

**STATE FRAGILITY AND INTERNATIONAL  
STRUCTURES:  
TRACING THE EFFECTS OF GLOBAL WAR ON  
TERRORISM (GWOt)**

PhD in Politics

**Department of Politics and International Relations**

Mohammad Zahidul Islam Khan

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## **Statement of Original Authorship**

Declaration: I confirm that this is my own work and the use of all material from other sources has been properly and fully acknowledged.

**Mohammad Zahidul Islam Khan**

Date: 12 February 2019

## **Acknowledgement**

My passion for investigating state fragility from an outside-in perspective grew during my master's studies at the University of Bradford. Pursuing my passion, I submitted my PhD proposal at the University of Reading (UoR) and applied for a scholarship while I was deployed in a remote Bangladesh Air Force (BAF) unit in Maulvibazar, Bangladesh. I was finally awarded the Graduate School Scholarship in October 2014, and my Air Force also permitted me to pursue my dream. The Scholarship by the UoR and the permission by BAF was a critical enabler. To that end, I remain thankful to both the institutions.

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## Abstract

*This research investigates the external drivers of state fragility taking the global war on terrorism (GWOt) as a proxy of international structure. States in a global system do not live in isolation; the ideational and material factors of the international structures can affect states' trajectory toward resilience or fragility. Accordingly, the research investigates, how and under what conditions the ideational and material factors of the GWOt affects state fragility? State fragility is defined as a condition when a state is incapable of binding the ideational and material factors, leading to the lack of legitimacy amongst its people and/or the capacity to perform core state functions. Fragile conditions are categorised as type-1, type-2 and type-3 fragility based on state's lacking in capacity, legitimacy or both. The structure of the GWOt is defined and theorised under the cognitive, regulatory and capability pathways, through which they can affect fragile states, using the process tracing methodology. Consequently, three case studies on Mali, Bangladesh and Myanmar, representing type-1, 2 and 3 state fragility respectively, test the theorised pathways. The research finds evidence that, in fragile states, the cognitive and capability pathways of the GWOt matters the most, shaping the 'othering' process, identity politics and the use of state's coercive apparatus contributing to fragility. However, it is unclear whether the regulatory pathway has much influence, as it does not strengthen capacity, and they remain poorly implemented in fragile states. The research adds to the extant critical literature on state fragility by offering an original conceptualisation and theorisation of the cognitive, regulatory and capability pathways of the GWOt that can be used to investigate any other case studies or extrapolated to make a similar analysis of, for example, global/regional security or economic structures.*

Key Words: State fragility, Structure of the GWOt, Mali, Bangladesh, Myanmar.

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## List of Abbreviations

AA	Arakan Army
ABT	Ansarullah Bangla Team
ABSFD	All Burma Students' Democratic Front
ACC	Anti-Corruption Commission
ACCT	ASEAN Convention on CT
ACRI	African Crisis Response Initiative
ACOTA	African Contingency Operations and Training Assistance
ADB	Asian Development Bank
ADC	Democratic Alliance for Change
AFISMA	African-led International Support Mission in Mali
AFRICOM	African Combatant Command
AFP	Agence France-Presse
AFRICOM	United States African Command
AHAB	Ahle Hadith Andolon in Bangladesh (Movement of Ahle-Hadith in Bangladesh)
AL	Awami League
ALC	Authority Legitimacy and Capacity (Dimensions of State Fragility)
ALP	Arakan Liberation Party
AMB	al-Mulathamun Battalion
AML/ TF	Anti-Money Laundering and Terrorism Financing
AMDH	Association Malienne des droits de l'Homme (a Malian human rights NGO)
ANC	Arakan National Council
APC	Armoured Personnel Carrier
APEC	Asia-Pacific Economic Cooperation
AQ	al-Qaida
AQIS	al-Qaida in Indian Subcontinent
AQIM	al-Qaida in Islamic Maghreb
ARF	ASEAN Regional Forum
ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of Southeast Asian Nations
ATA	Anti-Terrorism Assistance
AU	African Union
BASHOD	Bangladesh <i>Shomajtantrik</i> Dal (Bangladesh Socialist Party)
BB	Bangladesh Bank
BBC	British Broadcasting Corporation
BBS	Bangladesh Bureau of Statistics
BCP	Bangladesh Communist Party
BIMSTEC	Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation
BJP	Bangladesh Jatiyo Party
BML	Bangladesh Muslim League
BNP	Bangladesh Nationalist Party
BNF	Bangladesh Nationalist Front
BTF	Bangladesh Tariqat Federation
BTI	Bertelsmann Transformation Index
BWP	Bangladesh Worker's Party

CAM	Coordination of Azawad Movements
CAT	Convention against Torture & Other Cruel, Inhuman or Degrading Treatment
CAST	Conflict Assessment System Tool (of Fund of Peace)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHT	Chittagong Hill Tracts
C-IED	Countering Improvised Explosive Devices
CIA	Central Intelligence Agency
CIFP	Country Indicators Foreign Policy (published from Canada)
C-in-C	Commander-In-Chief
CIRI	Cingranelli-Richards (Human Rights Data Project)
CMATT	Combined Mobile Advisory Training Team
CNF	Chin National Front
CNRDRE	National Committee for Recovering Democracy & Restoring the State.
CPA	Coalition of the People of Azawad
CPI	Corruption Perception Index
CPIA	Country Policy and Institutional Assessment (by World Bank)
CPO	Causal Process Observation
CRISE	Centre for Research on Inequality, Human Security and Ethnicity
CSSF	Conflict, Stability and Security Fund and the Prosperity Fund
CT	Counter-Terrorism
CTC	Counter-Terrorism Committee (at the UN)
CTAP	Counter-Terrorism Action Plan (of ASEAN)
CTED	Counter-Terrorism Executive Directorate (at the UN)
CTFP	Counterterrorism Fellowship Program
CTG	Care Taker Government (in Bangladesh)
CTITF	Counter-Terrorism Implementation Task Force (at the UN)
CTPF	Counter-Terrorism Partnership Fund
CENTIF-Mali	Cellule Nationale de Traitement des Informations Financières of Mali
DAT POW	Defence Against Terrorism Program of Work (by NATO)
DDR	Disarmament, Demobilisation and Reintegration (),
DESA	Development and Social Affairs
DfID	Department for International Development
DKBA	Democratic Karen Buddhist Army
DoD	Department of Defence
EAG	Ethnic Armed Group
ECOWAS	Economic Community of West African States
EO	Executive Order
EOD	Explosives Ordnance Disposal
ESID	Effective State and Inclusive Development
ETIA	Echelon Tactique Inter-Armée
EU	European Union
EUEA	European Union External Action
EUCAP	European Union Capacity Building Mission
EUTM	European Union Training Mission
FAO	Food and Agriculture Organisation of the UN
FATF	Financial Action Task Force
FIDH/	International Federation for Human Rights

FDI	Foreign Direct Investment
FH	Freedom House
FIAA	Arab Islamic Front of Azawad
FIU	Financial Intelligence Unit
FIW	Freedom in the World (of Freedom House)
FLM	Macina Liberation Front
FLNA	National Front for the Liberation of Azawad
FP	Foreign Policy
FSI	Fragile State Index (published by the fund for peace)
FTO	Foreign Terrorist Organization
GAD	General Administrative Department
GATIA	Tuareg Imghad and Allies Self-defence Group (in French)
GCC	Gulf Cooperation Council
GCERF	Global Community Engagement and Resilience Fund
GDP	Gross Domestic Product
GFI	Global Financial Integrity
GIs	Global Institutions
GIMF	Global Islamic Media Front
GMI	Global Militarisation Index
GNI	Gross National Income
GoM	Government of Myanmar
GPOI	Global Peace Operations Initiative
GSPC	Salafist Group for Preaching and Combat (in French)
GTD	Global Terrorism Database
GTI	Global Terrorism Index
GWoT	Global War on Terrorism
HCUA	High Council for the Unity of Azawad
HDI	Human Development Index
HDR	Human Development Report
HIs	Horizontal Inequalities
HR	Human Rights
HRW	Human Rights Watch
HuJI –B	Harkat-ul- Jihad, Bangladesh (A proscribed Islamists Party)
IAB	Islamic Andolon Bangladesh (Islamic Movement Bangladesh)
IBF	Islamic Front Bangladesh
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICG	International Crisis Group
ICI	Istanbul Cooperation Initiative
ICMW	International Convention on the Protection of the Rights of All Migrant Workers
ICT-B	International Crimes Tribunal, Bangladesh
ICT	Information Communication and Technology
IED	Improvised Explosive Devices
IFF	Illicit Financial Flow



IISH	International Institute of Social History
ILO	International Labour Organisation
IMA	Islamic Military Alliance
IMO	International Maritime Organization
IMF	International Monetary Fund
IMET	International Military Education and Training
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
IOs	International Organizations
IOJ	Islami Oikya Jote (Party of the Coalition of Islam)
IPU	Inter-Parliamentary Union
IR	International Relations
ISDP	Institute for Security and Development Policy
ISIS	Islamic State in Iraq and Syria
ISIL	Islamic State in Iraq and Levant
ISS	Institute for Security Studies
ISW	Index of State Weakness (in Developing World by Brookings)
JAGPA	Jatiyo <i>Gonotantrik</i> Party (National Democratic Party)
JASHOD	Jatiya <i>Samajtantrik</i> Dal (National Socialist Party)
JI	Jamaat-E- Islami (Bangladesh)
JISR	Joint Intelligence Surveillance and Reconnaissance (of NATO)
JMB	Jamaatul-Mujahedin Bangladesh (Party of the Mujahideen, Bangladesh)
JMJB	Jagrata Muslim Janata Bangladesh (Awakened Muslim Masses of Bangladesh)
JNIM	Jamaat Nusrat al-Islam wal-Muslimin
JP	Jatiyo Party (National Party)
JS	Jatiyo <i>Shangshad</i> (National Assembly)
JUI – B	Jomiate Ulamae Islam Bangladesh (Islamic Clergy Party, Bangladesh)
KFOR	Kosovo Force (NATO-led)
KIO	Kachin Independence Organization
KNPP	Karenni National Progressive Party
KNU	Karen National Union
KNU/KNLA-PC	KNU/KNLA-Peace Council
KSJL	<i>Krishok Sramik Janata</i> League (Peasants' and Workers' People's League)
LAS	League of Arab States
LDC	Least Developed Countries
LDU	Lahu Democratic Union
LIC	Low Income Countries
LICUS	Low Income Countries Under Stress
MaAF	Malian Armed Forces
MAA	Arab Movement of Azawad (in French)
MAF	Myanmar Armed Forces
MDG	Millennium Development Goals
MEC	Myanmar Economic Corporation
MENA	Middle East and North Africa
MFUA	Unified Azawad Movements and Fronts
MIA	Islamic Movement of Azawad

MINUSMA	Multidimensional Integrated Stabilization Mission in Mali
MLRS	Multiple Launch Rocket Systems
MNCs	Multinational Corporations
MNDA	Myanmar National Democracy Alliance Army
MNLA	Azawad National Liberation Movement (in English)
MoU	Memorandum of Understanding
MP	Member of Parliament
MPA	Azawad People's Movement
MPI	Multidimensional Poverty Index
MSPA	Popular Movement for the Salvation of Azawad
MUJWA	Movement for Unity and Jihad in West Africa (in English)
N-11	Next- 11 (Refers to countries)
NAP	National Awami Party (Bangladesh)
NATO	North Atlantic Treaty Organization
NCA	Nationwide Ceasefire Agreement
NCCT	National Ceasefire Coordination Team
NDAA	National Democratic Alliance Army-Eastern Shan State
NGO	Non-Governmental Organization
NLC	Non-Lethal Capabilities
NLD	National League of Democracy
NMSP	New Mon State Party
NPP	National People's Party
NRC	NATO/ Russia Council
NSAG	Non-State Armed Groups
NSC	National Security Council
NSCN-K	National Socialist Council of Nagaland – Khaplang
OAS	Organization of American States
OAU	Organization of African Unity
ODA	Official Development Assistance
ODIHR	Office for Democratic Institutions and Human Rights (of OSCE)
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organization of Islamic Countries
OOP	out of pocket (health payment)
OSCE	Organization for Security and Cooperation in Europe
PAP-T	Partnership Action Plan against Terrorism (NATO program)
PfP	Partnership for Peace (NATO program)
PBCP	<i>Purba Banglar</i> Communist Party (The Communist Party of the East Bengal)
PDP	Progressive Democratic Party ( <i>Progotisheel Gonotantrik</i> Party)
PIF	Pacific Islands Forum
PSI	Pan Sahel Initiative
PSPSDN	Programme for Peace, Security and Development in Northern Mali
PMO, BD	Prime Minister's Office (of Bangladesh)
PMSU	Prime Minister's Strategy Unit (of United Kingdom)
PNLO	Pa-O National Liberation Organization
PPP	Purchasing Power Parity
PPRC	Power and Participation Research Centre

