planning of the attacks themselves." [156]

It is pertinent to quote a verbatim blunt revelation of Garikai Chengu (A research scholar at Harvard University) in which he states that:

> "Much like Al Qaeda, the Islamic State (ISIS) is made-in-the-USA, an instrument of terror designed to divide and conquer the oil-rich Middle East and to counter Iran's growing influence in the region. …. The CIA first aligned itself with extremist Islam during the Cold War era. Back then, America saw the world in rather simple terms: on one side, the Soviet Union and Third World nationalism, which America regarded as a Soviet tool; on the other side, Western nations and militant political Islam, which America considered an ally in the struggle against the Soviet Union. The director of the National Security Agency under Ronald Reagan, General William Odom recently remarked, "by any measure the U.S. has long used terrorism. In 1978-79 the Senate was trying to pass a law against international terrorism – in every version they produced, the lawyers said the U.S. would be in violation."

During the 1970's the CIA used the Muslim Brotherhood in Egypt as a barrier, both to thwart Soviet expansion and prevent the spread of Marxist ideology among the Arab masses. The United States also openly supported Sarekat Islam against Sukarno in Indonesia, and supported the Jamaat-e-Islami terror group against Zulfiqar Ali Bhutto in Pakistan. Last but certainly not least, there is Al Qaeda.

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[149] See generally, Cantwell, S.W., *Islam in Modern History,* Princeton University Press, (1957).

[150] Bernard Lewis, *Islam and the West* (New York: Oxford University Press, 1993), p. 13.

[151] Butt, Y., (A Senior Advisor to the British American Security Information), *How Saudi Wahhabism is the Foundationhead of Islamist Terrorism*, http://www.huffingtonpost.com/dr-yousaf-butt-/saudi-wahhabism-islam-terrorism_b_6501916.html (accessed 29 June, 2015)

[152] Meri, J.W., *Medieval Islamic Civilization: An Encyclopaedia,* Routledge, (2005), *Jihad,* p. 419.

[153]"American Professor Natana DeLong-Bas: 'I Do Not Find Any Evidence...'". *Islam Daily Observing Media*. 03 Jan 2007; also see generally, *Jihad and The Islamic Law of War*, The Royal AAl-Al-Bayt Institute for Islamic Thought, Jordan, (2009).

[154]In an interview in the London daily *Asharq Al-Awsat* - December 21, 2006.

[155] "American Professor Natana DeLong-Bas, supra.

[156] Bernard, H., Culture and Controversy, *The Justice, http://www.thejustice.org/article/2007/01/culture-and-controversy* (accessed 24 June, 2015).

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Lest we forget, the CIA gave birth to Osama Bin Laden and breastfed his organization during the 1980's. Former British Foreign Secretary, Robin Cook, told the House of Commons that Al Qaeda was unquestionably a product of Western intelligence agencies. Mr. Cook explained that Al Qaeda, which literally means an abbreviation of "the database" in Arabic, was originally the computer database of the thousands of Islamist extremists, who were trained by the CIA and funded by the Saudis, in order to defeat the Russians in Afghanistan.

… ISIS recently rose to international prominence after its thugs began beheading American journalists. Now the terrorist group controls an area the size of the United Kingdom. In order to understand why the Islamic State has grown and flourished so quickly, one has to take a look at the organization's American-backed roots. The 2003 American invasion and occupation of Iraq created the pre-conditions for radical Sunni groups, like ISIS, to take root. America, rather unwisely, destroyed Saddam Hussein's secular state machinery and replaced it with a predominantly Shiite administration. The U.S. occupation caused vast unemployment in Sunni areas, by rejecting socialism and closing down factories in the naive hope that the magical hand of the free market would create jobs. Under the new U.S.-backed Shiite regime, working class Sunni's lost hundreds of thousands of jobs. Unlike the white Afrikaners in South Africa, who were allowed to keep their wealth after regime change, upper class Sunni's were systematically dispossessed of their assets and lost their political influence. Rather than promoting religious integration and unity, American policy in Iraq exacerbated sectarian divisions and created a fertile breeding ground for Sunni discontent, from which Al Qaeda in Iraq took root. There are essentially three wars being waged in Syria: one between the government and the rebels, another between Iran and Saudi Arabia, and yet another between America and Russia. It is this third, neo-Cold War battle that made U.S. foreign policy makers decide to take the risk of arming Islamist rebels in Syria, because Syrian President, Bashar al-Assad, is a key Russian ally. Rather embarrassingly, many of these Syrian rebels have now turned out to be ISIS thugs, who are openly brandishing American-made M16 Assault rifles.

… ISIS is not merely an instrument of terror used by America to topple the Syrian government; it is also used to put pressure on Iran. … America is using ISIS in three ways: to attack its enemies in the Middle East, to serve as a pretext for U.S. military intervention abroad, and at home to foment a manufactured domestic threat, used to justify the unprecedented expansion of invasive domestic surveillance."[157]

[157] Chengu, G., *The War on Terrorism is Terrorism,* http://www.counterpunch.org/2014/09/19/how-the-us-helped-create-al-qaeda-and-isis/(accessed 23 June, 15)

It is argued that in view of this revelation, it is naïve to suggest that Islam and its over a billion innocent population around the world are responsible for the emergence of these terrorist groups. The Muslims may not be totally exonerated but, certainly the solution may be said to be beyond their control.

V. Conclusions and Recommendations

It can be concluded from the above analysis that security is a subject of concern to all including the Muslim world. Islam stands for peace and security despite unholy violence and terrorism perpetrated by a tiny group of Muslims which point to the contrary. There has been shift from the classical division of the world into Dar-al-Islam and Dar-al-Harb. This has opened a new chapter in security within the conceptual framework of the Islamic jurisprudence. Under the Islamic jurisprudence, the security, preservation of life, and the preservation of wealth or property are important components of the objectives of the *Shari'ah* (*Maqasid al-Shari'ah*). In other words, the *Shari'ah* framework is to establish justice leading to the attainment of those objectives. It is true that the word *'Jihad'* is capable of dual meanings. The *Qur'an* and *Sunnah* are unequivocal in condemning any attempt to interpret this term to justify acts of terrorism and violence especially against innocent people and institutions. Contemporary Muslim jurists are doing their bits to prove and assert the position of Islam on the issues of security and acts of violence and terrorism. However, these efforts are arguably being undermined and eclipsed by the powerful forces of predominant international politics. The much prescribed Islamic solutions to the hydra-headed phenomena of violence and terrorism emanating from Muslim territories had become irrelevant. This is because many terrorist groups that claim to fight in the name of Islam are arguably brainchild of the international political ideologies. How they emerged is a topical issue between the Islamic and Western blocs.

a) Recommendations

It is suggested here that the stakeholders in international politics should review their preponderant ideologies which are set to achieve certain political and economic interests at the expense of international security. Governments of many majority Muslim states should strive to imbibe the culture of democracy and rules of law within their cultural and religious values. This will go a long way to give many groups particularly, potential Muslim political groups sense of belonging in the running of State affairs. Western democracy should promote the democratic values and encourage developing nations to practice these values according to their culture and religious belief. Any attempt to impose democratic standard or value of a country on another will be counterproductive and lead to emergence of

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violent groups particularly among the youths. Muslims around the world should do more to dissuade youths from radicalization especially through social-media.

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Global Journal of human-social science: F
Political Science
Volume 15 Issue 5 Version 1.0 Year 2015
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460X & Print ISSN: 0975-587X

Elites Predation and Insecurity: A Perspective on the Boko Haram Insurgency in Nigeria

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Abstract- The post-colonial Nigerian state imbibed the gory traits of the colonial state; it served mostly as a tool for economic exploitation. The emergent elites saw governance solely, as a means for predation, thus, excluding the masses and weaker political elites. Oil further deepened the chasm, as, contending elites used oil revenues to fund and reproduce their dominance rather than provide public goods; utterly disconnecting the elite from the people. To gain political power; the means of predation, the elite resorted to votebuying, and as, the electoral process became more competitive, they turned to even more weird ways; recruitment and arming of youths to secure votes; with unintended costs. The paper argues that the Boko Haram, which for years has caused dire insecurity in Nigeria's North East is an unintended cost of elite predatory antics. The paper concludes that except there is vigorous deference of elite predisposition to predation, their actions may utterly emasculate national cohesion.

GJHSS-F Classification : FOR Code: 360199



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Elites Predation and Insecurity: A Perspective on the Boko Haram Insurgency in Nigeria

Crosdel O. Emuedo [α], Henry Oghaotor [σ] & Michael Abam [ρ]

Abstract- The post-colonial Nigerian state imbibed the gory traits of the colonial state; it served mostly as a tool for economic exploitation. The emergent elites saw governance solely, as a means for predation, thus, excluding the masses and weaker political elites. Oil further deepened the chasm, as, contending elites used oil revenues to fund and reproduce their dominance rather than provide public goods; utterly disconnecting the elite from the people. To gain political power; the means of predation, the elite resorted to vote-buying, and as, the electoral process became more competitive, they turned to even more weird ways; recruitment and arming of youths to secure votes; with unintended costs. The paper argues that the Boko Haram, which for years has caused dire insecurity in Nigeria's North East is an unintended cost of elite predatory antics. The paper concludes that except there is vigorous deference of elite predisposition to predation, their actions may utterly emasculate national cohesion.

I. Introduction

By virtue of its complex web of politically salient identities and history of seemingly intractable conflicts, Nigeria can be rightly described as one of the most deeply divided states in Africa. From the colonial era till date, Nigeria has faced a perennial crisis of state legitimacy that has often challenged its efforts at national cohesion, democratisation, stability and economic emancipation (Melson and Wolpe, 1970; Dudley, 1973:38; Herbst, 1996; Maier, 2000). The civil war that ensued from 1967-1970 barely few years after independence in 1960 was initially regarded as the high point of the country's instability. However, instead of abating, conflicts have since, become more pervasive and intense, thus, giving rise to palpable fear for the country's unity. Since the transition to democracy in 1999, the nation's political landscape has been characterised by youth belligerency. Violent youth activities have triggered insecurity; confronted the status of the state as the sole legal monopolist of the means of force and violence. The conflicts have also exposed the peoples' weak allegiance to the nation-state project and threatened its existence as one unified entity. It appears that decades of elite' predation triggered vicious frustration and deprivation that caused youths to embark on extra-constitutional method for negotiation, and redress their dehumanising conditions. Though violence exists in many parts of the country its rampant proliferation and seeming sustenance first in the Niger Delta and now in the North-eastern part of the country in the face of organised state violence is to say the least unprecedented.