PRDE	Poverty Reduction in Difficult Environment
PT	Process Tracing
PTS	Political Terror Scale
R2P	Responsibility to Protect
RCA	Reformed Conditional Analysis
RCSS/SSA-S	Restoration Council of Shan State/ Shan State Army-South
RFI	Radio France Internationale
RO	Regional Organisations
RSC	Regional Security Complex
RSO	Rohingya Solidarity Organization
SAARC	South Asian Association for Regional Cooperation
SATP	South Asian Terrorism Portal
SB	Shanti Bahini (A regional political party in CHT, Bangladesh)
SCA	Simple Conditional Analysis
SFI	State Fragility Index (of George Mason University)
SLAW	Small Arms and Light Weapons
SLORC	State Law and Order Restoration Committee
SPDC	State Peace & Development Council
SSA	Sub Saharan Africa
SSPP/SSA-N	Shan State Progress Party /Shan State Army - North
SSR	Security Sector Reform
StAR	Stolen Asset Recovery
TI	Transparency International
TIB	Transparency International Bangladesh
TNLA	Ta'ang National Liberation Army
TNTD/ ATU	Addressing Transnational Threats/Action against Terrorism Unit
TSCTP	Trans-Saharan Counterterrorism Partnership
U5CMR	Under -5 Child Mortality Rate
UAE	United Arab Emirates
UK	United Kingdom
UMEHL	Union of Myanmar Economic Holding Limited
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNCCT	United Nations Counter-Terrorism Centre
UNDP	United Nation Development Program
UNESCO	United Nations Educational Scientific and Cultural Organization
UNFC	United Nationalities Federation Council
UNGA	UN General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIGME	United Nations Inter-agency Group for Child Mortality Estimation
UNO	Upazila <i>Nirbahi</i> Office (Sub-district level Executive Officer)
UNODC	United Nations Office on Drugs and Crime
UNPKO	United Nations Peace Keeping Operation
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution

UP	Union Parishad (Rural Council)
UPDF	United People's Democratic Front (A regional political party in Bangladesh)
US	United States (of America)
USAID	United States Agency for International Development
USDA	Union Solidarity and Development Association
USDOS	United States Department of States
USDP	Union Solidarity and Development Party
UWSA	United Wa State Army / Party
V-Dem	Varieties of Democracy Project
WAEMU	West African Economic and Monetary Union
WB	World Bank
WDI	World Development Indicators
WDR	World Development Report
WHO	World Health Organization
WGI	Worldwide Governance Indicators
WGI-PS&AV	World Governance Indicator's Political Stability and Absence of Violence
WLB	Women's League of Burma
WMD	Weapon of Mass Destruction
WNO	Wa National Organization / Army
WTO	World Trade Organization
ZP	Zaker Party (Party of the believers of Allah)

## CHAPTER 1: STATE FRAGILITY IN A GLOBALISED WORLD

*'Any analysis of state decay, failure, and collapse in the modern era .... requires an appreciation of the role of statehood in the modern global system and of the increasing pressures to which this role has been subjected.'* -- Christopher Clapham, (2004:77)

### 1. The Context

State fragility has been at the centre of the debates by policymakers and academia across several fields including politics, international relations (IR) and development studies for over two decades now. Despite being contested as conceptually thin, empirically vague and politically provocative, the discourse<sup>1</sup> remains a dominant framework for the engagement and intervention by the external actors in fragile states to build internationally responsible states (Nguyen, 2006; Arndt 2008; Nay, 2013; Woodward, 2017). The 2015 Organisation for Economic Co-operation and Development (OECD)'s report on the *States of Fragility* lists 50 states as fragile grouped under five different clusters of fragility. These states are the home to 43 per cent of the world population, a share that is expected to grow to 63 per cent by 2030 (OECD 2015:17-18). A whole panoply of problems ranging from extreme poverty, terrorism, civil war, mass migration, trafficking, proliferation of small arms, weapons of mass destruction, endemic diseases and more has been associated with fragile states (Helman and Ratner, 1992; Pureza et al., 2006:11; Rice and Patrick 2008:3; Wyler 2008:6, Duffield, 2010:111). Amongst these vices, terrorism in general and transnational terrorism in particular has tempted many to identify fragile states as a *threat* to international security, particularly after the events of 9/11 and the subsequent declaration of the global war on terrorism (GWOt) (The White House, 2002; ESS 2003; Rabesa et al. 2004; Rotberg, 2004; Buzan, 2006).<sup>2</sup>

#### 1.1 The GWOt as a Proxy of International Structure

Terrorism has long been a concern for the global community. However, the international community has been struggling to arrive at a common approach to fight terrorism. In 1972, in

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<sup>1</sup> According to Johnston et al. (2000), discourse is a specific series of representations, practices and performances through which meanings are produced, connected into networks and legitimised.

<sup>2</sup> The effects of the 9/11 terrorist attack and the GWOt has been highlighted by many. Behnke and Hellmich (2012:6) argued that the 9/11 'exploded' the western framework of understanding war and politics. The 2002 United States National Security Strategy (U.S. NSS) focused its attention on the dangers posed by failed states stating 'America is now threatened less by conquering states than we are by failing ones' (The White House, 2002: 1). Similarly, the 2003 European Security Strategy (ESS) identified terrorism and failed states, among others, as the new threats to international security (ESS 2003:6). See Quille (2004) for the difference between ESS and USNSS.

his first letter to the UN General Assembly (UNGA) to establish a committee on measures to prevent international terrorism<sup>3</sup>, the Secretary-General (UNSG) noted that ‘the world has been plagued, on an increasing scale, by acts of terrorism...’ suggesting that the ‘current trend towards terrorism and senseless violence is so alarming and has such grave implications that it should be considered by the General Assembly (A/8791, p.2).’ It was feared that governments will find it difficult to formulate their approach to fight against terrorism as the root cause for terrorism in many cases lie ‘in misery, frustration, grievance and despair so deep that men are prepared to sacrifice human lives, including their own, in the attempt to effect radical changes’ (A/8791/Add.1, p.2). Despite such warning, there was little global convergence on the counterterrorism (CT) issues prior to 2001.<sup>4</sup> However, the event of 9/11 and the declaration of the GWoT by the U.S. ushered a greater convergence on global CT rules, norms and regulations (Beyer, 2010; Roach, 2011). Commissioning of new CT institutions at the global, regional and national level – such as the Counter-Terrorism Committee (CTC) under the UN Security Council (UNSC), promulgating policies and regulations to define the CT practices and the underpinning ideals to fight international terrorism became indispensable. As a result, a global structure to fight terrorism emerged, that has now matured and stabilised. Compared to other global structures, the structure of the GWoT stands out as a unique proxy to analyse the impact of external factors on state fragility – in particular the ‘othering’ process, human rights concerns and the doctrine of lesser evil it embodies.

First, unlike the global economic structure operating under some prescribed WTO rules or bilateral or multilateral agreements between states, the GWoT requires states to take action against the *non-state* actors.<sup>5</sup> This, in turn, requires ‘othering’ the non-state actors and creating an adversarial identity of the non-state actors and their associates in fragile states.<sup>6</sup> Identity is fundamental to any society. Identity underscores the organising principle of people to understand their social world. Thus, adversarial identity construction contains the risk for

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<sup>3</sup> An Ad Hoc Committee on International Terrorism, consisting of 35 members were created in 1972 and the agenda was included from the UNGA’s thirty-first session (1976-77) and biennially from its thirty-second to forty-eighth sessions. Since then, the agenda is discussed in every year changing its title to ‘measures to eliminate international terrorism’ at its forty-sixth session (1994).

<sup>4</sup> In 1972, there were only four UN CT instruments, reaching to ten in 1999 and finally to 19 in 2014 (12 conventions and seven protocols/amendments).

<sup>5</sup> For example, the UNSC resolution 1456 (2003) calls for a ‘sustained comprehensive approach involving the active participation and collaboration of all States, international and regional organizations, and by *redoubled efforts at the national level* (italics added).

<sup>6</sup> For example, Talbot (2008) argues that the orientalist and occidentalist inspired representations of the ‘enemy’ can be seen at work within the current terrorism discourse.

fragmenting social cohesion and the legitimacy to rule, that is often in short supply in most fragile states (Hughes, 2004). The fact the structure of the GWoT can potentially contribute to the ‘othering’ process and influence the construction of an adversarial identity of the people and their societies, makes the structure a unique lens to examine how the ‘othering’ process happens and what impact it has on state fragility.

Second, although the global CT strategy adopted in 2006 recognises that the effective CT measures and the protection of human rights are *not* ‘conflicting goals, but complementary and mutually reinforcing’, (A/RES/60/288, p.9) there has been increasing concerns about the violation of human rights in the fight against terrorism (Redress, 2004; Thaler, 2016). The human rights regime broadly focuses on the rights of the individuals while the global CT regime focuses on enhancing the state’s coercive capacity to fight terrorism. The contrasting focus hints at the possibility of friction. An empowered state may use the veil of the global CT structure to quash minorities, political opponents or ethnic groups and violate their human rights to achieve better social control. Indeed, the global efforts to bring to justice the ‘perpetrators, organisers and sponsors’ of terrorists acts and the call to the member states to ‘redouble their efforts to prevent and suppress’ terrorism (S/RES/1368) has been paralleled by an increasing trend of controversial practices like torture, rendition, cruel, inhuman or degrading treatment and punishment (HRW, 2012; Dudout 2011; OECD, 2012; Powell 2011). Thus, the structure of the GWoT provides a unique vantage point to explore not just how the structure can contribute to the increase or decrease of state fragility but also the future trajectory and preferences for state building. Do the structure of the GWoT encourages actors to become more authoritarian and dispense preserving the inviolable individual human rights?

Third, the practices and the underpinning ideals of the GWoT embodies a ‘lesser evil’ doctrine (Ignatieff 2004:18). Such doctrine implies reasoning out the consequences of various courses of action, anticipating harms and coming to a judgment of which course of action is likely to inflict the least damage. However, the acts of terrorism by the non-state actors are considered as ‘criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed’ (S/RES/1456). Thus, states’ enjoy a greater margin to use force against such actors to eliminate terrorism. The structure of the GWoT puts marginal emphasis to the legitimacy of the people’s struggle seeking independence and liberation and to their inalienable rights for

self-determination.<sup>7</sup> The use of drones and Special Forces has become the new normal under this structure, flouting sovereignty norms. Within states, there are increasing tendencies to label the opposition as ‘terrorist’ and apply the lesser evil doctrine. Such stimuli and leeway accorded by the structure of the GWoT risk pushing the actors to slip from the ‘lesser evil’ to the ‘greater evil’. Hence a critical inquiry taking the GWoT as a proxy of the international structure can be illuminating not just for the better understanding of state fragility but also for insights about the trajectory of the liberal political system.

## 1.2 Fragile States and the GWoT

The GWoT has offered a new macro-frame to link security with development and local events with global politics, making the fragile state problematic<sup>8</sup> even more explicitly global (Ryan, 2004; Reese, 2007; Ruigrok and Van Atteveldt, 2007). It has also triggered a substantial diversion of global resources into the CT capacity building and the convergence of CT regulations and policies to combat, confront, prevent, and prepare for terrorism (Chauzal, 2015; Stimson, 2018:5; Wyler, 2008).<sup>9</sup> According to the 2018 *Stimson* report, the U.S. CT spending had a 16-fold increase by 2008 from the 2001 level and totalled US\$2.8 trillion during fiscal years 2002 through 2017.<sup>10</sup> Multilateral engagements like the United Nations peacekeeping operations (UNPKO) and stabilisation missions are also increasingly mandated to undertake CT tasks in fragile and conflict-affected states (Karlsruud, 2017; Di Salvatore and Ruggeri, 2017).<sup>11</sup> Such emphasis on resource and convergence of the regulations have ushered in a new

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<sup>7</sup> For example, several pre-2001 UN documents on ‘measures to eliminate international terrorism’ categorically recognised the struggle regarding the colonial and dependent peoples seeking independence and liberation and the legitimacy of the self determination of all people.

<sup>8</sup> The term is borrowed from Carment et al. (2010) and refers to the dense web of theoretical and practical problems in addressing the issue of fragile states and its multi-linear causalities.

<sup>9</sup> Highlighting the US policies in the GWoT with respect to the exercise of power and the presence of force, coercion and influence, Beyer (2010:172) claims that the GWoT has facilitated to establish a ‘hegemonic global governance’ by the U.S.

<sup>10</sup> The Stimson Report (2018:12) classifies the US CT spending under four major heads: (i) Homeland security spending, (ii) Department of Defence (DOD) spending designated as emergency or overseas contingency operations (OCO) (iii) State Department spending designated as emergency or OCO; and (iv) foreign aid through U.S. funding accounts and initiatives created explicitly for CT. It reveals that, in 2008, homeland security spending made up 25 per cent of the total, DOD OCO and emergency spending made up 73 per cent, and war-related and other foreign aid made up just over 2 per cent. However, by 2017, those shares had shifted, with homeland security up to 40 per cent, DOD OCO and emergency spending down to 47 per cent, and war-related and other foreign aid at over 12 per cent.

<sup>11</sup> Di Salvatore and Ruggeri (2017:22) illustrates the changing nature of the tasks of UNPKO from 1948-2015. Karlsruud (2017) highlights that, after a slow start, terrorism is moving towards the centre of the policy agenda at the UN despite being a relational concept. The UN multidimensional stabilisation mission in Mali (MINUSMA) and in the Democratic Republic of Congo (MONUSCO) had CT tasks.



global arrangement to prosecute the war on terror. Under this structure, the fragile states are regarded as the Hobbesian periphery exporting the vices to the Lockean core and ‘fixing’ fragile states have become a strategic and moral imperative for the international actors (Rotberg 2002:128, Ayoob 2005; Patrick 2006; 2007, Baker-Beall, 2009;).

It is true that external intervention in many fragile states like Bosnia, East Timor, and Angola have reduced the incidence of violence and facilitated to stabilise security situations. On the other hand, the policies and actions undertaken by international actors to address state fragility have also resulted in some unintended consequences. The increasing use of drones in extraterritorial lethal CT operations, for example, has become a regular practice (Serle and Purkiss 2016). In fragile states, such intervention challenges the legitimacy of the government in power, alter the fragile state-society balance mainly when causing civilian death (The Dawn 2016; A/HRC/34/61, A/68/389, A/HRC/25/29). The decade-long CT capacity building efforts in a fragile state like Mali failed to achieve their stabilisation objective because they were ‘solely concentrated on combating terrorism’ and were even accused of feeding insecurity (Chauzal, 2015:1). Thus, exploring state fragility is not only a question of domestic drivers but also of international structure – most notably the structure of GWoT.

The fragile state problematique lies in the contradiction and friction between the demand of a globalised world in the era of the GWoT that promotes not just the interconnectedness but also the dynamics of its ideational and material forces challenging and undermining the claims that have historically been made on behalf of the state and its societies. Reversing the conventional view, this research is aimed at revealing the causal process of the global ideational and material factors, taking the GWoT as a proxy, and examine how it contributes towards the increase or decrease of state fragility. It is original in the sense that the ideational and material factors of the GWoT are viewed as a structure (independent variable), operating through various pathways affecting fragile states (dependent variable). It broadly argues that state as a social entity do not live in isolation and the structure of the GWoT, that has emerged and stabilised for almost two decades now can have decisive impacts on fragile states. More precisely, it aims to reveal how and under what conditions the ideational and material factors of the GWoT affects fragile states’ institutions and societies. This introductory chapter explains the research problem, highlights the broad arguments and contribution to the literature, culminating in outlining a brief description of the chapters.

## 2. The Research Problem and The Puzzle

Any research on state fragility essentially involves three necessary inquiries: the first inquiry relates to the *referent entity* of fragility – i.e. fragility of what? The second refers to the *causal connections* – what causes some states to become fragile? And the third relates to the *consequences*– what are the manifestations of state fragility? On the issue of the referent entity of fragility, most literature focuses on the *capacity of states' institutions* to perform core state functions. Such a focus is privileged by a growing recognition of the close and manifold linkages between governance and fragility championed by policy analysts, academics and development organisations. In this view, the idea of fragile states coexists with similar notions like weak, failing, failed or collapsed state -- all of which are, in essence, different stages along the fragility spectrum (Rice and Patrick, 2008; Mata and Ziaja 2009:7). Weak states are defined as those 'where the ability to provide an adequate amount of political goods is diminished or is diminishing' (Rotberg, 2004:4). Collapsed states, on the other hand exhibit a vacuum of authority; 'reducing the state as a mere geographic expression' where the structure, authority (i.e. legitimate power), law, and political order have fallen apart, and security is obtained through the rule of the strong and the citizens become mere 'inhabitants' (Zartman 1995:1). Fragile states are portrayed as a product of weak state policies and institutions that undermines states' capacity to deliver core services, control corruption, or provide for sufficient voice and accountability and at the same time risk conflict and political instability (World Bank 2005:1).

However, when the referent entity of fragility is *society*, the focus is on state-society cohesion. Such a view is rooted in the conceptual underpinning that the ultimate aim for any state is to promote better state-society cohesion through a mixture of consent and coercion that accords the legitimacy to rule and to extract resources from its territory and its population for the functioning of the state (Cox 1981, 2002, Migdal 1980, Buzan 2007, Holsti 1996, Rotchid and Chazan 1988). A strong state-society cohesion helps to nurture the 'idea of the state' – the kingpin to hold states' physical and institutional expression together (Buzan 2007:93). The United Kingdom (UK)'s Department for International Development (DfID) (2010, 2005) defines fragile states as 'countries where the government cannot or will not deliver core state services to the majority of its people, including the poor.' The OECD (2011:21) definition adds that beyond weak capacities to carry out basic functions, fragile states also lack 'the ability to develop mutually constructive and reinforcing relations with society.' Several state fragility

indices use quantitative methods to operationalise the concept of state fragility, contributing to its universal spread.<sup>12</sup>

Most operationalisation of state fragility lump indicators that are both *assumed* causes and *consequences* (Di John, 2008, Pureza et al., 2006). For example, a high score in the explanatory variables like the child mortality, voice and accountability are indirect indicators that a state may be fragile while their heterogeneous dependent variables like the incidence of a coup and conflict intensity reflect the disastrous consequence of state weakness. The aggregation methods used in fragility indices adds another layer of ambiguity. More importantly, the causal inferences are drawn mostly from the domestic consequences of fragility based on the maxim that a fragile state's insecurity dilemma is mostly internal (Ayooob 1995, Buzan 2006). As a result, exploring the impact of the external factors are ignored or remains limited despite the overwhelming weight of historical evidence and longstanding scholarship (Gros 2010: 549).<sup>13</sup> The primacy of the domestics amounts to suggesting that states are actors without systems. It reduced the concept of state fragility as a means for the diffusion of normative visions and agendas regarding what the state actors should look like, what they should value, and how they should behave instead of explaining how a state become fragile (Broome and Quirk, 2015; Hameiri, 2007).

A puzzle, therefore, emerges from the pigeonholed focus on the referent entity of fragility and its one-directional causality: can we adequately explain and understand the causes of state fragility only by looking at the domestic functionality of state's institutions and the cohesion? Small critical literature attempts to address this puzzle by focusing on the external drivers of fragility. It is argued that the 'ideology' of failed and fragile is built on an 'axiomatic and unquestioned shared belief' and perception that it is necessary to intervene in fragile states as they pose a threat to the stable, wealthy countries and the development of fragile states are linked to improving their security (Woodward 2017:3). Thus, failure in development through capacity building in fragile states has 'not only become an option but an attractive and sustained

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<sup>12</sup> There are at least 12 such indices developed under the sponsorship of government, business, academia or non-profit organisations. The major ones include: Fund for Peace's Fragile (previously Failed) State Index (FSI), Bertelsmann Transformation Index (BTI), Country Indicator for Foreign Policy Fragility Index (CIFP), World Bank's Country Policy and Institutional Assessment (CPIA) rating, George Mason University's State Fragility Index (SFI), Brookings Index of State Weakness in Developing World (ISW). For a detailed analysis of the state, fragility indices see Khan (2017).

<sup>13</sup> For example, Rice and Patrick (2008: 34) in their fragility index on weak states attributes states' susceptibility to external economic shocks to the 'poor ineffectual [domestic] monetary policy'.

option' (Pritchett, 2010). The growing convergence of the global CT regulation and emphasis on the CT capacity building has also been linked to state's authoritarianism (Roach 2011, Szasz, 2002; Human Rights Watch (HRW) 2012; Cordesman, 2010; Savun and Hays, 2011). This research is located within such critical literature.

In sum, the current approach to the inquiries on state fragility reveals three broad problems. *First*, the analysis of state fragility has been atomised, emphasising the performance of state institutions. Such an 'output' oriented approach tends to mix up the consequences or symptoms of fragility with causes. In short, the literature on state fragility tells us only *what* has or is happening in fragile states but remains inadequate to systematically explain *how* it has happened – particularly in the context of the GWoT. *Second*, the reductionist approach ignores the plurality of context and the impact of the global ideational and material factors within which states are embedded. The conceptual underpinning confines the inquiry within fragile states' insecurity dilemma, economic performance and socio-political fragmentation paying little or no attention to the process and mechanism through which the global ideational and material factors can contribute or create such dilemmas and fragmentations in the first place. *Third*, although small critical literature recognises the link between external factors and its impact on state fragility, explanation about their causal process and pathways remains inadequate and partial, particularly concerning the GWoT. The IR scholars tend to analyse the GWoT as a 'macro-securitisation' project by the U.S. often contrasting with the Cold War structure; the politics and development economics scholars view it as an interventionist instrument eroding the international sovereignty norm.<sup>14</sup>

However, fragile states are exposed to the ideational and material factors that range from the historical, the global, and the regional to very short-term events that may push or pull a state to become more fragile or resilient. In contemporary times, the GWoT has been the most potent discourse, not only as a part of the U.S. efforts to build a new international order, but also to engage the fragile states. Thus, a structural analysis of the GWOT, combining how the discourse of the GWoT can shape the thinking, reasoning and interpreting process, how the CT

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<sup>14</sup> For example, Buzan (2006: 1102) contends that event of 9/11 'solved the threat deficit problem for the US' and goes on asserting that the explicit 'long war' framing of the GWoT was an attempt to 'world-organising macro securitisation' by the U.S. Woodward's analysis on fragile states does not take the GWoT as an independent variable. She argues that (2017: footnote 11) unlike the concept of 'rogue state', the failed state was incorporated in the GWoT as a part of U.S. efforts to build new international order evidence by its rapid adoption by the allies.

reforms and compliance can play out and how the CT capacity building efforts can mutate in fragile situations affecting the state institution and the societies remains unexplored. Such a void in the current literature informs our research that aims to explore: *how and under what conditions do the ideational and material factors of the GWoT affect state fragility?*

A systematic approach to address the research question involves several steps. *First*, the inquiry needs to be based on a conceptualisation of state fragility that does not merely concern the failure of the core state functions but also the legitimacy to rule and their links with the global ideational and material factors. It should allow separating the causes from the consequences, underpinning the essential link between the global and local factors. *Second*, choosing an appropriate methodology that allows accounting for the plurality of the context. The method should enable revealing the underlying causal process and the pathways by identifying the actors and their activities contributing to state fragility. *Third*, it involves establishing the importance of the ideational and material dimensions of the GWoT as a valid proxy for the global structure, identify how the ideational and material factors of the GWoT operates and theorise its causal pathways affecting fragile states. *Fourth*, to validate or reject the theorised pathways, the inquiry should include case studies demonstrating how the ideational and material factors of the GWoT stimulates, mutates, and limits actions by different actors in fragile situations affecting the state and its societies. Viewed this way, the research is not an account of a different event, but a different account of the same event with a focus on the process and pathways of state fragility.

### **3. The Main Arguments**

The overarching argument made in this research is that the sources of state fragility are far more diffused and includes not only the domestic factors but also the external drivers. The global structure is as *real* as fragile states and can generate both progressive and regressive forces affecting the state and its societies. Ignoring the global factors originates from a thin conceptualisation of fragility that emphasises the state's functionality over historicity, contextual realities and the global structures in which states are embedded. Considering the state as an isolated entity and applying a thin conceptualisation of state fragility where the state system is reduced into its institutional efficacy, contributes towards a less-than-whole understanding of the fragile state problematic. Consistent with this overarching position, this research makes two principal arguments on conceptualising state fragility and how the global

ideational and material factors are causally connected to state fragility to answers the research question.