The term "elites" is used to refer to those who occupy the most powerful positions in structures of domination" (Scott, 2008). As such, elites are "those small groups of people … in formal or informal positions of power who take or influence key economic, political, social and administrative decisions" (Leftwich and Hogg, 2007a). According to Hossain and Moore (2002), they number very few in small countries, while larger and more urban countries have more but in all elites make up a small portion of the population. But as Hossain and Moore (2002) opined, they usually control a very large piece of the national income and the influence that goes with it. According to Scott (2008), two types; coercive and inducing elites may be identified from the forms of power they exercise, base on the resources they control. Coercive elites control access to the means of violence or force while inducing elites have access to economic assets and induce others to conform "by influencing their rational, self-interested calculations of personal or group advantage" (Scott 2008:33). In Nigeria and Africa, elites have been associated with the formal political institutions of the state. As Chandra, (2006) observed, most often, those who have the capital to launch a political career tend to be 'elites', as politicians also do business personally or through proxies (Daloz, 2003). An important feature of the Nigerian post colonialism elite is that both politics and economics are entirely tied with the state. Thus, the development of the elites has been within or in close propinquity to the state; political power brings with it other forms of power. Hence, change is difficult as elite interests are deeply engrained, straddling economic, political and social dimensions. Besides, due to the systems of patronage and the non- autonomy of the elites from society, they are further embedded. The result is that the state lacks effective institutions, as formal rules are openly defied and ignored. According to Hyden (2006) though formal institutions exist, they do not influence the conduct of individual actors. This, according to Chabal and Daloz (1998) is a derivative of the fact that like other Africa states, the Nigerian state was not unbound from the society and hence not fully established. The public and private spheres are intertwined in their appointments functions and advancement based often, not on merit. As such, power remained personalised and based on

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informal relations. Given the pervasiveness of personalised rule, pressure for democratic reform only gave rise to what Mette Kjaer, (2004) labelled "partial reform syndrome", where leaders commit rhetorically to reform, that are carried out to prevent hurting politically important members of the political elite. In the opinion of Chabal and Daloz (1998:15), this arises from the fact that the elites derive legitimacy from fostering a network of clientele on which their power rest. The network is built upon the capture and control of state resources. This is even more so in the presidential systems, wherein access to state resources is warehoused in the presidency; the core source of resources and patronage (Chabal and Daloz 1998; van de Walle 2001, 2003; Hyden 2006).

In a democracy, elections are preceded with peaceful campaigns and open discourse of persuasion, as candidates compete for votes by presenting reasoned arguments about their suitability for an election to office (Kitschelt *et al*., 2010). Works on political parties; typologies (Duverger, 1951; Kirchheimer, 1966; Michels, 1968), social origins (Lipset and Rokkan, 1967; Aldrich, 1995) and spatial competition between parties (Downs, 1957), assumes programmatic linkages. Voters therefore, choose contenders with policy position closest to their own preferences. However, this is not the case in Nigeria, as elections appear to be mere struggles over access to state controlled resources. Given these high stakes, politicians have most often, resorted to a variety of "unfair" means to attain public office. Thus, though candidates routinely go through motions of presenting "electoral promises", often, the promises are unreliable (Keefer, 2004, 2007), mostly alike across parties (Mohammed and Nordlund, 2007) and evolve often, into personality attacks (van de Walle, 2003, 2007a, 2007b). As such, choice of candidates by voters is based not on policy option but on the patron potential of a candidate (Kitschelt and Wilkinson, 2007; Bratton and Lewis, 2007; Bratton, 2007). Therefore electoral campaigns have mostly involve intimidation and quirky electoral practice; vote buying (Lindberg, 2003; Schaffer, 2007), and vitriolic electoral violence (Wilkinson, 2004; Lebas, 2006). Often politicians have recruited and armed youths to carry out these quirky electoral practices at a bargain. But politicians on attaining power have mostly reneged on their promises. The resultant angst has resulted in acute national insecurity. We have categorised Boko Haram activities into three but over lapping phases: the known, the political and the mysterious or caliphate (power) seeking eras.

II. Conceptual Framework: Predation and Violence

Barrington Moore Jr. was the first to use the term 'predatory' in a contemporary analytical context (1966, 1972, 1978). He used it to differentiate between the 'predatory' and 'rational' authority that elites in a society can have – the dichotomy he opined, should be appreciated "in terms of the misery they cause" (Moore, 1978:446). The more misery an elite causes, the less rational authority it has; the predatory elite is one that renders very few services to the people, it extracts for itself a huge surplus to create poverty on a massive scale that would otherwise not existed were the people left alone (Moore: 1978, 445-446). The normal assumption is that political leaders are motivated principally by a desire to achieve, retain and exercise power. It is based on this assumption that Levi (1981:435), sketched a theory of predatory rule that starts from "the Hobbesian dilemma that it is in every (ruler's) interest both to make a contract and then, at the first advantageous opportunity, to break it". She opined that policies are the outcome of an exchange between ruling and other elites and that all rulers are predatory in the sense that, "as much as they can, (they) design policies meant to maximise their own personal power and wealth" (Levi 1981:438). Furthering the argument, Fatton (1992) stated that predatory power relations have cultural and material roots. He asserted that ruling elites are predatory for they seek hegemony - all-embracing social domination, over subordinate groups. With specific reference to Nigeria, predatory rule was defined as "a personalistic rule through coercion and material inducement…that tends to degrade the institutional foundations of the state as well as the economy" (Lewis, 1996). That is, political predation involve the proclivity of leaders to unleash violence against (to "prey" upon) their own people. In other words, a predatory leadership not only fails to deliver developmental outcomes; it is also kills, maims and terrorises its citizens. In this regard, Alnaswari's (2000:2-3) depiction of predatory rule in Iraq under Saddam Hussein is more apropos for Nigeria, under the military and post military era.

Migdal (1988) ascribes rulers' policy decisions to a perverse paradox rooted in what he calls "the politics of survival." In order to accomplish developmental goals, political elites must establish strong institutions that are capable of mobilising resources, including political support. However, political rivals can also use these institutions to build independent power bases from which incumbents are challenged. As a result, rulers impose strict limits on the extent of institutional development by appointing officials based on political patronage and creating network of clientele (Joseph, 1987) for cementing loyalty and checking rivals. Hence, Bates (2009) argued that institutional and development outcomes depend on how ruling elites, whom he depicted as "specialists in violence" employ instruments of coercion to extract wealth from society. Other scholars have expanded the debilitating nature of the predatory state. In his study of the political causes of humanitarian emergencies, Holsti

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(2000) identified predation as a crucial latent cause. He opined that predation tends to lead to weak states; resulting in state breakdown and anarchy. Insecurity, in turn, feeds repression and often acute retaliation against the aggrieved (Holsti, 2000: 254). Insecurity, aside, predation is also linked with social and political decay. In other words, when the elite's political and economic interests are served by taxing production, infrastructure a lawful state is established. If, their feeling however, is that the costs of providing protection to society's producers outweigh the expected benefits, then they turn the state apparatus into an instrument of violent predation, giving rise to huge development deficit. As Diamond (2001; 2008) opined, predation causes 'predatory societies' – societies in which predatory behaviour permeates the entire fabric of social and political lives. As such, every policy is manipulated to someone's immediate advantage (Diamond, 2001:13; 2008:44). The elite manipulate power and privilege to steal from the state and plunder from the weak rather than engaged in honest productive activity all the while "shirking the law". Indeed, in such societies the line between the forces of law and criminality is very thin – the police do not enforce the law, and judges do not decide the law (Diamond, 2001: 13; 2008: 44). In Larry Diamond's view, predatory societies are, the polar opposite of a 'civic community' (Putnam, 1994). This is especially true for Nigeria, where despite over $600 billion revenues from oil (Watts, 2008), the Nigerian state remained encased in underdevelopment cocoon. Since independence in 1960, violent elite predation has been the hallmark of governance. This has caused mass poverty, as over 75% of the people live on less than a dollar a day (Weinstein, 2008). The result is that the living standards of people are no better than they were in the 1960s (Parker, 2009). Lewis (1996), in his interrogation of Nigeria (from 1985 to 1994), isolated a key feature of 'predatory' rule. He distinctly linked the economic hardships of the Babangida regime with vital shift during this period: the retrenchment of prebendalism for predation (Lewis, 1996). Here predation is viewed as fortification of rapacious and devastating insecurity under one regime (Lewis, 1996). This obtuse poverty created mass of uneducated youths, who are unemployable and un-trainable. Their situation is further exacerbated by politicians who give them false hopes, use them to climb to power and thereafter dump them. The resultant angst and frustration has led to dire security problematic for the Nigerian state. As we shall see later, often, the youths have been tools in the hands of the elite to short circuit their access to power and resources.

III. Elite Political Competition and Insecurity

The literature on clientelism (Shefter, 1977; Piattoni, 2001; Stokes, 2005; Nichter 2008), argued that politicians in many countries rely on direct exchange of targeted goods for electoral support, woven within an intricate patronage network. In the opinion of Keefer and Vlaicu, (2008) clientelism is due to lack of political credibility arising from the strong desires of politicians to favour narrow groups of citizens. Clientelism is a derivative of the dominant role of the "big man" (Bratton and van de Walle, 1997) in politics. In nascent democracies, clientelism results in the dearth of public goods (Chubb 1982; Calvo and Murillo, 2004; Cruz and Keefer, 2010). In addition, it increases benefits of incumbency for those with access to state resources (Graziano 1976; Fox 1994; Wantchekon 2003; Medina and Stokes 2007), while reward of political brokers who deliver votes by politicians results in avoidance of interaction with citizens (Scheiner 2006; Keefer and Vlaicu 2007). Clientelism has been closely linked to low competition and or monopolistic political regimes (Ward, 1998; Medina and Stokes, 2002; Hale, 2007). Some authors assert that pressure to engage clients are greater when elections are competitive (Scott, 1969b:1147; Shefter, 1977, 1994; van de Walle, 2007).