*First*, the research argues that states, as a collective social entity embedded in the global structure, cannot operate in isolation from the global ideational and material factors. Thus, any conceptualisation of state fragility needs to be through the lenses of dispositionalism. Dispositionalism implies going beyond the actuality by taking into account the *potentiality* (Handfield, 2009, Burks 1955, Pap 1958 Choi and Michael 2016). It argues that a complete causal explanation of the dispositional attributes of a social entity involves a structure - dispositions – action scheme. Such a view allows us to take into account both the domestic and external factors of fragility to make a complete causal claim. Accordingly, the inquiry into state fragility becomes not just about the manifestations of fragility but also examining the causal pathways through which state risks to become fragile.

*Second*, contrasting the widely held view of fragile states as the Hobbesian periphery exporting the ‘vices’ to the Lockean core, this research argues that the ideational and material aspects of the GWoT impact states and the societies through the *cognitive, regulatory and capability pathways*, thus contributing to fragility. Specific arguments as to how each of the pathways contributes to state fragility are validated/rejected by individual case studies. It argues that:

- The *cognitive pathway* of the GWoT shapes the social identity in terms of ‘us’ versus ‘them’. The GWoT provides a framework for the states to define and diagnose the threat of terrorism and shapes their search for remedies. Regimes in fragile states are emboldened leveraging such a global *echo chamber* to pursue their domestic interests in the name of fighting terrorism. It shapes the thinking, reasoning and interpreting process to introduce new strategic cultures, values and exclusionary policies and practices that may challenge the existing ones and thereby contributing to state fragility.
- The *regulatory pathway* of GWoT makes the fight against terrorism actionable by states. It consists of the demand for the reforms and compliance with the formal and informal policies, norms and practices of CT as defined by the dominant actors in the international system. Such demand helps to elevate terrorism as a national security threat and at the same time corrupt and conflate national security with regime security. It exacerbates the already

poor human rights and physical integrity rights conditions in fragile states in the name of fighting terrorism and thereby contributes to state fragility.

- The *capability pathway* manifests itself through the exercise of coercion, the threat of coercion and physical assistance aimed at building the state's coercive capacity. Coercive military actions against unable and unwilling fragile states set precedence for sovereignty norm violation and can affect the power structure, feeding resentments, group grievances, mistrust of the government and increase fragility. Such actions also feed into regional instability and militarisation that drains out the fragile state's resources from providing core services. The research also argues that the fragile state's willingness to fight terrorism can be a mere tactical concession to address internal insecurity dilemma and to deflect external pressure -- a mere instrument for survival. Such practice prolongs fragile condition and contrary to addressing the underlying causes of fragility.

Based on the tracing of the three pathways in selected case studies, the research contends that the impact of the GWoT on state fragility is contextual and varied. It finds evidence that the GWoT contributes to a greater reliance on the use of force, making coercion, intimidation and 'othering' the dominant mode of governance and thereby contributing to increased fragility. The research argues that leveraging the cognitive pathways, regimes in fragile states often embarks on discrediting the groups opposing the ideology and rule as 'terrorist' and try to place them outside the realm of politics. In sum, the paper argues that the cognitive, regulatory and capability pathways of the GWoT provide a strategic space to the government as well as the various non-state actors contributing towards the erosion of state's capacity and legitimacy leading to the fragile situations. Thus, arriving at state fragility is less of a mystery but more of a process and method where the external factors are an integral part.

#### **4. The Contribution of the Research**

Within the existing literature, this research is an original effort to provide a *structural explanation* of state fragility taking the GWoT as a proxy. Untying the structure in three interdependent pathways (i.e. cognitive, regulatory and capability), it theorises the potential impact of the GWoT on state fragility, that can be tested taking any state as a case study to validate or reject the theory. More importantly, the framework of analysis built on the cognitive, regulatory and capability dimensions is imitable and useful to explain similar global structures with necessary alteration and contextualisation. The use of the GWoT as a proxy for

global structures enable us to examine certain issues – for example, othering processes, human rights, the doctrine of lesser evil – that other frames do not. This in and of itself is an interesting contribution of the thesis.

Second, the research also contributes to improving the measurement architecture of different state fragility indices by incorporating external dimensions. The theorised pathways may eventually be operationalised through quantifiable inputs reflecting the global ideational and material factors to explain state fragility. The in-depth case study on Bangladesh and the mini case studies on Myanmar and Mali also contribute to enhancing our understanding as to how the cognitive, regulatory and capability pathways influences and mutates in different contexts. It is hoped that such an understanding would facilitate future decision making and priority settings by the policymakers both at the domestic and international level.

Third, by revealing the causal mechanism of external drivers of fragility, the research highlights that articulating solutions of the fragile state problematique also hinges on the capacity of the international system and the actions by the global powers. It highlights that addressing state fragility relates as much to enhance the capacity of the regional and global system, rational actions by the global power as it is to the capacity building of the individual states and its institutions. Such an understanding may remove the barriers that stand between the overwhelming majority of the people living in the fragile states and their aspirations to benefit from global wealth and a better life.

## **5. What this Research is Not**

This research is not about suggesting that the domestic factors of fragility are less relevant. The focus is on the structure of GWoT within which the actors in fragile states make decisions. The aim is to connect *how* the external factors stimulate, shapes and manifest in the domestic environment contributing to state fragility is to derive the *causal mechanism* and pathways of fragility and not the empirical similarity. Second, this research is not biased towards the view that the external factors can have only a detrimental impact. The position is, the external factors may play a dual role. The theorised pathways will include showing how the structure of the GWoT can strengthen a state's resilience or accentuating more fragility. Third, the research is not about making a comparative analysis of the cognitive, regulatory and capability pathway of the GWoT. Instead, it focuses on the interlocking process of the causal mechanism to explain how states can arrive at fragility by tracing the cognitive, regulatory and capability pathways



in selected case studies. Finally, the research is not about making policy prescriptions to come out of fragility. However, the research contributes towards the future exploration of comparative analysis, and the findings of the study can be used to derive policy guidelines – both by the fragile states and their development partners, particularly while fighting terrorism.

## **6. Structure of the Research**

The core structure of this research includes three aspects: (i) a conceptualisation of state fragility, (ii) a theorisation of the causal pathways of GWoT affecting fragile states and (iii) three case studies to validate/reject the theorised pathways. A brief description of the chapters is given below:

- **Chapter 2 - Literature Review.** This chapter reviews the relevant literature, identifies the key external factors that feature in the state fragility literature to identify the unresolved issues. The review is organised under security, socio-political, and economic dimensions to assess their relative importance. It also includes a summary of the proxy indicators for each dimension used in different fragility indices to operationalise the concept. The chapter ends by identifying the unresolved issues establishing the primacy of the security dimension in the fragile state's debate and providing a roadmap for the subsequent part of the research.
- **Chapter 3 - Conceptualising State Fragility.** This chapter conceptualises state fragility, operationalises the concept and derive a typology of fragile states base on different fragile conditions. Fragility is explained through the lenses of dispositionalism. It outlines the process of analysing the disposition of a social entity and explains how the ideational and material attributes of statehood come to fruition in states' capacity to function and legitimacy to rule. Consequently, state fragility is defined, operationalised and used to derive the type 1, 2 and 3 fragile states. The clustering of states lacking in similar attributes provides a level of generalisation of fragile states, useful for case selection and subsequent tracing of the causal pathways.
- **Chapter 4 - Methodology.** The chapter justifies the need for choosing a qualitative method rooted in scientific realism. Consequently, it suggests process tracing (PT) as the appropriate methodology and outlines how it will be used in this research. The chapter also outlines how the case studies are selected and list the primary evidence and documents that will be examined ending with outlining the challenges and overcoming strategies.
- **Chapter 5 - Theorising the Causal Pathways of the GWoT.** The chapter defines the

global ideational and material factors and identifying the elements that constitute these factors in the context of GWoT. The ideational and material factors of GWoT are grouped under the cognitive, regulatory and capability domains – each of which is defined, theorised and finally expressed through a schematic diagram. The theorisation and the causal pathways become the mainstay for subsequent tracing in the selected case studies.

- **Chapter 6, 7 & 8 - Case Studies on Bangladesh, Myanmar and Mali.** Chapter 6 provides a detailed tracing of the theorised pathways of the GWoT in the context of Bangladesh while the other two chapters are a brief tracing of the same in the context of Myanmar and Mali. All the case studies broadly follow a similar structure. Each chapter unpacks the nature of state fragility of the selected case through the lenses of capacity and legitimacy dimensions and explores the state's involvement in the GWoT leading to the tracing of the cognitive, regulatory and capability pathways as theorised.

## **7. Chapter Summary**

In a globalised world, states cannot become fragile in isolation. The global architecture that has emerged following the GWoT can influence states in shaping their policies and actions. It can also affect societies. Despite such realities, the impact of the external forces in general and the GWoT in particular, on state fragility remains largely ignored. Instead, fragile states are considered as the exporter of vices - a threat to global security. Amidst such oversimplified conventional wisdom, it is important to examine the opposite. Thus, this research aims to investigate the causal process and trace the pathways as to how the ideational and material factors of the GWoT affects fragile states' institutions and societies contributing to the increase or decrease of fragility. This chapter has outlined the scope, contribution and the broad arguments made in this research, culminating in outlining a brief description of the chapters that follow – starting with the literature review, examined next.

## CHAPTER 2: LITERATURE REVIEW

*'Why contemporary literature on failed states has tended to discount the external origins of state failure is baffling, given the overwhelming weight of historical evidence and longstanding scholarship on the topic.'* -- Jean-Germain Gros (2011:549-50)

### 1. Introduction

The potential relevant literature on state fragility is vast and growing. The literature originates from three major social science disciplines – political science, IR and development economics.<sup>15</sup> The policy analysts and practitioners in IOs and development agencies have also contributed to the ‘non-academic’ literature on state fragility.<sup>16</sup> The availability of various perception-based data on governance, democracy, corruption, as well as data on violence and instability have facilitated the growth of quantitative research on state fragility and the ranking of states according to their performances. Such approaches to knowledge production on fragility have enriched the literature and at the same time spawned several challenges. Three such challenges broadly characterise the state fragility literature. First, the policy-oriented stream is driven by the urgency to prescribe policy options that often impedes efforts for a balanced inquiry about the *causes* of fragility (Bueger and Bethke 2014:31, Carment et al. 2010:4). Instead, the focus has been on the *consequences*, leading to categorising states as ‘good’ or ‘bad’ performers. Such ‘knowledge’ became a political tool for the regimes in fragile states who used the ‘good’ performance badge for status quo legitimation, while the ‘bad’ performance badge provided the impetus for external interventions/assistance or at least political ammunition for critics of the status quo. The knowledge produced through this process often ignored or overlooked the fact that the *sources* of ‘good’ or ‘bad’ performance by a state can also include external factors that are beyond the fragile state’s control. Such analytical slippage turned the concept of fragile state a politically expedient instrument to ‘govern from a distance’ and a tool for the diffusion of (western) norms and practices of statehood (Broome and Quirk, 2015:826-31; Cooley, 2015; Arndt 2008, Espeland and Sauder, 2007).

Second, the interdisciplinary approach to the fragile state problematic is a relatively new phenomenon. Most of the early literature on state fragility were produced in relative isolation.

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<sup>15</sup> Analysing the bibliometric data from the Social Sciences Citation Index (SSCI), Bueger and Bethke (2014:42) reported that between 1990 and 2008, majority of the academic literature on state fragility originated from IR (31 percent) and political science (23 percent) discipline while the remaining are from development studies (10 percent), economics (6 percent) and area studies (5 percent).

<sup>16</sup> The non-academic publications (1990-2008) were produced by the policymakers (39 percent), IOs (19 percent), national development agencies (15 percent) and think tanks (27 percent), (*Ibid*, .2014, 43).