This may be what turned Boko Haram (an erstwhile religious sect) into a vicious terrorist killing machine in northeast, Nigeria. The *Jama'atul Ahlus Sunnah Lidda'awati Wal Jihad* (Brethren united in the pursuit of holy war), better known by its Hausa name Boko Haram, was started in Girgir village, in Jakusko, present day Yobe State, in 1963 by Modu Jon, Mohammed Yusuf's father. Abubakar Lawan succeeded Modu Jon, while Mustapha Modu Jon, otherwise known as Mohammed Yusuf assumed leadership in 1999 when Lawan left for study at the University of Medina in Saudi Arabia. The group was originally a Salafist group but later turned into a Salafist Jihadist group in 2009 (Cook, 2011:9-26); propagating a version of Islam that forbids interaction with the West and even traditional Muslim establishments (Bartolotta, 2011). Mohammed Yusuf was expelled from several mosques in Maiduguri due to his fiery teachings but he continue to attract large youth following; a sizeable electoral bloc. In 1999 Modu Sheriff won the Borno North senatorial seat. He also helped Mala Kachalla an older politician, win governorship election with the understanding that he would spend one term in office. But they fell out when Kachalla later reneged on this agreement (ICG, 2014). Sheriff then recruited Yusuf to organise his followers to help secure his victory through voters intimidation in the 2003 elections. Yusuf and his followers delivered victory to Sheriff and he was promised ₦10 million monthly stipends, sites for mosques and Quranic schools and protection against arrest. This is not surprising for in

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Nigeria various linkages exist between armed groups and political elites (Reno, 2002). Indeed, politicians routinely use their access to opportunities to loot to recruit youths groups, especially those who for a bargain are willing to become their tools (Nwachukwu, 2000:32). Other candidates in Yobe, Kano, Bauchi, Katsina and Gombe besides Sherrif also benefited from Yusufs services based on the same bargain. Really pleased, Modu Sherrif appointed the deal's facilitator Alhaji Buji Foi, Commissioner for Religious Affairs. One of Foi's, first duty was to grant Yusuf permission to develop a compound with a mosque and Quranic schools in Maiduguri. But the relationship between Yusuf and Sherrif later collapsed as Sherrif soon reneged on the ₦10 million monthly payments; the other governors inclusive.

Before long, Sherrif began receiving security reports of the group's arms stockpile (*The Guardian* (Lagos), 2009-08-02). Sherrif in his attempt to either control or cow Yusuf asked the security forces to dislodge the sect from its compound in 2009. In an operation code-named "Operation Flush", the security forces arrested nine of the sect's members; seizing weapons and bomb-making equipments (Nossiter, 2009; Adesoji, 2010; Bavier, 2012; AP, 2012; BBC, 2012; Obateru and Dakat, 2012; HRW, 2014). By this time however, Yusuf was well established with large youths following in his benefactor's states. Thus, the sect responded with unbridled attacks on politicians, government offices and institutions, giving stoppage of its monthly payments as, reason for the attacks (Aziken *et al*., 2012). The violence took place between July 24 and July 28, 2009 in Borno, Bauchi, Yobe, Gombe, Kano and Katsina states. An account by *Newswatch's* stated that violence started 4 kilometres from the sect's Maiduguri headquarter after a bomb killed one person and injured several others. The sect members attacked and burnt police stations, prisons and government offices. Concurrent attacks also, occurred in Bauchi, Kano and Yobe states. Maiduguri was worst hit; 100s of persons killed, several state properties, over 30 vehicles and several houses burnt. One of the houses burnt is the residence of the Commandant, Police Training College Maiduguri. Also burnt were five primary schools and the headquarters of the Universal Basic Education. In Yobe state, the sect burnt the Federal Road Safety Commission, headquarters, a Police station, office of the National Population Commission and many vehicles in Potiskum (*Newswatch*, August 10, 2009, pp. 33-35 and 43). On their part, the security forces killed over 500 sect members in Borno, while 41 persons including a soldier and a policeman died in Bauchi. Also, 43 persons mostly sect members died in Yobe state. By the time normalcy returned, between 1,000 and 1, 400 persons have died and inestimable properties destroyed. The extent of the group's attacks may be gleaned from Table 1.

Table 1: Boko Haram Activities and Attacks 2004 - 2009

Date of Attack	Place	Casualty
Dec. 23-31 2003	Kanamma And Geidam	A group of about 200 members of a BH splinter group launched attacks on police stations in the towns of Kanamma and Geidam in Yobe State from their enclave outside Kanamma on the Nigerian border with Niger. The militants killed several policemen and requisitioned police weapons and vehicles. Following the deployment of soldiers to contain the crisis, 18 sect members s were killed, and large number arrested.
Jun. 2004	Damaturu	4 BH members killed by prison guards in a foiled jail break in the Yobe State capital.
Jan. 7, 2004	Damboa	7 sect members killed and 3 others arrested by a team of local vigilantes in Borno State, near the border with Chad. Recovered were bags containing AK-47 rifles.
Sept. 23, 2004	Gwoza and Bama	4 policemen and 2 civilians killed in attacks on police stations in the towns of Gwoza and Bama. They took to the Mandara mountains along the Nigeria-Cameroon border. Soldiers and two gunships were deployed in the mountains and after two days of battle 27 sect members were killed while the rest escaped. 5 sect members who escaped into Cameroon were arrested by Cameroonian gendarmes and handed over to Nigerian authorities.
Oct. 10, 2004	Kala-Balge	A BH splinter group attacks a convoy of 60 policemen near the border with Chad, taking 12 policemen hostage. The men were presumed killed as all attempts to trace them failed.
2005-2008		BH concentrated on recruiting new members and shoring up its resources. As evidence of their growing popularity, Borno State governor Ali Modu Sheriff appoints an influential BH member, Buju Foi, as his commissioner of religious affairs in 2007.
Jun 11-12, 2009	Maiduguri	BH leader Mohammed Yusuf threatens reprisals in a video recording to the president following the killing of 17 sect members by security forces. This was after a disagreement over BH members' alleged refusal to use crash helmets while in a funeral procession to bury members who had died in a car accident.
Jul 26, 2009	Maiduguri	BH launches a short-lived uprising in parts of the north, which is quelled by a military crackdown that leaves more than 800 dead - mostly sect members, including BH leader Mohammed Yusuf. A mosque in the capital of Borno State (Maiduguri) that served as a sect headquarters, burnt down.

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Sept 7, 2010	Bauchi	The sect free over 700 inmates including around 100 sect members from a prison in Bauchi. 4 persons; 1 soldier, 1 one policeman and 2 civilians killed.
Dec 24 and 27, 2010	Jos and Maiduguri	Over 86 persons killed in a series of attacks in Jos and Maiduguri.
Dec 29, 2010	Maiduguri	8 persons including the governorship candidate of the ruling All Nigeria Peoples Party (ANPP) killed.

Source: Al. 2014; de Montclos, 2014.

The crisis soon spread to Bauchi, leading to the arrested of several members of the group. This sparked further clashes between the group and the security forces that killed about 700 people. In Maiduguri, the sect held the security forces at bay for 3 days, while Yusuf tried an escape into Chad Republic. He was later arrested by army personnel in a chicken coop in his father-in-law's house. The army handed Yusuf over to the police hale and hearty in whose custody he died few hours later (Nossiter, 2009, BBC, 2009; Al Jazeera, 2009). In our opinion, two reasons may be adduced for the death of Yusuf in police custody few hours after soldiers handed him over to them hale and hearty. The first is that his hitherto benefactors are afraid of being exposed by his confession. While the second may have been to the erroneous thought by northern elite that Yusuf's death would cause the sect to fizzle out. This opinion seems strong as exemplified by Borno elders support for his execution. For instance, a classified cable sent from the US Embassy in Abuja in November 2009, available on WikiLeaks, stated that "[Borno political and religious leaders] ... opined that the state and federal government responded appropriately and, apart from the opposition party, overwhelmingly supported Yusuf's death without misgivings over the extrajudicial killing" (US Embassy, 2009). But like the phoenix, from his ashes emerged a new leader and a group more vicious than hitherto. The death of Yusuf ended the known era.

IV. Predation and Spiralling Insecurity

The 2009 crisis that signalled the emergence of the Boko Haram group was a battle with a well known group; its leaders, mosques, bases, homes, family backgrounds and even friends where well known. But thereafter, Boko Haram as it were became faceless. A new leader emerged whose identity was not immediately known after Yusuf's death (Bartolotta, 2011). Yusuf's former deputy Abubakar Shekau, also thought killed in 2009, (Jacinto, 2012), was in January 2012 shown in a YouTube video, as the group's new leader. Under Shekau's leadership Boko Haram has been very audacious in its operations. In September 2010, the group broke into and freed 105 of its members along with over 600 other prisoners from the Maiduguri prison (Ewi, 2013). The group has continuously wrecked havoc across some states in the North since then. It started initially with attacks on the security forces, politicians and government offices in Borno, Yobe states and later Gombe and Bauchi states. Between July 2009 and June 2014, Boko Haram killed more than 5,000 civilians, about 2,000 of which were within the first few months of 2014, in attacks across several northern states (*Guardian*, 19 July 2014; CoFR, 2014). The group has also abducted more than 500 men,(BBC January 3, 2015; Huffington Post, August 15 2014) women and children, including 276 schoolgirls from Chibok in April 2014 (HRW, 2014) 650,000 people had fled the conflict zone by August 2014, an increase of 200,000 since May; by the end of 2014, 1.5 million had fled (Wall Street Journal, 2015).

Furthermore, it attacked Police Headquarters Abuja in June 2011, killing 6 persons, and in August attacked UN headquarters also in Abuja killing 23 persons including 11 UN staffers and over 100 others injured. The group warned of attacks on America and Nigerian government interests while claiming responsibility. The dexterity of the group led to observers' belief that it has link with AQIM that was active in Niger (Mshelizza, 2011; Brocks, 2012; Marama, 2014; The *Guardian*, 2014). The sect has maintained a steady rate of attacks since 2011, striking a wide range of targets, multiple times weekly. The tactics of suicide bombing, used in the two attacks in Abuja; police headquarters and UN office, was new to Nigeria. In Africa as a whole, it had only been used by al-Shabaab in Somalia and, AQIM. (Dowden, 2012; Aljazeera, 2013; Cook, 2011; BoC, 2014). Boko Haram under Shekau was so active that by July 2014, Nigeria recorded the highest number of terror associated deaths in the world in a year; 3477 deaths in 146 attacks (Nkala, 2014). Hardly can the Nigerian state be talked about without reference to religion (Falola, 1998; Kukah, 1994; Suberu, 2009) and often, it's mention, is, negative, due to the myriads religion related crises that had occurred. Boko Haram was, thought initially to be just a religious sect. But it would seem by later events that some members of the northern elite had other ideas about the sect; a tool that could be used to elicit certain reactions and or advantages. This is in synch with the pattern of politics of the dominant ethnic tripod since the General Abacha's era.

The acute repressions of the Abacha era (1993–1998) led to the creation of ethnic militias by the major ethnic groups to defend their primordial interests. For instance, the O'odua Peoples Congress (OPC), (pan Yoruba Organisation, Afenifere youth wing) was created in 1994 in the southwest to protest the annulment of the 1993 elections won by M.K.O Abiola, a Yoruba Muslim.

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The Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) (pan Igbo organisation, Ohaneze Indigbo youth wing) emerged two years later in the southeast; to resuscitate the failed Biafra Republic bid of 1967. The Arewa Youth Congress (AYC) (pan northern organisation, Arewa Consultative Forum youth wing) also came into being in 1999 in the north ostensibly to prevent "national dismemberment" by the Yorubas but was actually a reaction to the killing of northern elements in Lagos and other Yoruba towns by OPC cadres. However, while OPC and MASSOB were in actuality ethnic armies, AYC would seem to be mere group of noise makers. As it were, the northern end of the dominant ethnic tripod seemed left out in the balance of force.

Thus, some northern elites would seem to have fancied the Boko Haram as APC's answer to OPC and MASSOB. As such, the northern elite actively protected the group from the law, as exemplified by the forgoing: in an operation code-named, "Operation Sawdust" conducted by the security forces in Borno, Bauchi and Yobe states, in 2005, Yusuf Mohammed, a certain Bello Maiduga and one Ashafa and some other Islamic extremists were arrested. Their arrests gave the first hint of the links between the sect and the Al-Queda terrorist group. Yusuf and his men revealed that they had received training in Afghanistan, Lebanon, Pakistan and Iraq. Amongst items recovered from them were maps and detailed drawings of some public buildings and government offices in Abuja (*Tell*, August 17, 2009:69). They were detained till the end of Obasanjo's presidency in 2007. But, upon Yar'Adua's assumption of the Presidency, Muslim scholars and northern elites pleaded for their release, asserting that they were mere Islamic evangelists. President Yar'Adua ordered their release. However, this was despite 14 strong reports by the State Security Service (SSS) on the subversive activities of the group to President Yar'Adua, Governor Sherrif and the Police Inspector General (*Tell*, August 17, 2009:69).

The usefulness of Boko Haram to the northern elite may have become manifest with President Yar'Adua's death in 2009. When President Yar'Adua died two years into his four-year tenure, the northern elite despite clear constitutional provisions, wanted another northerner sworn in as president. Indeed, it took a so called "doctrine of necessity" by the Nigerian Senate before then Vice-president Jonathan was sworn in as Presiden. It seems however, that the understanding was that President Jonathan would only complete late Yar'Adua's tenure. Thus, at the onset of the 2011 elections, stringent emanated from northern elite asking President Jonathan not to contest. Adamu Ciroma, a former Finance minister threatened President Jonathan that the country would become ungovernable, should he contest the elections. But Jonathan contested and won the elections. Thereafter, Boko Haram went on killing spree across many northern states. The group's attacks post the 2011 elections to the December 2012 is shown in Table 2.

Table 2 : Boko Haram Attacks from 2011 – 2012.

Date	Place of Attack	Casualty	Remark
May 27, 2011	Damboa	4 policemen and 4 civilians killed in a simultaneous attacks on a police station, a police barracks and a commercial bank.	
May 29, 2011	Bauchi	13 persons killed and 33 injured following 3 bomb blasts in a beer parlour in a military barracks.	
Jun 6, 2011	Biu	Muslim cleric Ibrahim Birkuti, critical of BH, killed outside his house.	
Jun 7, 2011:	Maiduguri	14 persons killed in attacks on a church and two police posts.	
Jun 16, 2011	Abuja	2 persons killed and over 70 cars burnt in a suicide bomb attack on National Police Headquarters.	
Jun 20, 2011	Kankara,	5 policemen and 2 civilians killed in gun and bomb attacks on a police station and a bank.	
Jun 27,2011	Maiduguri	Over 25 persons killed and scores injured in a gun and bomb attack on a beer garden.	
Aug 25, 2011	Gombi,	16 persons including 7 policemen killed in a gun and bomb attacks on two police stations and two banks.	
Aug 26, 2011	Abuja	Over 23 persons killed in a suicide bomb attack on UN compound.	
Sept 4, 2011	Maiduguri	A cleric Malam Dala killed outside his home by two persons.	
Sept 12 2011	Misau	4 policemen and 3 civilians killed in bomb and shooting attacks on a police station and a bank.	The bank was successfully robbed by the attackers.
Sept 13 2011	Maiduguri	4 soldiers injured in an ambush.	15 members of the sect arrested in their hideout.
Sept 17 2011	Maiduguri	Babakura Fugu, brother-in-law to slain BH leader Mohammed Yusuf killed two days after attending a peace meeting with ex-President Olusegun Obasanjo.	The sect denied taking part in the killing
Oct 1, 2011	Maiduguri	2 butchers killed at Baga market; attacks on an army vehicle taking meals to soldiers at a checkpoint killed 3 persons.	
Oct 3, 2011	Maiduguri	Attacks on Baga market kill 3 persons (1 tea-seller, 1 drug store owner and 1 passer-by).	The victims are all civilians

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Oct 23, 2011	Saminaka	A bombing and shooting attacks on a police station and two banks kills 1 policeman and 1 security guard.	
Oct 23, 2011	Katari	2 persons killed in a gun attack on a market.	
Oct 25. 2011	Damaturu	A police officer killed in his house in a targeted attack.	
Oct 29, 2011	Maiduguri	A Muslim cleric Sheikh Ali Jana'a killed outside his house.	He was said to have given information about the sect to security forces.
Nov 1, 2011		The sect rejects dialogue with government until all its detained members are released.	
Nov 2, 2011	Maiduguri	1 soldier killed outside the main market.	
Nov 4, 2011	Maiduguri Damaturu and Potiskum	Borno State governor's motorcade bombed on his way from the airport; About 150 persons killed in a coordinated attacks on police facilities; 2 persons killed in a botched suicide attack outside the headquarters of the Joint Task Force.	
Nov 9, 2011	Maina village	A police station and the office of the Federal Road Safety office bombed.	No one was hurt
Nov 26, 2011	Geidam	3 policemen and a civilian injured in bomb and shooting attacks; 6 churches, police station, a beer parlour, shopping complex, a high court, a local council building and 11 cars burnt.	
Nov27, 2011		A protocol officer in Borno State governor's office killed.	
Dec 4, 2011	Azare Maiduguri	1 soldier, 1 policeman and 1 civilian killed in attacks on police station and 2 banks; A groom and a guest killed at a wedding.	
Dec 7, 2011	Kaduna	8 people killed by bomb attack.	
Dec 13, 2011	Maiduguri	10 persons killed and 30 others injured in a bomb and shooting attack on a military checkpoint.	
Dec 17, 2011	Kano Maiduguri	3 policemen and 4 civilians killed in a shootout at a raid on a sect leader's hideout. 3 sect members killed assembling IEDs in a hideout.	4 sect members killed and 14 arrested; large cache of arms and bombs seized.
Dec 19, 2011	Damaturu	1 sect member killed and 2 others injured while assembling home-made bomb.	
Dec 22, 2011	Maiduguri Potiskum Damaturu	20 persons killed by bombs; 4 policemen and a civilian killed in an attack on a police facility; Over 100 persons killed in multiple attacks on soldiers	
Dec 25, 2011	Madalla, Damaturu and Jos	42 worshippers killed in an attack on Saint Theresa Catholic Church; 3, SSS operatives and a BH bomber killed in a suicide attack on SSS headquarters. A policeman killed in a botched BH bomb attack on a church in the Ray Field area of Jos.	
Dec 28, 2011	Mubi	15 persons injured in an attack on a beer parlour.	
Dec 30, 2011	in Maiduguri	4 Muslims leaving a mosque after Friday prayers killed in an attack at a military checkpoint.	
Jan 3, 2012	Birniwa	A young boy killed and policeman injured in an attack on a Police station.	
Jan 5, 2012	Gombe	6 persons killed and 10 others injured in an attack on a church.	
Jan 6, 2012	Yola and Mubi	8 persons killed in a church and 17 persons mourning one of those killed in beer garden killed	
Jan 7, 2012	Biu	3 Christian killed and 7 others injured.	
Jan 9, 2012	Biu	An SSS operative and a civilian friend killed as they exit a mosque.	President Jonathan says BH has infiltrated the executive, NASS and judiciary.
Jan 10, 2012	Damaturu,	8 persons, 5 policemen and a young boy killed in a beer parlour.	
Jan 11, 2012	Potiskum	4 Christians fleeing Maiduguri for the East killed in a petrol filling.	
Jan 13, 2012	Yola and Gombe	4 killed, 2 injured including a policeman, in two separate attacks on bars	
Jan 17, 2012	Maiduguri,	2 soldiers and 4 BH gunmen killed in an attack on a military checkpoint	6 sect members arrested by soldiers
18 Jan, 2012		A key suspect in the 2011 Christmas Day bombing in Abuja that killed more than 40 persons, escapes from police custody.	The scandal forces the Inspector General of Police, Hafiz Ringim, to resign.
20 Jan, 2012	Kano	250 persons mostly civilians, amongst whom are 3 Indians	Boko Haram gunmen also freed