Investigating fragility from their respective silos, the functionalists broadly emphasised the service delivery capacity of the government and institutional performances (Rotberg, 2004; Krasner and Pascaul, 2005; Ghani and Lockhart, 2008; Rice and Patrick, 2008; Kaufmann, Kraay and Mastruzzi, 2008). The political science and IR scholars associated state fragility with regime type, state-society relationship, and nature of the new wars/threats (Migdal, 2001; Ayoob, 1995; Zartman, 1995; Holsti, 1996; Buzan, 2006; Kaldor, 2007; Patrick 2007; Ayoob and Ugur, 2013). And the development economists focused on aid effectiveness, the failures of development programs, poverty and ‘resource curse’, arguing that the abundance of natural resources in some countries can cause weak growth, and raise the incidence, intensity and duration of conflict, perpetuating fragility (Collier, 2007; Chuvet et al. 2007; Collier et al. 2004; Pritchett et al. 2010; OECD, 2015). However, such ‘knowledge silos’ of the first generation state fragility literature, each emphasising its discipline has started to dissipate only recently, marked by the interdisciplinary approach and suggestions.

Third, fragile states exhibit a significant variation. Arriving at fragility has multiple pathways – some could be contextual and unique, making generalisation daunting (Pureza et al. 2006; Gros, 2011). As a result, some researchers prefer a case study based analysis. Although the data available on state's performance has paved the way to devise integrative research on state fragility, the absence of similar types of data about the performance, role and impact of the global actors and institutions has impeded any holistic analysis (Sanín, 2009; Ziaja 2011). Non-availability of such data about the impact of external ideational and material factors limits quantitative investigation taking the global structure or the element of it as an independent variable, prompting researchers to apply the case study based analysis of state fragility. Amidst such challenges, what does the current literature on fragile states include and how are the external factors linked to state fragility?

## **2. Structure of the Literature Review**

There are several reviews of the state fragility literature (Di John 2008; Jones, 2008; Mata and Ziaja 2009; Carment et al., 2010; Bertoli and Ticci 2012; Mcloughlin 2012; Nay 2013). Some of these literature reviews are structured along the academic disciplines they belong, the time frame in which they originated, such as the ‘phases’ or first and second ‘generation’ literature,

(Carment et al., 2010; Bueger and Bethke 2013).<sup>17</sup> Some are centred on the ideas and debates that pervade the state failure literature (Nay 2013, Di John 2008). Focusing on the definitional aspects, Bertoli and Ticci (2012), in their review identifies the *outcome-based* definitions where fragility is defined in terms of misalignment between a set of predefined core policy objectives and those, which are actually pursued by the state institutions and the *dynamic definitions*, attempting to unpack the distinctive features of the public decision-making process. The *Topic Guide of Fragile States* published by the Governance and Social Development Resource Centre (GSDRC) also provides brief accounts of the literature structured around different causes and characteristics, measurement and assessment, aid and state building dimensions of fragility (McLoughlin, 2012). The *User's Guide on Measuring Fragility* (Mata and Ziaja, 2009) provides a comparative analysis of eleven widely quoted fragility indices by unpacking the concepts and methods that lie behind them. This chapter is informed by all these reviews but remains distinctive in its aim and analysis, in light of the research question.

Pursuant to the research question, this literature review aims to identify whether and how the *external drivers* of fragility are captured in the current literature. In particular, it focuses on the external factors involving the (i) security, (ii) socio-political and (iii) economic dimension of state fragility to highlight the key arguments and the gaps in each of these three dimensions.<sup>18</sup> The focus on security, socio-political, and economic dimensions enables us to assess the relative importance of these dimensions and examine the literature dispensing any bias toward a particular academic discipline or 'generations' they belong. It also scrutinises the proxy indicators used to operationalise each of these dimensions in state fragility indices that has played an essential role in the universal spreading of the concept. Together, the review helps us to identify what external factors, if any, dominates the literature on state fragility? What causal claims and associations, if any, are made about their links to state fragility and how are they analysed? Through these inquiries, the review reveals the potential gaps in the literature - setting the roadmap for our inquiry into state fragility and the impact of the GWoT.

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<sup>17</sup> Bueger and Bethke (2013) identifies four phases of the literature of the fragile state. Carment et al. (2010) highlights the first and second-generation literature of state fragility but structures their review on academic disciplines – i.e. political science, IR, security studies and development economics.

<sup>18</sup> Beyond these three dimensions, environmental dimension is the most recent addition to the state fragility debate. Indicators like arable land availability, ecological footprint and carbon dioxide emissions per capita are often used. However, most literature either ignores or subsumes environmental factors under other dimension. Only the Country Indicators for Foreign Policy (CIFP) Fragility Index includes environment as a distinct sector while (Mata and Ziaja, 2009: 26).

### 3. Security Dimension in State Fragility Literature

Security is implicit in the social contract of all modern states. Maintaining public order, guaranteeing physical integrity rights, and protecting citizens from organised violence and external attacks by monopolising violence is the most basic function of any state (Hobbes, 1660; Weber, 1978).<sup>19</sup> Almost all literature connects fragility with the state's *ability to monopolise violence* and the *legitimate* use of its coercive power to provide security.<sup>20</sup> Drawing relevance from Weber's (1978) elaboration of the 'primitive conditions', these literatures links the lack of security resulting in the incidences of violent conflicts and instability as the defining characteristic of weak and fragile states (Holsti, 1996; Ayoob 1995; Buzan and Wæver, 2003; Rotberg, 2004; Call 2010; Carment et al. 2010). According to Weber (1978:905), weak states are those where the state's ability to perform its security functions are lacking, and instead performed by 'amorphous ad-hoc groups.'<sup>21</sup> Rotberg, for example, characterises failed states as a 'tense, deeply conflicted, dangerous and bitterly contested' entity (2004:5). Collapsed states -- the extreme form of state fragility, are described by Zartman (1995:3) as exhibiting 'a vacuum of authority', reducing the state as a 'mere geographic expression' where security is obtained through the rule of the strong and the citizens become mere 'inhabitants'. The authority, legitimacy and capacity (ALC) model developed by David Carment and others (2010) to analyse and measure state fragility also emphasises the lack of state's ability to enact binding regulations to exercise over its population and to exercise coercive force over its sovereign territory ensuring a stable and secure environment for its citizens, as the defining characteristics of state fragility.<sup>22</sup> In the context of fragile states, the state itself is the primary perpetrator of violence and insecurity. Thus, state's *capacity*, as well as its *willingness* to ensure the provision of core services – most notably security, and to exert significant control over its territory, is central to all almost all conceptualisation and taxonomies of fragile states (World Bank, 2005; DfID, 2005; USAID, 2005). The state failure taxonomy designed by Gros (2011: 539-541), the ALC model, the 'alternative' conceptualisation of state failure by Call (2011:310) based on 'gap' analysis, and the three manifestations of state failure outlined by

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<sup>19</sup> According to Hobbes (1660: chapter XVII) state's ability to monopolising violence enables them to form the 'wills of the people, provide peace at home and mutual aid against their enemies abroad'.

<sup>20</sup> The only possible exception to this is the World Bank's Country Policy Institutional Assessment (CPIA), widely referred to in the fragile state literature. CPIA criteria do not include security.

<sup>21</sup> According to Webber (1978:905), such groups may include household, kinship group, neighbourhood association, rural commune and voluntary associations formed for specific purposes.

<sup>22</sup> The other two dimensions (i.e. legitimacy and capacity) relates to the extent of public loyalty and support to the government and the potential for the state to mobilise and employ resources towards productive end (Carment and Sammy, 2012:4-5).

Stewart (2004,2008) emphasises state's capacity for providing security.<sup>23</sup> The provision of security is also viewed as a pre-requisite for development. The literature postulates that by securing development, fragile states can transition from conflict to peace and embed stability so that development can take hold (Zoellick, 2008; OECD-DAC, 2009).

The extant literature recognises the primacy of the security dimension to determine state fragility and a tendency towards conflating the idea of security. A range of manifestations such as the incidences of civil war, political violence, social fractionalisation, human rights abuse, political repression, harbouring terrorism, and 'ungoverned territory' are some but few examples cited in the literature. Although there is an apparent consensus in the literature about the prevalence of violence and conflict as the defining characteristics of state fragility, the opinion on how fragility is *caused* is divided. In most fragile states literature, the major cause of violence is often attributed to the *human agency*, domestic *institutions* and the fragile states' *insecurity dilemma*. But to what extent do these causes of violence take into consideration the external factors as the source of conflict and instability in fragile states?

### 3.1 External factors of the security dimension

The strand of literature that emphasise *human agency* as the source of causing violence in fragile states focuses on predation, personalisation of the state, clientelism, neo-patrimonialism and their resulting manifestation in social fractionalisation and grievance between the state and the society and the groups within the society (Migdal, 1988, Reno 1998, Rotberg, 2004). Emphasising the role of human agency in the context of state fragility, Rotberg (2004:27-28) writes:

'Whenever there has been state failure or collapse, *human agency* has *engineered* the slide from strength or weakness and wilfully presided over profound and destabilising resource shifts from the state to *ruling few*.' (Italics added)

Quoting Clapham (2004) and Herbst (2004), he further asserts:

...state failure and collapse emanate *not from the artificial border, colonial mistakes, colonial exploitation*, or insufficient or misplaced tutelage, but from the automatic and

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<sup>23</sup> The failed states typology by Gros (2011:539) is based on (i) state's ability to maintain order by monopolising violence and (ii) ability to wage war. Stewart (2004:278, 2008) distinguishes three manifestations of state failure along the line of authority, service, and legitimacy failure. He also asserts, 'conflict has heavy development costs, so that promoting security is instrumental for development.'

premature assumptions by former imperial administrative units of unsustainable state-like responsibilities.’ (Italics added)

The literature that focuses on state’s *institution*, cites the colonial legacy of divide and rule and the arbitrary demarcation of the borders as a cause for the social fragmentation and violence in fragile states (Lemarchand, 1986; Migdal, 1988; Rotchid and Chazan, 1988; Herbst, 1997; Newbury, 1998; Alao 1999; Abernethy, 2000; Gros, 2011; Buzan and Wæver, 2003; 2004; Hensel, et al. 2004; Call, 2012).<sup>24</sup> The literature broadly suggests that the arbitrary border demarcation of the post-colonial states challenged the state’s ability to control violence as it distorted the pre-existing structure of authority by bringing people of different ethnic, political and religious affiliations together to form a state and forge a shared sense of citizenship based on sovereignty principle. Soon after the independence, the challenge was revealed as the ‘façade of sovereignty’ was overturned in many post-colonial African states by the military regimes, pseudo-Marxist revolutions, one party-states and patron-client fiefdoms.<sup>25</sup> The ‘inorganic’ and ‘ephemeral’ institutes, and systems systematically undermined the nation-building efforts in these states (Holsti 1996:100; Call 2012:45).

The literature also links the propensity of violence in fragile states to the inorganic and authoritarian character of the state institutions – in particular, the security forces, in the post-colonial states (Migdal, 2001; Hensel, 2004). It contends that during the colonial era, the security apparatus was deliberately kept separate from the rest of the society as they were meant for protecting the interest of the colonial masters (Lemarchand, 1986; Rotchid and Chazan, 1988). However, such practice continued in many post-colonial states and was characterised by a downward link of domination as opposed to upward links of representation. The inorganic institutions facilitated the practice of exclusion, authoritarianism and even state ‘capture’ (Migdal, 1988; Herbst, 2004). As a result, the impressive growth in a coercive capacity building<sup>26</sup> in many post-colonial states was paralleled by the frequent coup d’état, state

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<sup>24</sup> For example David Newbury (1998:11) in his study on Rwandan genocide point out that in 1930 the introduction of national identity cards by Belgium that registered the ethnicity of the citizens served to mould the ethnic cleavage into ‘ethnic silence’ making the Hutu’s a second-class citizen, which was ‘starkly illustrated in the allocation of new colonial social and economic resources.’

<sup>25</sup> The only significant deviation in the African colonial boundaries includes the succession of Eritria from Ethiopia and more recently South Sudan from Sudan. Even the invasions and interventions in most cases were not aimed at annexing territories, but to overthrow governments.

<sup>26</sup> During the independence, the ratio of security forces per 1000 working-age population in post-colonial Africa was 0.73. The ratio quadrupled by 1979 reaching 3.10, slightly below the developed world. Migdal (2001) also reports that by 1990, the ratio in 93 developing countries rose to 3.4 – slightly



repression and prolonged military rule – often aided by external actors (Herbst 2004:308).<sup>27</sup> Within two decades of their entry onto the world stage, the newly independent states experienced about 200 coup incidents, which had a lasting impact on state building (Powell and Thyne, 2011).<sup>28</sup> Thus, the social fractionalization, incidences of coups, violence and conflict in many post-colonial fragile states is a *symptom* while the cause lies in the colonial legacy exacerbated by the continued lack of representation in building state institutions.

The extant literature also posits that the poor human rights conditions in fragile states are a consequence of the contestation between the ‘juridical’ versus ‘empirical’ sovereignty (Krasner, 1999, 2005; Jackson and Roseberg, 1982; Jackson, 1987; Helman and Ratner, 1992; Fearon and Laitin, 2004; Clapham 2004; Ghani et al. 2005). Jackson’s (1990) definitions of ‘juridical’ and ‘empirical’ sovereignty form the conceptual basis in such literature.<sup>29</sup> This literature posits that the international community’s decision to grant the *right* to rule (juridical sovereignty) to the post-colonial states without considering their *capacity* to rule (empirical sovereignty) accelerated their fragile conditions.<sup>30</sup> Such argument marked the early attempt to shift the focus of IR scholars from great power theories to weak states and helped to expand the concerns about the state weakness from the national to the regional (i.e. African) and later as a global threat after the 9/11.<sup>31</sup> According to this literature, decolonisation was not only a liberation movement but also an enclosure movement contributing to subjecting the citizens in weak states to live under illiberal and repressive regimes and to endure poor human rights

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below the 3.8 in Western developed states while Herbst observes that the ratio between African states and developing countries in 1997 was 2.2 versus 3.2.

<sup>27</sup> As Thyne (2015:16) argues, ‘history is replete with examples of coups fomented by external actors’. For an account of the confirmed cases of external involvement in military coup see Foreign Policy (2013), and Goemans et al. (2009).

<sup>28</sup> Between 1950-2015 Africa and the Americas experienced the most coups (42.3 and 31 percent respectively), while Asia and the Middle East accounted for 13.1 per cent and 10.14 per cent of global coup attempts. In contrast, Europe had the fewest (3.6 per cent) coup attempts. Khan (2014)

<sup>29</sup> According to a Google search on 31 May 2018, Jackson’s article on empirical and juridical sovereignty had 1177 citations.

<sup>30</sup> For example, Helman and Ratner (1992:4) write ‘the idea that states could fail – that they could simply become unable to function as independent entities – was anathema to the *raison d’être* of decolonisation, and offensive to the notion of self-determination.’ Krasner (1999:8, 10) argues that full Westphalian sovereignty should never have been accorded to fragile post-colonial entities.

<sup>31</sup> Most researchers focused on Africa contending that many post-colonial African states are ‘juridical artefacts’ of a highly accommodating regime of international law and politics (Jackson, 1987; Helman and Ratner, 1992).

conditions, arbitrary detentions, torture, terror, disappearance, displacement, and genocides (Jackson 1990, Clapham, 2004:82).<sup>32</sup>

These strands of literature also posit that the international community's focus on human security and related liberal values of 'universal statehood' contribute to the fragile state's insecurity *dilemma*. These states are challenged to protect their *right* to rule from internal and external pressures and at the same time increase their *capacity* for state control to measure up to the international standards and universal norms and that they were ultimately unable to bear.' (Holms, 1998; Clapham, 2004; Kasfir, 2004).<sup>33</sup> Such a condition contributes to pushing these states to a 'perpetual state of schizophrenia' (Ayoob, 1995:71-72; Buzan and Wæver 2003:25). The end of the bi-polar security structure, dwindling military and economic support to the former 'proxy' states, and the subsequent pressure to 'graft' Universalist ideologies, exacerbates fragile state's security dilemma (Herbst, 1997, 2004). Despite such compelling external connections, the 'insecurity' of fragile states, writes Ayoob (1995), stems from 'internal', *not external* sources. Domestic factors remain the most pronounced independent variables to describe and analyse state fragility, ignoring the external pressure of measuring up to the standard of universal statehood.

More recently, the global community recognised the mutual vulnerability of the weak and strong and introduced several instruments including the Responsibility to Protect (R2P) (ICISS, 2001).<sup>34</sup> The concept of mutual vulnerability recognises that the components of the international system are closely intertwined; it also suggests that a 'Hobbesian periphery and a Lockean core cannot coexist without the periphery *exporting* some instabilities to the core' (Ayoob 1995:196). As a result, the fragile states are viewed as an exporter of all kinds of 'vices' and it has become a common wisdom to associating fragile states with various threats including terrorism, proliferation of weapon of mass destruction, mass violations of human rights,

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<sup>32</sup> Clapham (2004: 82) contends, 'decolonisation represented not the apotheosis of statehood but its decline'. In his study, Jackson (1990:139) registers 66 countries (23 African, 15 Latin American, 10 Middle Eastern, 10 Asian and 8 European) where torture has been used to suppress dissents by the state-controlled security forces. Several other studies and almost all state fragility indices include gross human rights abuse as a defining feature of the fragile state.

<sup>33</sup> As Clapham (2004:84) writes, 'a plausible case can be made that state failure and collapse have been hastened and intensified by overambitious attempts to impose on societies a level of state control that they were ultimately unable to bear

<sup>34</sup> Between 2006 to 2018, the R2P provisions has been mentioned in 75 UNSC resolutions and 20 Presidential Statements (Global Centre for R2P, 2018).

poverty, armed conflict, refugees, pandemic diseases and so on (Duffield, 2010; Ghani and Lockhart, 2008; Patrick and Brown, 2006; Fukuyama, 2004). With the widening and deepening of the concept of security<sup>35</sup> and the UN's focus on R2P, several scholars have suggested to create a more intrusive form of state-building, interventions including 'international trusteeship' to contain the threats from fragile states (Helman and Ratner, 1992; Fearon and Laitin, 2004; Herbst, 2004).<sup>36</sup> Thus 'fixing' fragile states became the 'central pillar in extending the west's external sovereign frontier' (Duffield, 2010:160, Pugh et al., 2010). The literature also contends that the preference of 'freedom from fear' tradition over 'freedom from want' of the human security discourse subdues the interest of the people living in 'fragile states' as their welfare is no longer of primary concern (Carment, et, al 2010:15; Cooper, 2010; Khan 2014). It argues that any reform agenda in fragile states remains biased towards eliminating the threat and securitising development with little or no regards to improving the conditions of its people, contributing to more instability and violence.

A majority of the post 9/11 literature on state fragility resonates a similar view postulating that transnational terrorism is the single most important vices that fragile states export (Hass, 2003; Straw, 2003; Fukuyama, 2004; Garfinkle, 2005; Rabasa et al. 2007; Newman, 2007; Patrick 2007; Ayoob and Ugur, 2013). The quote from the 2002 U.S. National Security Strategy (NSS) that 'the United States today is threatened less by conquering states than we are by weak and failing ones,' suffuses the literature. This was reaffirmed in 2006 NSS stating that: 'failed states ... become safe havens for terrorists' (The White House, 2006:15). Such projection once again *pulled* the fragile states to the centre of global security attention only to be labelled as 'the greatest threat to global security.' The literature tends to view the terrorist attack on twin towers as a validation of Ayoob's contention of Hobbesian periphery exporting the vices to the Lockean core. Thus, linking transnational terrorism with fragile states and the need for their CT capacity building has become the *new* 'conventional wisdom.' Such paradoxical outcome of the concept of mutual vulnerability of strong and weak hints that the literature is in want of

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<sup>35</sup> The 'widening' of security concept implies shifting from a state-centric conceptualisation of security to include people-centric human security discourse while 'deepening' implies the inclusion of environmental security. Several scholars and security schools like Copenhagen school contributed towards the 'widening and deepening' of security. See Buzan and Hansen (2009:225) Buzan (1981).

<sup>36</sup> For example, Herbst (2004:314-15) suggests breaking the 'intellectual logjam' of the current state system and (more controversially) recognising the 'governmental units' within the states that are 'providing order' and according legitimacy to such groups and in the process engaging them to respect international norms.

an outside-in analysis taking the ideational and material forces of the (Lockean) core as an independent variable to explain fragile conditions that prevail in the (Hobbesian) Periphery.

However, small critical literature challenges the conventional wisdom on state fragility and its link to terrorism (Beyer 2010; Krueger and Laitin, 2008; Hansen, 2011, Hehir, 2007, 2011, Innes, 2005; Patrick, 2006).<sup>37</sup> Chandler (2006: 189-90) contends that the idea of the failed state as a global security threat is an ‘exaggerated one’ while Hehir (2007: 309-12) finds the claim that fragile states breed terrorism is ‘fundamentally flawed’. Hehir (2007) reveals that the top 20 countries (except Iraq, Pakistan and Afghanistan) in Fragile State Index (FSI) do not exhibit significance presence of Foreign Terrorist Organizations (FTO); half of them do not even have any FTOs. Among 35 countries ranked in ‘alert status’ by FSI (2011), only six are considered as ‘safe heavens’ for FTOs signifying that state fragility alone cannot be a sufficient explanation for the presence of terrorist groups.

The post 9/11 critical literature on the GWoT also analyse the impact of U.S. policy change, global convergence on CT regulations and the material cost of GWoT (Woodward, 2004; Mueller et al. 2006; Beyer, 2010; Roach, 2011; Lustick, 2013; Ayoob and Ugur 2013; Patrick and Brown, 2006; Stimson, 2018). The literature describes the explicit ‘long war’ framing of the GWoT as an attempt to ‘world-organising macro securitisation’ by the U.S.<sup>38</sup> that helped to build a ‘hegemonic (CT) governance’ architecture (Beyer, 2010:135-179) to prosecute the GWoT. Beyer’s (2010) study explains how the CT governance emerged to facilitate the U.S. to act and unilaterally use force using its position of power and focuses on how this new architecture can be ‘deepened and broadened’ beyond its current emphasis on CT. The adoption of CT laws similar to the Patriot Act of the U.S. by many countries reflects a tacit legitimization of the GWoT, triggering a substantial shift in defining national security and priorities. Such a shift has placed human security in the back seat (Woodward 2004). Instead, fragile states have

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<sup>37</sup> According to GTI (2012:6-7) after 9/11, global terrorism (measured in terms of the total number of terrorist attacks and fatalities) has remained below the late 1970s trend, only to increase significantly after the US invasion of Iraq. Krueger and Laitin (2008:148-173) in their cross-country study reports: ‘wealthy countries are more likely to suffer terrorist attacks and that economic performance is not a statistically significant predictor of which countries terrorists emerge from.’

<sup>38</sup> For example, Buzan (2006) cites the immediate invocation of article 5 by the NATO after the 9/11 attack as an endorsement to legitimise the macro securitisation of GWoT by the U.S.

taken precedence over the ‘individuals’ as a referent object of security.<sup>39</sup> Muller (2004) at el.’s study recommend that the unilateral pre-emption will be ‘infrequent’ and should not be a key driver for change in U.S. military capabilities. The global shift towards the CT capacity building and assistance under the GWoT are documented in several reports (Patrick and Brown, 2006; Stimson, 2018). For example, the Stimson Report (2015:5, 26) documents that the U.S. CT spending totalled \$2.8 trillion during fiscal years 2002 through 2017 and an estimated US\$12 billion was distributed by the U.S. through the newly established separate CT funding accounts or initiatives to more than 100 countries during this period. This literature hints at the potential of examining the process and mechanism through which the GWoT operates and can impact the fragile states.

The literature also links the violence and conflicts in fragile states with the changing nature of war, the proliferation of small arms and light weapons (SALW), the role of intervention and war ‘entrepreneur’ and the non-state armed groups (NSAG) (Holsti 1996, Kaldor 2007, 2013; Azoulay, 2015; OECD 2012; Henke 2017).<sup>40</sup> It argues that in the ‘new wars’ that prevails in many fragile states, one cannot distinguish between the global and local, state and non-state actors.<sup>41</sup> Different entities and war/ intervention entrepreneurs can transform the new war from a local enterprise into a vast transnational mutual enterprise. The ‘opportunistic’ mechanisms involving global and local actors, bent to profit from chaos, often overtakes national, ethnic or ideological reasons for war (Holsti 1996:37; Henke 2017; Collier, 2007).<sup>42</sup> The lack of accountability and enforcement of rules to regulate the proliferation of SALW, and security services market, adds to the risks for violence and conflict in fragile states (Isbister and

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<sup>39</sup> Woodward (2004: footnote 2) argues that such precedence of ‘states’ over ‘human security’ created a ‘second generation fear’ in Eastern Europe, as they found that weak states could be a more significant threat to individual liberty, security, and livelihood than the one-party states which they had replaced.