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		and Channels Television journalist killed in coordinated attacks on police facilities.	between 50 and 100 members from jail.
2 Feb, 2012	Maiduguri	6 dissident members of the sect killed.	The sect promise to kill any of its members who makes contact with government.
8 Apr, 2012	Kaduna	41 persons killed in a suicide car bomb on Easter Sunday.	The army alleged, the sect's execution of its spokesman, Abul Qaqa II, adding that the sect is riven by internal divisions. (In January 2012, the SSS said it had captured Boko Haram's previous spokesman, Abul Qaqa I).
26 Apr, 2012	Abuja and Kaduna	The offices of *ThisDay* newspaper in Abuja and a building housing several media outlets inclusive in Kaduna were bombed killing 4 persons in Abuja and 3 in Kaduna.	The sect gave "lies" reported about it and 2002 article that dishonour the Prophet, as reasons for attack.
29 Apr, 2012	Kano	19 people, including 2 lecturers killed in attack on two Christian services at Bayero University, Kano.	
10 May, 2012	Kano	Shiite Islamic sect leader Muhammad Ali, killed by elements of Boko Haram.	
17-19 Jun, 2012	Kaduna and Zaria	100 persons killed and over 300 injured in attacks on churches.	21 Hausa-Fulanis killed in reprisal attacks by Christian youths in Kaduna
6 Aug, 2012	Sokoto	7 policemen killed in suicide attack on police station just metres away from the house of former President Shehu Shagari.	
21 Aug, 2012	Biu	A Muslim religious leader and one of his aids killed in a mosque.	Men of the Joint Task Force (JTF) began distribution of anti-Boko Haram video tapes in Maiduguri town.
5-6 Sept, 2012		Over 2 dozen mobile telephone towers destroyed across northern Nigeria.	This was to avenge the mobile phone companies' cooperation with Nigerian intelligence services.
6 Oct, 2012	Gubio and Maiduguri	3 Chinese cooks killed as they leave a market in Gubio. 1 Ghanaian and 2 Indians also killed in Maiduguri.	
7 Oct, 2012	Damaturu	The JTF announce the killing of Boko Haram leader Abubakar Shekau and 30 members and arrest of 10 others in Kandahar.	
8 October 2012	Maiduguri	A JTF officer is killed in an IED attack on his convoy.	Soldiers killed 30 ivilians and burnt 50 houses, stores, and vehicles in reprisal
28 October 2012	Kaduna	8 persons killed and 145 others wounded in an attack on St. Rita's church	Christian youths attack Muslim areas in reprisal.
20 Dec, 2012	Katsina	Francis Collomp a French engineer adopted in his compound.	4 days later, Ansaru, an offshoot of Boko Haram claims responsibility.

Source: Al. 2014; de Montclos, 2014, The Nation Online July 24, 2014, Wikipedia, the free encyclopaedia.

V. Predation and the Transmutation of Boko Haram

A palpable state of insecurity engulfed Nigeria following the spate of wanton killings across the north, giving room for serious concern about the country's unity. This became acutely exacerbated with targeted killing of Christians in churches, markets, parks, and entertainment spots. Though Babel of voices from other parts of the country strongly condemned the heinous killings and wanton destruction of properties, no northern (Muslim) elite was heard voicing even mild condemnation of the sect's actions. The ominous silence in the north would seem to indicate northern elite tacit if not full support for the group. This is exemplified by the fact that the first statement by the northern elite was a call for dialogue with the sect by the federal government. In it's seemingly attempt to rein in the sect the federal government imposed a state of emergency on the embattled states of Borno, Yobe and Adamawa. In response ACF issued a statement stating that "No force can stop Boko Haram" adding, "The federal government should commit itself openly and unambiguously in guaranteeing the security of the leaders of Boko Haram when they eventually come out for dialogue". Before the import of this statement could sink in the Arewa Consultative Forum (AFC) issued a statement stating that "There will be nothing intrinsically wrong, if Boko Haram is ACF's military wing. After all, it has now been effectively proven that (with recent pronouncements by the ACF and its Arewa Citizens Action for Change, youth wing) what the Haramites are to the ACF, what the OPC is to the Afenifere and their

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Egbe Omo Oduduwa counterpart; just as it is fast becoming a fact, that MASSOB has gradually transform into the military wing of the Ohaneze" (Offoaro, 2012). Thereafter, several northern elite eagerly promised to make contact with a hitherto faceless group.

This was not surprising because to keen observers of Nigerian politics Boko Haram's actions post 2011 elections differed markedly with its actions pre the 2011 elections. Boko Haram not only turned the north into killing fields, the sophistication and dexterity of some of their actions left little room for conjecture. Their attacks seem too well planned and executed to be carried out by the sect. Besides, most often, the attackers not only appear to have all the time to execute their heinous acts, they also seem to operate unimpeded. It is not uncommon to hear reports of attacks in areas surrounded by military checkpoints, barracks and patrols. For example, for some inexplicable reasons, soldiers were withdrawn moments before Boko Haram's attacks on Buni Yadi. Furthermore, cases of dubious and curious passages of insurgents through military "secured" areas to their targets unhindered abound. An example is the reported failure of critical military hardware, when Boko Haram attacked Giwa barracks in Maiduguri. It would seem therefore, from all intent and purpose that the sect was gored into its murderous acts by the northern elite following their failure to prevent President Jonathan from contesting the 2011 elections, which he also won. It is surmised that the actions of the set were either to teach President Jonathan a lesson or to help them gain some advantages. This view is given credence by the northern elites' reactions to the federal government's attempt to rein in the sect. For instance, while no northern elite ever condemned Boko Haram's heinous killings, they utterly disparaged the federal government declaration of a state of emergency in fifteen local government areas in Borno, Yobe and Adamawa states. Instead northern leaders, governor Kwankwaso of Kano state inclusive began calls for granting the group amnesty (Ogbu, 2013). The calls became strident and stringent when President Jonathan extended the state of emergency to the entire areas of the three states in 2013 (Jackson, 2013). However, extraneous events appeared to have changed the course of things for everybody, as, Boko Haram transformed from an ethnic army into a vicious bloodletting terrorist group.

The ouster of Gadaffi in Libya led many of the motley Islamist rebel groups, his erstwhile supporters to flee. Many of the groups escaped into northern Mali, and declared the area an independent state under strict Islamist rule. Following the failure of the Malian army to effectively engage them, they started their advance towards the capital unchecked. To stem the tide of events, France spearheaded a move for intervention. On October 12, 2012 the United Nations Security Council passed a French sponsored resolution approving an African-led force to assist the Malian army battle the Islamist and separatist groups, Ansar Dine, MOJWA, and AQIM in northern Mali. In pursuant of the resolution, France on January 11, 2013 launched "Opération Serval" to oust these groups and it did within a short time period. The dislodgement of these groups from Mali it would seem led some members of these groups to join Boko Haram. Strengthened by these fighters the sect's leader, Shekarau may have decided to answer to nobody but himself; thus, began Boko Haram's mysterious or power seeking era. This era in our view began with the attack on the convoy of the Emir of Kano that killed his driver and two palace guards. Since then killings and attacks by the group has been haphazard. The group became the enemy of all; northerners, southerners, Muslim and Christians alike. This may be gleaned from Boko Haram's attacks during this period, Table 3.

Table 3 : Boko Haram Attacks from 2013 – 2015

19 Jan, 2013	Kano	2 palace guards and a driver killed in an attack on the Emir's convoy	
8-11 Feb, 2013	Kano and Potiskum.	9 female polio vaccinators killed in two attacks on health centres 3 North Korean doctors killed three days later.	
16 Feb, 2013	Bauchi	7 expatriate workers of Setraco construction company kidnapped in Jama'are.	Adoption was by Ansaru Boko Haram's splinter group.
19 Feb, 2013		7 members of French Moulin-Fournier family kidnapped in Waza National Park, Cameroon.	Boko Haram claims responsibility
10 Mar, 2013	Bauchi	7 expatriate construction workers abducted by Ansaru executed	Rescue attempt by British forces , given as reason
18 Mar, 2013	Kano	Over 70 persons killed by bomb at luxury buses park	Target was Christians
22 Apr, 2013	Baga	Over 185 persons killed in fighting between the sect and security forces	This was started by gun fire in a video-viewing centre
14 May 2013		President Goodluck Jonathan declares a state of emergency in Borno, Yobe, and Adamawa states to effectively combat Boko Haram head-on.	The largest contingent of army personnel mobilised in Nigeria since the Civil War.
Jun-Oct, 2013	Borno	100s killed in myriads clashes between Boko Haram and the JTF in various parts of Borno, Yobe, and also Adamawa.	The "Mechanised Division's Operation BOYONA" also uses the air force and heavy artillery to bomb Boko Haram camps.

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19 Aug, 2013	Borno	JTF spokesman Lieutenant-Colonel Sagir Musa claimed Abubakar Shekau died between 25 July and 3 August 2013 from injury in a clash with the JTF in the Sambisa forest.	
25 Sept, 2013		Abubakar Shekau appears in a video spoke about some recent events of the conflict, including attacks that killed 90 persons in Benisheik on September 17 and mocks his death claim by the military.	The JTF states the authenticity of the video is doubtful.
29 Sept, 2013	Gujba	40 students killed in an attack on the College of Agriculture.	
Jan, 26, 2014	Kawuri	45 persons killed in an attack on a marked.	
Feb, 11 2014	Konduga	23 persons killed and entire A village burnt down	
Apr, 14 2014	Chibok	About 276 girls kidnapped from a boarding school.	They are yet to be found
May, 13 2014	Borno	3 villages raided by hundreds of gunmen	over 200 gunmen killed resisting villagers.
May, 20 2014	Jos	118 persons killed by twin bomb blasts in a market	
Jun, 3-4 2014	Borno	About 400-500 persons killed in various attacks across the state	
Jun, 7-8 2014	Garkin Fulani	About 20 young women kidnapped over a weekend	The village is 8km from Chibok
Jun, 18-22 2014	Kummabza	4 villages held hostage for four days; 30 men killed and about 60 women and children adopted.	
Jul, 17-20 2014	Damboa	Over 66 persons killed while about15,000 fled due to siege on the town.	
Jan, 3 2015	Baga	About 2000 persons killed and multinational military base seized in an attack on Baga and neighbouring villages	Everywhere was littered with dead bodies.
Jan, 10-11 2015	Maiduguri Potiskum	Over 20 persons killed and 18 others injured at a market checkpoint by a teen girl suicide bomber. 3 persons killed and 43 others injured in a market by two teen suicide bombers.	

Source: Al. 2014; de Montclos, 2014, The Nation Online July 24, 2014, Wikipedia, the free encyclopaedia.

Besides the spate of indiscriminate killings and wanton destruction of properties, the sect also appeared invisible. They seized large portions of the Nigerian territory and set up their own administration. Poorly kitted, the army crumbled like pack of cards in every encounter with the sect; “retreat” and “flee” became common lexicon amongst Nigerian troops. Thus, then Borno state governor, Kashim Shettima, said in frustration, in February 2014 that "Boko Haram was better armed and motivated than Nigerian troops. Adding that given the state of affairs, it is absolutely impossible for Boko Haram to be defeated” (Onuoh, 2014). The governor’s view seemed apt as, cases of mutiny and court marshals became rampant, leading to season of court marshal of officers and men of the army (*Vanguard*, 2012; Soriwei, 2014; Tsokar, 2015; Ajobe, *et al*., 2015). Soldiers court marshalled alleged that besides poor kits, they lacked vital supplies including bullets; making all encounters between the army and the sect a suicide mission for erstwhile gallant troops (Ndahi and Ukpong, 2014, *The Nation*, 2014; BellaNaija News; Odunsi, 2015; Chinedu, 2015). The poor state of the army arose because the elite turned the crisis into easy access to resources. The failure of soldiers to engage the enemy bare handed led to It is our own opinion that the Nigerian elite saw the insurgency as an opportunity to benefit themselves in several ways. For some members of the elite, Boko Haram presents an opportunity for access to easy money and others, continued access to power. As a result, of these mutually exclusive selfish interests no serious consented effort was made to tackle Boko Haram. Thus, army procurement contracts are not executed or poorly executed and resources routinely shared; a view supported by others. For instance, the US Department of Defense seem s to share the same view when it stated in 2014 that funds are being "skimmed off the top", troops are "showing signs of real fear," and are "afraid to even engage” (Blanchard, 2014).

Also, rather than decisively tackle Boko Haram at inception, President Jonathan left it to fester. Even adoption of over 200 Chibok school girls could change this trend, until it grew into a monstrous and vicious terrorist group. It is our view that this is because Jonathan and his party saw the insurgency as an election winner. In their view, routing Boko Haram in an election year would swing voters in their favour. Thus, immediate routing Boko Haram would not serve their election prospect, as, it memory would have faded before the elections. Thus no intense effort was made to end the insurgency, while the elite contrived schemes to garner resources. Thus, the army was weakened through denial of appropriate battle gears and equipment giving rise to low troop morale. It appears this fact was well known for Reuters news agency reported a former British military attaché as describing the Nigerian military as, "a shadow of what it's reputed to have once been. In his own words, It's fallen apart", as morale is very low due to shortage of basic equipment; radios and armoured vehicles. This is the result of senior officers skimming military procurement budget that are intended to pay for the standard issue equipment of soldiers (Cocks, 2014). For instance $9.3 million supposedly meant for procurement of arms was seized in South Africa (Ibekwe, 2014; Taiwo, 2014; Punch, 2014). The huge sum was ferried into South Africa in a

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jet owned by a pastor (closely linked with the presidency); the money remains in South Africa till date.

Our views about Boko Haram and election seem vindicated by actions of President Jonathan at the approach of the 2015 elections. Barely few weeks to the February 14, 2015 start date, the elections were postponed for six weeks. The postponement according to the government was to decisively rout Boko Haram and make every part of the country eligible for the elections. Soon the dreaded Boko Haram, erstwhile nemesis of Nigerian troops was in full flight and both the print and electronic media a washed with news of troop victories over the sect, including the rescue of over 1000 persons. This reinforces our earlier surmise that the sect could have been stopped but for the selfish interests of the elite. Indeed, it would appear that arising from the easy access to resources that the Boko Haran insurgency provided the elite were not interested in ending it. Thus, the elite have contrived myriads schemes to ensure the insurgency festered. Thus, when the government finally jolted out of its lethargy to seemingly engage the sect and it appears to be gaining ground, "ceasefire" option was spawned (*Leadership* Ng, Oct. 17, 2014; *Daily Trust* Ng, Oct, 17, 2014); claiming that it would bring peace to the north. According to Ajani (2015) senior state officials, find claim of engagement with Boko Haram a very lucrative means of siphoning millions of dollars. But as, it turned out, the "ceasefire" was a mere gimmick for Boko Haram to regroup and after, it attacked with more venom, wrong footing the army (*Telegraph* Uk, Oct 20, 2014). It would seem that even now some factions of the Nigerian elite are unhappy with the present lot of Boko Haram following the joint action by Niger, Chad and Nigeria to end the Boko Haram's scourge. This exemplified by the fact that despite all its despicable deeds, northern elites including Mohammed Uwais, former Chief Justice of Nigeria, (CJN), Ambassador Babagana Kingibe former Secretary to the Federal Government (SFG), and former Nigerian Ambassador to the United Nations, Ibrahim Gambari have continued their calls and even asked newly elected President Buhari to grant Boko Haram amnesty (Daniel and Erunke, 2015).

VI. Conclusion

Boko Haram started like any other religious group in Nigeria not long after independence and it remain purely so for decades. We argued that the sect would have remained religious but for the intervention of predatory elite that sought the group's help to gain power and access to resources. However, after using the sect to gain power, the elite reneged on their promises to the sect. This proved fatal as the sect peeved by the failed promises tried to even score with its erstwhile benefactors by deployment of violence. The elite to gain control, in return, deployed state's instruments of violence against the sect. We further argued that the violence spewed by the sect against its benefactors gave rise to unintended outcomes. A faction of the elite courted the sect as a tool that can be deployed to obtain some desired advantages, while other elite factions fancied the sect as an election winning tool. Arising from these mutually conflicting interests, no concerted effort was made to rein in Boko Haram, rather it was seemingly protected and or deliberately ignored giving it time to consolidate, till it grew into Frankenstein monster; controlled by none but injurious to all. Thus, it can easily be concluded that insecurity that has engulfed the country is due primarily to actions or inactions of the Nigerian elite to acquire power for predatory purpose.

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Global Journal of human-social science: f
Political Science
Volume 15 Issue 5 Version 1.0 Year 2015
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460x & Print ISSN: 0975-587X

India – Australia Relations: Retrospect and Prospect

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"It is under-appreciated that Perth and Chennai are closer to each other than Sydney is to Seoul, to Shanghai, or to Tokyo. As the world sees the potential of an Asian/Pacific century unfold, Australia sees India at the heart of this historic shift."

GJHSS-F Classification : FOR Code: 369999



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India – Australia Relations: Retrospect and Prospect

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"It is under-appreciated that Perth and Chennai are closer to each other than Sydney is to Seoul, to Shanghai, or to Tokyo. As the world sees the potential of an Asian/Pacific century unfold, Australia sees India at the heart of this historic shift."[1]

In September 2008, on a key note address in University of Western Australia, Foreign Minister of Australia Mr. Stephen Smith acknowledged Australia as India's extended neighbor. In 2012, Prime Minister Julia Gillard in Asian Century White Paper prioritized India along with five other countries for building comprehensive and stronger country relationships.[2] In 2013, Mr. Smith, as Defense Minister, complemented Gillard by reiterating emphasis on India in the Defense White Paper and stated "the ongoing economic, strategic and military shift to Indo-Pacific"[3] rather than using the conventional terminology of Asian-Pacific.

India and Australia, popularly connected by 3C's i.e. Curry, Commonwealth and Cricket, have many a things in common.[4] Both being the colonial countries under British imperial power, have inherited parliamentary system of governance. They boast of free press and independent judicial system. Both share a strong, vibrant, secular and multicultural democratic set up. The geographical proximity allows the countries to become extended neighbors. A common English language serves as a significant link. And of course, cricket binds the two countries well together. Commenting on the remarkable similarities between the two countries, Punendra Jain and Peter Mayer aptly writes "If Australia and India were approaching a proposal for an arranged marriage, astrologers would conclude that 'the horoscopes are in agreement'."[5]

But despite sharing many commonalities, India and Australia relations appear to be cold and neglected. "Australia has mostly been the suitor and India the reluctant bride"[6] - Sandy Gordon wrote. "An encounter between impatient Australia and non-commital India"- said Michael Wesley. Academicians have repeatedly pointed the much evident void. A Tale of Missed Opportunities (Gurry 1993b), No Will or Way? (Gurry 1993a), Australia's Neglected Neighbour (Gurry 1996), Peaks and Troughs (Kuruppu 2000), The Diplomatic Vacuum (Vicziany 1994).[7]

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The hyphenated India-Australia relations are guided more by the interests of superpower America and the threat of rising China. Concomitant to this, there are many significant irritants which have marred the blossoming of relations.

Globalization process, today, is calling the shots in the international system. And global power dynamics is also undergoing a remarkable change. So, no country can afford to remain isolated or distanced for long. Interdependency is imperative for securing development, security, peace and prosperity in the region.

Therefore, there is a need to relook and resurrect the lost thread in India-Australia relations. The paper intends to retrospect the relations. It will also deal with the underlying convergent and divergent perceptions and will, conclude with the policy measures to weed out the non-harmonious aspects plaguing the relations.

I. Relations Since 1950s: Peaks and Troughs

a) The Clash of Titans

At the onset of independence in India in 1947, Australia's labour government that held power till 1949 had 'close and sympathetic' relations. Australia reciprocated India's invitation for participation in Asian Relations Conference held in 1947 in New Delhi by sending its two representatives. Although differences arose over two critical issues- one that of United Nations Security Council veto rights and treatment to be meted out to newly defeated Japan and the second, of biased 'white only' immigration policy which prevented Asians from entering Australia; the relations was, by large, positive and forward looking.[8]

In 1950, things took a conflictual turn with the arrival of two robust personalities – Jawaharlal Nehru, India's first Prime Minister and Robert Menzies, the longest serving Prime Minister of Australia. The two differed in their ideologies. Nehru was a leader of third world struggles whereas Menzies was an Anglophile Empire loyalist.[9]

Menzies was of the view that India, fresh from the freedom struggle, is not fit for self rule and the latter should have, therefore, offered loyalty to the British Crown as Australia did. The two also clashed

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over the White Australia Policy, the Suez Crisis in 1956, apartheid in South Africa, UN involvement in the Korean War and the Southeast Asia Treaty Organization (SEATO) Pact.