<sup>40</sup> Holsti (1996:131) outlines five external factors that contribute to state weakness through their association with the war of the ‘third kind’. These are: (i) colonial legacy, (ii) arms transfers, (iii) global ethnic networks; (iv) contagion effects and (iv) superpower competition.

<sup>41</sup> The transformation of war and organised violence emphasising its global-locale connections has been explained by many using various terms like ‘wars of the third kind’, ‘hybrid wars’, ‘privatised wars’, ‘post-modern wars’ as well as ‘new wars’. See Van Creveld (1991), Snow, (1996), Holsti (1996), Hables Gray (1997), Manwaring (2002), Smith (2005), Kaldor (2012). According to Kaldor (2012), the defining attributes of the ‘new war’ are involvement of non-state actors, the role of identity politics, blurring the distinction between war (political violence) and crime (violence for private interests) and the fact that violence is mainly directed against civilians.

<sup>42</sup> Henke’s (2017) analysis of ‘intervention entrepreneurs’ is based on Mali. Collier et al. (2004) analysis are premised on ‘greed and grievance’ in the civil war.

Donnelly, 2012; Miraglia et al., 2012).<sup>43</sup> The globalisation and technological revolution have also helped to multiply the contagion effects of modern-day conflict and violence. Relatively unknown NSAG, such as the Al-Qaida (AQ), Boko Haram, Islamic States (IS), has become a ‘global brand’ opening up their ‘franchises’ in different parts of the world (Azoulay, 2015; OECD, 2012). The ease of movement and the revolution in information and communication technology (ICT) has provided a platform to spread their radical ideas in many fragile states with the limited capacity to police the cyberspace. This literature suggests that analysing the *causes* of state fragility based on the institutional performance of fragile states is insufficient. Indeed as Woodward (2018) concludes that ‘failed states are not just a label but an ideology, and the answer to the fragile state problematique lies not with fragile states and the purported ‘threat’ they pose but ‘with those actors who are promoting and implementing this policy agenda’.<sup>44</sup> These contemporary critical literature suggest that the complexity and increased penetration power of the external drivers contributing towards violence and conflict in fragile states make them indivisible in any analysis of the security dimension of the fragile states alongside the domestic factors with equal importance – that remains missing.

Analysing the proxy indicators of the security dimension in different state fragility indices helps us to comprehend how the concept has been operationalised. As mentioned before Mata and Ziaja (2009) provides a useful comparative analysis of several widely used fragility indices. Here, we focus only on the 68 proxy indicators used in ten indices and groups them under 11 broad categories to see whether and how the external drivers of fragility have been included or not (see table 2.1).<sup>45</sup> For example, ‘territoriality’ includes the proxy indicators reflecting the state’s capacity to exercise effective control over its entire territory. The BTI,

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<sup>43</sup> These two papers are the part of the eight thematic papers that form the foundation of OECD's paper on global factors affecting state fragility. See OECD (2012:82)

<sup>44</sup> Woodward’s (2018) investigation is based on the activities of international financial institutions (IFI’s), development agencies and intervening coalition members for state building under UN mandate.

<sup>45</sup> Mata and Ziaja (2009) group the proxy indicators used in 11 fragility indices in 41 categories. This summary projection differs from Mata and Ziaja (2009) in two ways: first, the broad categories are grouped under the security, socio-politics and economic dimensions in light of the structure of this review. Second, it takes into account the underlying rationale/questionnaire as stated in each index to determine whether an indicator relates to the relevant dimension or not. Thus, as opposed to Mata and Ziaja (2009:82), it considers that BTI’s question (1.1. to what extent does the state’s monopoly on the use of force cover the entire territory?) captures territoriality and the FSI captures ‘Coup d’état’.

CIFP FSI and the ISW capture ‘territorially’ (indicated by an X sign).<sup>46</sup> Similarly, the other broad categories reflect a consolidated account of the relevant attributes.<sup>47</sup>

Table 2.1: Broad indicators used to operationalise security dimension

Broad categories of security dimension	Name of the Fragility Indices*									
	BTI	CIFP	CPIA	FSI	GPI	IAG	ISW	PCIL	SFI	WGI
Territoriality	X	X		X			X			
Armed conflict		X		X	X	X	X	X	X	X
Militarisation		X			X			X		
Coup d’état				X			X		X	X
Incidence/perception of Terrorism		X		X	X					X
Repressive capacity		X			X		X			X
Repressive necessity		X		X	X		X			X
<i>Regional effects</i>					X			X		
Human rights abuse	X	X		X	X	X	X		X	X
Regime	X	X		X		X		X	X	X
<i>Small arms proliferation</i>					X	X				
* Bertelsmann Transformation Index (BTI), Country Indicator of Foreign Policy (CIFP), Country Policy and Institutional Assessment (CPIA), Fragile (previously Failed) states Index, Global Peace Index (GPI), Harvard Kennedy School Index of African Governance (IAG), Index of State Weakness in the Developing World (ISW), Peace and Conflict Instability Ledger(PCIL), Political Instability Index (PII), State Fragility Index (SFI), World Governance Indicators (WGI)										

Source: Author's compilation from the respective index.

The operationalisation of the security dimension is mostly domestic in nature. Only two categories (regional effects in PCIL and GPI and small arms proliferation in GPI and IAG) tends to link state fragility with external drivers.<sup>48</sup> The PCIL uses the Uppsala Conflict Data Project (UCDP) dataset to capture the risk of the contagion effect of neighbourhood war (Hewitt, 2012:6, 17), hence remains limited to the ‘body count’ methods (i.e. conflict producing 25 or more battle-related fatalities per year are included). The GPI relies on the data from the

<sup>46</sup> The CIFP includes ‘external intervention/ dependence on external military support’, and ISW includes ‘territory affected by conflict, 1991-2005’ based on data from Political Instability Task Force.

<sup>47</sup> For example, the ‘armed conflict’ category reflects indicators related to the fatalities in conflicts, total war, residual war etc. ‘Militarisation’ implies indicators like military expenditure, size, transfer of major conventional weapons, nuclear and heavy weapons capabilities, financial contribution to UN peacekeeping missions, and ease of access to small and light weapons etc. ‘Repressive necessity’ reflects the incidence of political violence and social unrest (riots) while ‘repressive capacity’ relates to data on police, law enforcement and crime, and the ‘human rights abuse’ includes detainees/prisoners, the frequency of disappearances/political killing/torture/ etc. IDPs, refugees produced.

<sup>48</sup> The reflection of Regional dimension in SFI is not quantitative like the rest of the indicators; it mentions regional effect as ‘MUS’ (i.e. for Muslim countries) and ‘Afr’ for African countries.

Economist Intelligence Unit (EIU) country risk analysis team to measure the regional effect regarding the ‘intensity of contentiousness’(IEP 2016:99). However, a closer look at the EIU’s methodology (EIU, 2014:7) reveals that ‘external conflict’ is just one of the nine indicators of the political risk analysis, situated within a total of 61 indicators used by the country risk analysis team. Similarly, the small arms proliferation data is also based on a qualitative assessment by the EIU analysts reflecting the ease of access to the small arms and light weapons in a particular state. Hence, it does not reflect the broader issue of controlling such weapon proliferation at the source and instead relegates it as a responsibility of the destination – most often the fragile state that cannot check such proliferation. Overall, the security dimension of state fragility is focused on the consequences and taking into account the external security environment as a driver of fragility remains limited.

### **3.2 Unresolved Issues in the Security Dimension**

The literature on the security dimension is somewhat paradoxical. *First*, despite a longstanding scholarship on the external drivers of insecurity, the concept of fragile states tends to ignore those. Focusing on the consequences, it broadly projects the lack of security in a fragile state as a domestic issue. It ignores the fact that the state’s ability and intention to control violence also involves the mechanism for structuring the social and political environment within which the fragile states reside. The extant literature reflects ‘what’ has happened due to the lack of security but remains inadequate to explain ‘how’ the fragile state has reached such a condition.

*Second*, weak states were not regarded as a ‘threat’ to global security, at least until the 1990s. However, the concepts of a fragile state thrive and survive by projecting them as a threat, an exporter of the ‘vices’ to the more stable and prosperous developed states. The event of 9/11 helped to define the threat as transnational terrorism, emphasising the fight against terrorism and CT capacity building. Although the threat perception is anchored on the principle of the mutual vulnerability of weak and strong, the direction of causality runs from the fragile states to the developed states. It overlooks the normative strategy and the conduct of the GWoT that can affect the fragile state’s security.

*Third*, there is small critical literature that challenges the concept of state fragility and its treatment as a threat to global security. This research is located within such literature. This critical literature – in particular, those that take the GWoT as an independent variable to assess its impact, stops short of offering the complete explanation and theorisation of the causal



process and pathways through which the ideational and material factors of the GWoT can affect fragile states. Unlike the literature on colonial legacy that includes outlining the impact of the colonial structure on minds of the society and the institutions in post-colonial states, the literature on the legacy of the GWoT is mostly focused on refuting the association of terrorism with fragile states and the unidirectional causality (Hehir, 2007; Chandler, 2006; Innes 2005). It also includes case-specific analysis highlighting how the GWoT has shifted U.S. policy, enabled a ‘world organising macro-securitisation’ through a hegemonic CT governance structure (Woodward, 2004, Henke 2017; Buzan 2006, Beyer 2010). Despite the apparent consensus that the GWoT has emerged as a global governance structure, there is an apparent lack in structural analysing about the impact of this structure on the fragile states and its societies. Indeed, the critical literature on state fragility is in want of a theory, based on the analysis of the ideational and material factors of the GWoT to reveal its causal links, if any. This research attempts to fill the gap by explaining the causal process and the pathways through which the GWoT can affect fragile states that remains unexplored.

At the analytical level, the literature on the security dimension also reveals that capacity building in weak and fragile states for national security does not have any predictable or regular outcome. It also suggests that comparing the strength of security personnel on the government's payroll, military coup, violence and conflict intensity alone may not be sufficient to analyse fragility. In fragile situations, the regime might be motivated to use its CT capacity for entirely different reasons while the soldiers might be taking orders from entities and power bases that are outside the state as the more recent phenomenon of the creation of ‘*sobel*’ -- coined in the context of Sierra Leone where the supposed soldiers of the state became rebels at night and soldier during the day, suggests (Pugh et al., 2004:100 Feldman and Arrous, 2013). External capacity building efforts in such a context may not produce the required outcome. Thus the material account needs to combine the ideational factors – the contextual and institutional logic, that motivates the state and its security personnel to do what they do instead of doing what they are supposed to do. Having established the unresolved issues of the security dimension, we now turn to the literature on the socio-political dimension.

#### **4. Socio-political Dimension in State Fragility Literature**

The state is not only a physical entity but also as an abstract institutional process of socialisation. Thus, state fragility, in essence, is the property of a political system. A political system is the outcome of the state-society relationship. The state-society relationship has

remained central to the concept of state from the Hegelian conceptualisation of ‘moral community’ to the current understanding of modern states that supports freedom, individualism and human rights, (Hegel and Knox 1967; Vincent, 1987; Buzan, 2007).<sup>49</sup> In this section, we explore how the socio-political dimension has been captured in state fragility literature – in particular, how the impact of the external factors, if any, has been considered.

The literature broadly points to the lack of social cohesion and a set of ‘shared, productive institutions’ to develop ‘mutually constructive and reinforcing *relations* ‘with society as the root causes of the fragile states’ many troubles (Kaplan, 2008:35 Migdal, 1988; OECD 2011:21, Carment et al. 2010; Call 2011). The literature asserts that better socio-political cohesion facilitates the state to achieve loyalty from its people, extract resources, provide services to maintain the essential element of sovereignty, and a monopoly over the legitimate use of force within a defined territory. In short, the socio-political cohesion is inherent to the degree of stateness (Buzan and Wæver, 2003; Holsti, 1996, BTI, 2014).<sup>50</sup> Such an understanding informs the literature on state fragility and its treatment of the socio-political dimensions, albeit with a truncated focus on the domestic environment.

The literature broadly accounts the socio-political dimension in terms of its outcome - the *legitimacy* of the state and the regime to rule (Carment et al. 2010, Call 2011, Kaplan, 2008).<sup>51</sup> The fragmented political culture, lack of social cohesion and social capital, identity politics, the political system (i.e. whether the political and governmental institutions are democratic or not), exclusionary behaviour, predation and the neo-patrimonial politics by the elites, inequalities, gender etc. are usual proxies to explain the social-political dimension of state fragility (Putnam, 1993; Reno, 1998; Easterly, 2000; Rotberg, 2004; Goldstone et al., 2010).