Difference in foreign policy was also a cause of tension in the relations. During cold war, India adopted more of an idealist posture and pursued non alignment policy. Australia, guided by its geo strategic positioning, always felt a threat to its security and wanted to defend itself from resurgent Japan, therefore got allied with western powers and signed the ANZUS Treaty of 1951. The close alliance with USA allowed for nuclear ships to be stationed in Australian ports, while joint Australian and U.S. defense facilities in North West Cape, Pine Gap and Nurrungar connect Australia to the US nuclear infrastructure through the presence of US C ^{3}I facilities.[10]

Other factors which strained the relations were the Australia's trusteeship over Papua New Guinea and the clash between India and Pakistan over Kashmir's accession.[11] Quoting from the confidential foreign document,

In determining the line to follow [on Kashmir] the fundamental principle should be to cultivate Pakistan rather than India if we must make a choice.[12]

II. 1971-1998 : The Undulating Period

This period was marked with fluctuations, with India-Australia relations witnessing happy and not so happy moments. The change of government in Australia brought many discernible changes in its foreign policy. Labour party under the Prime Ministership of Gough Whitlam (1972-1975) put a stop to Australia's involvement in the Vietnam war; secondly, France was taken to International Court of Justice for carrying out atmospheric nuclear tests in the South Pacific; third, recognition was given to China, North Vietnam, East Germany and North Korea; fourth, cultural accord was signed with many of the Asian states including India in 1971 and development assistance to third world countries was greater than before, and fifth, 'white only' biased immigration measures were scrapped.[13] Whitlam extended hand of friendship by visiting India where no Australian PM had done since 1959. Because of India's cold attitude, the relations did not make much head way.

The relations dropped low again in 1975 when liberal party under the leadership of Malcolm Fraser criticized India's closeness to Soviet Union.[14] He stated "The policies of India to us seem to some extent unreal. They condemn the United States in her effort to build a support base at Diego Garcia in the Indian Ocean which is necessary to preserve balance but they don't condemn the build up of the Soviet Union in the Indian Ocean."[15] The 1971 Indo Soviet Treaty of Peace, Friendship and Cooperation further affirmed Fraser's allegations.

Australia's apprehensions of the regional instability were placated when the international environment underwent significant changes. Demise of cold war, collapse of a socialist bloc-Soviet Union and the advent of globalization which focussed on economic growth and prosperity, allowed it to re-look and re-question its security perceptions.

Australia reshaped its foreign policy and based it on multiculturalism. To enhance engagement with the Asian countries, they adopted the 'Look West' policy. The 1994 Defense White Paper stated "a new strategic architecture will evolve as the structures of recent decades fade. Much will depend on the policies of major Asian powers- Japan, China, and India- and on their relationships with one another and with the other countries in the region".[16]

Australia advanced its trade, culture, tourism, education, sports and entertainment links with Asian powers including India. But the smooth running with India was again marred when Australia sold 50 Australian 'mirage' aircrafts to Pakistan in 1990 during the heightened tensions in Kashmir. Secondly, the cautionary attitude of Australia rather than that of a strong action to the racially biased constitution of Fiji led to distrust in the Indian political circles. Thirdly, Australia's vociferous concerns regarding India's naval build up was considered unnecessary by the latter. [17]

The flips flops in the relations continued. In some situations where Australia was a suitor and India acted as a reluctant bride. On the other, India was also well aware of Australia's policy of taking one step forward and two steps backward.

In 1996, under conservative government of John Howard, emphasis was again laid on India. White Paper of 1997 stated "with economic growth and closer links with the Asia Pacific, India will become a more significant influence in regional and global affairs, and a more important trading and investment partner for Australia."[18] But when it came to supporting membership of India in APEC and UN Security Council, Australia turned its back.

In 1998, India's nuclear tests became a major thaw in the relations. Australia's harsh reaction did not go down well amongst the Indian authorities. Prime Minister John Howard criticized it as an 'ill-judged step' that would have 'damaging consequences for security in South Asia and globally'. His foreign minister Alexander Downer called the tests 'outrageous acts perpetrated by India'. Canberra withdrew its High Commissioner from New Delhi, suspended ministerial and official level visits and defense relations, and cancelled naval ship and aircraft visits, officer exchanges and other defense- related visits. India too responded by severing all military ties with them.

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III. The 9/11: Security Concern

The repercussions were felt in the Asian region with September 11, 2001 attacks on World Trade Centre. Regional security and stability were threatened. China was also emerging as a major power, challenging the dominance of US. America, to hedge the power of rising China, cozied up with India and acknowledged it as a responsible nuclear state. Australia, being a US client state, too, toed the same line and started warming up the relations with India. Foreign Minister Alexander Downer visited New Delhi in March 2000 and announced resumption of military ties.[19] The 2000 Defense White Paper resuscitated India's importance by stating that 'it is India's growing role in the wider Asia Pacific strategic system that will have more influence on Australia's security.' In the post 9/11 environment, a Memorandum of Understanding on Co-operation in Combating International Terrorism was signed in August 2003 followed by a Memorandum of Understanding on Defense Cooperation in 2006. Second track security dialogue between two countries also took momentum. Joint naval exercises were also held between the two countries along with US, Japan and Singapore coded as Malabar Exercise. Navy-to-navy talks began in January 2007 and proposals were made to joint talks between the Indian and Australian air forces.[20]

IV. Convergences in India- Australia Relations

India and Australia share, most importantly, democratic norms and are a voice for building stronger institutionalized governance in the region. But, unfortunately, relations between the two countries have been guided more by security perspective. The two have engaged and cooperated in many other areas which have been ignored at our own peril. Focus on the multiple converging areas will aid in strengthening of relations, so much so that despite being distances far, the two can become trusted allies and leaders in securing regional peace and security. This part will deal with the convergences between India and Australia.

a) Trade

Australia is India's eighth largest trading partner and India is Australia's fifth largest. India's ranking among Australia's export destinations has risen from twelfth to fourth in the period 2003-04 to 2009-10. Trade is growing exponentially. From A$ 6.54 billion in 2003-04, trade in goods and services between India and Australia reached A$ 18.35 billion (US$ 19.16 billion) in 2011-12. India's exports to Australia were A$ 3.30 billion (US$ 3.45 billion), while India's imports from Australia were A$ 15.04 billion (US$ 15.73 billion). India's export of goods to Australia in 2011-12 was A$ 2.49 bn (US$ 2.60 bn) and India's import of goods was A$ 13.11 bn (US$ 13.71 bn). India's export of services was A$ 0.80 bn (US$ 0.84bn) and import of services was A$ 1.9 bn. (A$ 2.0 bn). India's main service exports to Australia are computer and information services and tourism. Main Australian service exports to India are education, education-related travel and tourism. India is Australia's largest export market for gold and chickpeas, second largest market for coal and copper ores and third largest market for lead and wool. Four products – coal, non-monetary gold, copper ores & concentrates and petroleum – accounted for over 80 percent of India's imports from Australia, with coal and gold being the dominant imports in 2011-12. India's major exports to Australia in 2011-12 are pearls and gems, jewelry, medicaments and passenger motor vehicles. [20]

The India-Australia Joint Ministerial Commission was also established in 1989 and has held fourteen meetings to date, the last one was in New Delhi on 30 January, 2013 which was co-chaired by Australian Trade Minister Dr Craig Emerson and Shri Anand Sharma, Minister for Commerce & Industry. Negotiations for a Comprehensive Economic Cooperation Agreement (CECA) has already begun.The Gillard Government also launched an Asian Century White Paper stating that Australian Government wants to increase overall relations with India in every sphere. Both the countries have set a goal of A$ 40 billion bilateral trade by 2015 (from the current level of A$ 18.35 billion).[21]

b) Foreign Direct Investment

In terms of investment, the Australian direct investment in India was $205.1 million in 2001 which rose to $755 million in 2010. Indian investment in Australia was negligible in the early years and Indian investors appeared on Australian Foreign Investment Review Board's list for the first time in 2007-2008, ranking in 20th place with $793 million of investment approved. In 2009-2010, India's ranking rose to 13th place with $1.6 billion of investment approved. Major Indian investments in Australia include Sterlite Industries (copper mines; Aditya Birla Group (copper mines); Gujarat NRE Co. (coal mines); Asian Paints; Reliance has entered into a partnership agreement with Uranium Exploration; IFFCO and Legend Holdings of Australia have entered into an agreement involving investment of over A$ 100 mn by IFFCO in Legend's phosphate projects with buyback arrangements; NMDC and Rio Tinto have entered into an agreement for joint exploration in India, Australia and other countries. TATAs have enhanced their investment in a mining joint venture (led by Vale of Brazil) in Queensland. Tata Power and Australian company Geodynamics have entered into an

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agreement involving Tata Power taking an 11.4 per cent stake in Geodynamics for A$ 44.1million. Petronet LNG, New Delhi has signed an agreement with Exxon Mobile in August 2009 to source 1.5 mmtpa of LNG from the Gorgon Project, for 20 years starting from 2014. The Adani Group of India, owners of the country's largest private port have acquired a coal mining prospect from Linc Resources in the Galilee Basin in Queensland. The deal is valued at $1 billion. $500million in cash paid to Linc Resources and a royalty of $2 per tonne over 20 years. Adani has also acquired rights to manage the Abbot Point Coal loading terminal for a period of 99 years at a cost of A$ 1.83 billion. Lanco Infratech made an investment in Australia, spending almost A$850 million to buy Griffin coal assets. GVK Power and Infrastructure has finalized purchase of two thermal coal mines from Australia's Hancock Prospecting for about US$ 2.4 billion and is also investing in development of rail network from the mine to the nearest port, which entails a total investment of U$10 bn. NMDC has concluded the purchase of half stake in Perth based Legacy Iron Ore in September 2012 and is conducting due diligence for the purchase of the Ridley magnetite project of Atlas Iron Ore. Infosys has acquired Portland Group, a sourcing and category management services firm in Australia for A$ 37 million. ICICI Bank has obtained necessary RBI approval to open its branch office in Australia. All the major Indian IT companies have a presence in Australia and are rapidly growing. These include Infosys; Satyam Mahindra; TCS; HCL; Polaris Software Lab Ltd; Birlasoft; NIIT; ICICI Infotech; Wipro; Mahindra-British Telecom Ltd; i-Flex; igate; among others. Satyam Mahindra has the largest product development centre outside India in Melbourne.[22]

Australian presence is evident in India, too. Cochlear (Hearing implant system), FAT Systems Pty Ltd (Biofuels projects), GHD (Global engineering services company), Leighton Contractors Pty Ltd, Macquarie Group (M&A advice, principle investing), ResMed (manufacturer of sleep apnoea equipment), Woolworths (JV with Tata Group for electronic store Croma) have set up their businesses.

c) Rise of China

'Blue Book' of China has for the first time spelled out its policy to secure its interests in the Indian Ocean region.[25] The region holds strategic importance for preserving sea lines of communication in China. The Red Dragon has pursued the policy of 'String of Pearls' to preserve its sea lines of communication in Indian Ocean Region. It has increased the presence of submarines to over 45 in comparison to India which is 14.[26] The Blue Book says that it wants to deepen economic engagement and not to show off its military strength. But this is contrary to the aggressive and imperialistic attitude exhibited by extending its influence over the resources in South China Sea. With China, being an authoritarian and closed country, it is difficult for the Asian region to engage with it. Also, China has never taken up the mantle of being a harbinger of peace and security in the region. It has been a free user of public goods till now provided by United States for close to two decades. China's attitude smirks more of asserting its hegemony and taking control of region which makes Asian countries sceptical of its real design. And the scepticism is affirmed by an explicit warning in Blue Book that Indian Ocean could end up as an "Ocean of conflict and trouble"

d) Multilateral Fora membership

The two secular and democratic countries have extended their coordination and cooperation at important multilateral fora, including the ASEAN Regional Forum, East Asia Summit, the Group of Twenty, and the Indian Ocean Rim Association for Regional Cooperation. Australia has also lend its support to India's permanent membership at the UN Security Council and its membership at APEC while India wants Australia to be included as an observer nation at South Asian Association for Regional Cooperation (SAARC).

e) Common Concerns

21st century has given rise to new security threats. Australia and India need to enhance its engagement in the areas of counter-terrorism, non-proliferation, disaster management, and combating illegal migration. Another area which requires immediate focus is Afghanistan. Drawdown of U.S. forces has made the country fertile for the comeback of Taliban. The consequences of this security void can spillover and ominously impact the regional stability and peace. The two common wealth countries along with US, Singapore and Japan conducted multilateral naval exercise in 2012, christened as Malabar exercise.

f) Cultural Exchanges

Many Indian Associations in Australia play an important role in promoting Indian culture by organizing cultural functions occasionally. High Commission of India & ICCR sponsor the Dance troupes from India to Australia to perform Traditional Indian cultural Programmes during Diwali celebrations with the help of Indian Associations in various cities in Australia. Know India programme is also a great learning Experience for Diaspora children about the rich Heritage and cultural of India, if countries like India, the U.S. and China failed to engage with each other more constructively as their interests begin to overlap.[27] Australia and India, to secure its interests in the Pacific and Indian Ocean, can cooperate and engage constructively and critically with China to

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build a stable and peaceful Asian order. Australia-India Youth Dialogue is also held for furthering collaboration, sharing ideas and innovations to build sustainable long term relationships with each other.

g) Indian Community

In 2012, India became the largest source of migrants to Australia.[24] They are contributing significantly to the Australian economy as teachers, doctors, accountants, engineers and I.T. professionals.

h) Tourism

Tourism between the countries is growing rapidly; 1,65,500 Australian tourists visited India in 2010 and 1,38,700 Indian tourists visited Australia in 2010.

V. Divergences in India- Australia Relations

a) Nuclear Non Proliferation

Australia projected a hypocritical stand in May 1998 when India exploded series of nuclear weapons in Pokhran, Rajasthan. The former was of the view that nuclear proliferation in the region will propel an arms race thus disrupting the peace and stability. Although both the countries profess and stand stoutly for non proliferation but the confused reaction of Australia did not go down well with the Indian political authorities. Firstly, Australia failed to respect India's view on a discriminatory CTBT regime which allows nuclear states to enhance their nuclear capabilities or, to be precise, permits vertical proliferation but debars non nuclear states to develop theirs. Secondly, it did not take into account the turbulent yet dangerous nuclear neighbors- Pakistan and China and the imperative of India to go nuclear. Thirdly and most importantly, Australia does not provide explanation of its sale of uranium to communist China who reportedly pass on to nuclear irresponsible states -Pakistan and Iran. And India, on the other hand, use it for its energy use.

The nuclear non proliferation once again became a political issue when India signed a civilian nuclear deal with USA in 2006. Australia, third largest producer of Uranium[27], was pressurized, most notably by India, to sell its uranium. Howard government initially resisted as India has not signed nuclear non proliferation treaty but later agreed. In August 2007, Howard announced Australia would sell uranium to India under strict conditions through an agreement allowing Australian nuclear inspectors to ensure the uranium was used only for power generation. But the Leader of the Opposition, Kevin Rudd vowed to 'tear up' any nuclear deal to mark the contribution of the overseas Indian community to the development of India, with India if Labor won the next election.[28] And weeks after the announcement, Rudd's government came to power, he honored its election promise scrapping the nuclear deal and thus delivering a significant blow to India's energy needs. Supply of Uranium has been a major strain in the Australia-India bilateral relations and more so of the fact that former has not been able to justify its sale to Communist China, who although being a member of nuclear non proliferation treaty, holds a notorious record of supplying nuclear technology and materials to North Korea and Pakistan, and has nuclear ties with Iran. And India, despite not being a signatory of NPT, has an impeccable record of using uranium for its own security and energy needs.

To straighten out the uranium entanglements between India and Australia, the Gillard government "is considering how it might put in place arrangements that would enable exports of Australian uranium to India"[29].

b) Indian student attacks

Attacks on Indian students in Australia bruised the relations and generated widespread protests. In 2007, more than 65,000 students were enrolled in various educational institutions throughout Australia. By 2008, it was estimated that 35,000 new Indian students were arriving each year, bringing the total to around 95,000 – about the same number as Indians studying in the USA.[30]

(To manage the crisis, the government arranged a hasty trip to India by a high-powered delegation composed of members from federal and state governments, the police and education in early July 2009. In their meetings with officials, the media and parents, they stressed that Australia would never tolerate racism and would devote more resources to ensuring the safety of Indian students. 31

This controversy seems to be ebbing with the recent poll survey conducted by the Lowy Institute and Australia India Institute, ranking Australians as the second most preferred country to study abroad next to US, by Indians. 75 per cent respondents who participated believed Australia was a good place to be educated.[32]

VI. Conclusion

The starking similarities of political culture, economic interests and geographical proximity which India and Australia share, beyond the Cricket, Curry and Commonwealth, make them natural allies. The signing of Indo-US nuclear deal opened much leeway for signing a nuclear agreement with Australia. And with the nuclear thaw now being sidelined, it's time to look independently at Australia beyond the American guard. China's expansion in South China Sea and its similar intention in Indian Ocean can be countered by the united might of Indo Pacific region. Trade also holds the potential to ameliorate ties

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between the two. With pro-business Narender Modi government in place, India can relax its restrictive regime to have more FDI from Australia. Australia also needs to direct its energy on building regional organizations.

In September 2014, when Abbott visited India, he returned two looted 900 years old Lord Shiva statutes and stated that return of sculptures was "testimony to Australia's good citizenship on such matters and the importance with which Australia views its relationship with India".

Pillalamarri comments that return of statute of Nataraja was significant as it represents that destruction can become creation and degeneration, regeneration. Similarly Australia's return of statue came at a strategic time when Australia's relationship with India is following a similar pattern of rebirth after a period of distance.

Amitabh Mattoo says that,

The Australia-India relationship is clearly an idea whose time has come, but it will require political nurturing before it acquires a momentum of its own.

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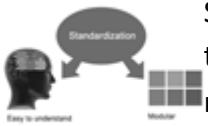

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(g) Discussion should cover the implications and consequences, not just recapitulating the results; conclusions should be summarizing.

(h) Brief Acknowledgements.

(i) References in the proper form.

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Standard Usage, Abbreviations, and Units: Spelling and hyphenation should be conventional to The Concise Oxford English Dictionary. Statistics and measurements should at all times be given in figures, e.g. 16 min, except for when the number begins a sentence. When the number does not refer to a unit of measurement it should be spelt in full unless, it is 160 or greater.

Abbreviations supposed to be used carefully. The abbreviated name or expression is supposed to be cited in full at first usage, followed by the conventional abbreviation in parentheses.

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References

References follow the Harvard scheme of referencing. References in the text should cite the authors' names followed by the time of their publication, unless there are three or more authors when simply the first author's name is quoted followed by et al. unpublished work has to only be cited where necessary, and only in the text. Copies of references in press in other journals have to be supplied with submitted typescripts. It is necessary that all citations and references be carefully checked before submission, as mistakes or omissions will cause delays.

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28. Make colleagues: Always try to make colleagues. No matter how sharper or intelligent you are, if you make colleagues you can have several ideas, which will be helpful for your research.

29. Think technically: Always think technically. If anything happens, then search its reasons, its benefits, and demerits.

30. Think and then print: When you will go to print your paper, notice that tables are not be split, headings are not detached from their descriptions, and page sequence is maintained.

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Content

- Sum up your conclusion in text and demonstrate them, if suitable, with figures and tables.
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- Give details all of your remarks as much as possible, focus on mechanisms.
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Topics	Grades		
	A-B	**C-D**	**E-F**
Abstract	Clear and concise with appropriate content, Correct format. 200 words or below	Unclear summary and no specific data, Incorrect form Above 200 words	No specific data with ambiguous information Above 250 words
Introduction	Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited	Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter	Out of place depth and content, hazy format
Methods and Procedures	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
Result	Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake	Complete and embarrassed text, difficult to comprehend	Irregular format with wrong facts and figures
Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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ISSN 975587

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