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<sup>49</sup> Some argue that the primacy of state-society relationship is rooted in the notion of ‘ethical state theory’ derived from a Hegelian conceptualisation of the state that emphasises liberal ideals that latter became the hallmark of modern democratic state. States grounded on such liberal ideals are thought to have a better state-society relationship. See Vincent, 1987:146 and Hegel and Knox 1967:15.

<sup>50</sup> For example, one of the questions in the BTI (2016:126) to measure stateness is: ‘to what extent do all relevant groups in society agree about citizenship and accept the nation-state as legitimate?’

<sup>51</sup> As Kaplan (2008:37) argues, ‘state legitimacy lies at the base of any stable political order’. Carment et al.’s ALC model and Call’s conceptualisation based on ‘gaps’ also includes legitimacy.

Table 2.2: Broad indicators used to operationalise socio-political dimensions

Broad Categories	Name of the Fragility Indices									
	BTI	CIFP	CPIA	FSI	GPI	IAG	ISW	PCIL	SFI	WGI
Political System	X	X		X		X		X	X	X
Exclusion/ Discrimination	X	X		X					X	X
Civil and Political Rights/ Freedom	X	X		X	X	X	X			X
Demographic, Gender, Migration	X	X	X	X	X	X	X	X	X	X
Poverty	X		X			X				X
Governance/ Corruption	X	X	X	X	X	X	X			X
Education		X				X	X			

Source: Author's compilation from respective index

Table 2.2 provides a summary of the proxy indicators used to operationalise the socio-political dimension in eleven state fragility indices. All proxy indicators are grouped into seven broad categories. It needs to be emphasised that the grouping has considerable overlaps.<sup>52</sup> It is evident that the indices capture the domestic manifestations such as exclusionary behaviours, lack of legitimacy, democratic practice, freedom and civil rights, poverty, education and demography. These proxy indicators may be relevant and valid insofar the objective is to describe the manifestations of fragility. However, it remains inadequate to explain the causal mechanism and process as to why and how a fragile state excludes, deprive or discriminates against specific groups from their socio-political entitlements. Some social practice, such as the nomadic lifestyle of a clan, could be a barrier to the state-identity formation and achieve social control as the dissident groups can migrate to new territory *instead of submission* if they fail to reconcile their difference with the dominant chief.<sup>53</sup> Such a practice foils the process of building a robust state-society relationship. External factors in such a context may not hold any power to change the state weakness. However, our focus here is to go beyond the locution 'power to'-involving domestic relational capacity or ability- to explore the 'power over' -

<sup>52</sup> In BTI, the poverty related question ('to what extent are significant parts of the population fundamentally excluded from society due to poverty and inequality') is under the 'socioeconomic development' criteria while the CPIA is based on a more extensive measure of poverty reduction involving country's economic management, structural policies, and policies for social inclusion (BTI, 2014: 5; IEG, 2010:81).

<sup>53</sup> Citing the example of tribes in South Sudan, Barfield (1993:38) states, 'the powers of the Dinka chief were weak [...] because rather than submit to authority, dissident groups could move to a new territory if they were dissatisfied.'

involving the *structural relationship* exercised by the external actors. More precisely, we focus on examining whether and how the external factors stimulate and influence fragile states for taking exclusionary and discriminatory action and its reaction by society. Thus, we review the literature to identifying which external factors contributes to undermining the socio-political cohesion in fragile states.

#### **4.1 External Factors of the Socio-political Dimension**

The overlap between security and socio-political dimension implies that most literature on the latter dimension also links the historical legacy affecting fragile states as mentioned before. The literature emphasises several ‘distortions’ of colonialism and its continued relevance in the state-society relationship (Ayoob, 1995; Morton and Bilgin, 2002; Kreijen, 2004; Herbst, 2004; Kaplan, 2008; Jones 2008; European Report on Development, 2009; Nunn and Wantchekon, 2011). The literature broadly implies that the formation of *collective state identity* in many post-colonial states did not follow a time-consuming process of consolidating formal and informal institutions and mediating conflicting interests within society. Citing the legacy of colonialism as a cause, some contemporary scholars have suggested that people living in fragile states are ‘more likely to feel allegiance to a tribe, religious leader, or clan’ than to ‘a state with which they have few ties’ (Kaplan 2008:37-42; Luling, 1997:288-289) resulting in their low social capital. As a result, the growth and success of democratic institutions in fragile states are beset by the ‘politics of survival’ at the top and the ‘triangle of accommodation’ and ‘state capture’ at the bottom (Migdal 1988:268-77; Jones 2008).

Another strand of literature posits that massive societal dislocation triggered by exogenous events like war or revolutions is a ‘necessary condition’ for creating strong state-society relation (Migdal, 1988; Holsti, 1996; Buzan and Wæver 2003). The massive societal dislocation changes the land-man ratio, undermines the resource base and weakens the control by the fragmentary elements/strongmen, making space for the state to consolidate societal control. War or the threat of war induces state leaders to take unusual risks to consolidate social control (Holsti, 1996, Buzan and Wæver 2003). According to Migdal (1988:272-72), ‘world-historical moments’ like the end of WWII, and the beginning of détente around the 1970s resulted in building a more vibrant UN system and a socialist world system under the Soviet umbrella; this, in turn, made states as the ‘sole voice of the people’ and created a favourable condition for concentrating social control. This literature emphasises that external event or shock can alter or affect the socio-political environment – particularly in fragile states.

However, it may or may not lead to better state-society relation and accord greater legitimacy to the state.

International actors are also important for legitimating. They accord recognition and legitimacy by accepting or rejecting the territorial claims of statehood and a particular political entity as the valid representative of that state (Call, 2012; Holsti, 1996; Jackson and Rosberg 1982). International legitimacy strengthens the domestic legitimacy (and vice versa) of the concerned political entity and increases the diplomatic, commercial, social, cultural and economic exchanges of the state. It also accords power to the regime to enter into treaty agreements, trade negotiations, and sign contract for extraction of natural resources and control access to development aids (Jackson and Rosberg 1982:2). International endorsement of a particular group/entity may also provoke a backlash undermining the internal legitimacy. The fact that the global community, despite the 'referendum' by its inhabitant, has not accepted Russia's annexation of Crimea, reflect the relevance. Thus, the external and internal sources of legitimacy remain inherently indivisible.

Identifying *legitimacy* as the critical variable in the fragile state debate, the extant literature also highlights the links between state's capacity and legitimacy (Holsti, 1996; Hudson, 1977, Esty et al., 1998; Rotberg 2004; Stewart and Brown, 2009, Risse, et al., 2013; Woodward, 2017). Kaplan (2008:38) in his book, *Fixing Fragile States: A New Paradigm for Development*, suggests that states with high level of identity fragmentation and coercive capability (Kaplan labels them as 'controlled' state) and those having low coercive capability and highly fragmented political cultures (labelled as 'unstable' state), 'give rise to the worst of all circumstances.'<sup>54</sup> Focusing on the state's journey from a commitment to compliance of the universal human rights instruments, Börzel and Risse (2013:63), find that the regime's willingness and capability are central to the compliance process – particularly in areas of limited statehood.<sup>55</sup> The *State Failure Task Force* report (phase II) finds that partial democracies are far more vulnerable to state failure compared to full democratic or full autocratic regimes (Esty et al. 1998:19). However, Rotberg and contributors (2004) dispute

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<sup>54</sup> Kaplan's work is based on Hudson (1977:391). His examples of 'unstable' states includes the Democratic Republic of the Congo, Nigeria, while 'controlled' states are Syria, Iraq (under Saddam Hussain), and the Soviet Union.

<sup>55</sup> The areas of limited statehood is defined as 'territorial or functional space in which national governments do not control the means of violence and/or are incapable to implement or enforce central decisions including the law. (Börzel and Risse 2013:63).

these findings. They contend that partial democracies are relatively strong when compared to full autocratic regimes, though both can be fragile. Rotberg (2004) also makes a direct link between the state's capacity to provide positive political goods and the legitimacy to rule.<sup>56</sup> Despite such contestations, the extant literature tends to conclude that stable democracies enjoy a higher level of legitimacy (i.e. the right to rule) compared to the states governed by autocratic leaders and those with fragility. Such scholarly endeavours have made capacity building the new mantra. The literature is also indicative that the relationship between capacity building and legitimacy building is not a straightforward issue.

However, small critical literature on fragility recognises that fragile states are in a 'capability trap' (Pritchett et al., 2010; Khan 2017) and certain actions and policies by external actors can adversely affect state-society cohesion and the legitimation process in fragile states (Woodward, 2017; Scott, 2012). One strand of this literature suggests that exogenous 'grafting' of institutions in fragile states instil an enduring sense of opposition and a reluctance to abide by their rules, contributing to the weakness of state structure (Putman, 1993; Easterly, 2000). The practices like (i) holding elections as soon as possible to produce 'a domestically legitimate government' and (ii) the outsourcing of key tasks to foreign IOs and NGOs because of the 'lack' of local capacity can also weaken the fragile states as argued by Woodward (2017:142).

Most literate contend that fragile states lack in vertical and horizontal legitimacy as defined by Holsti's (1996) (Carment et al., 2010; Rotberg 2004:9).<sup>57</sup> However, the literature primarily contends that the legitimacy deficit is a consequence of the regime's inability or failure for effective and equitable service delivery, sound policymaking process and exclusionary practice. The regime's constant quest for acquiring more loyalty from its people, often through coercion (instead of consent), further exacerbates the social cohesion in fragile states. Terming such condition as the 'state strength dilemma' Holsti (1996: 117) observes, under such dilemma 'everything it [i.e. weak state] does to become a strong state actually perpetuates its weakness. It is a system that defies even well-intentioned and honest leaders.' Thus, fragile states

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<sup>56</sup> As Rotberg (2004:1) writes, 'nation-states fail because they are convulsed by internal violence and can no longer deliver positive political goods to their inhabitants. Their governments lose legitimacy, and the very nature of the particular nation-state itself becomes illegitimate in the eyes and in the hearts of a growing plurality of its citizens.'

<sup>57</sup> 'Vertical legitimacy' implies the principle(s) on which the 'right to rule' is based and 'horizontal legitimacy' implies the emotional and intellectual bases of the political community – the definition of the population over which the rule is exercised. Horizontal legitimacy also "defines the limit of and the criteria for membership in the political community which is ruled." See Holsti (1996: 84 & 97)

legitimacy is viewed as an internal issue, arising out of the irrational decisions and actions by the state leader and institutions. However, Kaplan (2008:42) contends that such a view is inadequate, because ‘the irrationality [of decisions] lies less within themselves [the politicians] than in *their situation* . . . [these] politicians must operate in a political environment in which the legitimacy of rulers, regimes, and the institutions of the states themselves is sporadic and, at best, scarce.’ (Italic added).

Fragile state’s *political structures and elite relationships* are emphasised by many suggesting that political institutions are the most important predictors of the onset of instability in fragile states (Goldstone 2001; Goodwin, 2001; Bates 2008). Goldstone and others (2010) argue that political instability is inevitable when the regime is paralysed or undermined due to elite divisions. Making ‘inclusive elite bargain’ is essential for peace, stability and forging social cohesion (Lindemann, 2008; USAID, 2005).<sup>58</sup> However, fragile states’ ability to make such inclusive elite bargain are often constrained as Jones (2008:198) contends:

‘From colonial institutions of indirect rule in Africa ... metropolitan attempts at managing decolonisation, Cold War support to clients and proxies, to the current ‘War on Terrorism’, imperial powers have selected or created individuals, groups, regimes or movements to support, as a means to securing imperial order.’

However, the inquiry of fragile states – in particular, the effects of the GWoT and their consequent effects of various types of legitimacy are scanty. In the context of fragile war-torn states, Zaum (2017) offers a nuanced analysis of how the external actors *directly* become part of the domestic political competition and dynamics through the ‘political authority-building practices’. He argues that, in these states, the international transitional administrations (ITAs)<sup>59</sup> become part of an informal ‘state builders’ compact’ with local elites. Such an arrangement often constrains some of the ‘formal authority’ of the ITAs, but also makes them ‘part of a more complex tapestry of overlapping and interwoven authorities.’ By co-opting the local elites, they become part of a complex reality of ‘continuous contestation and negotiation over authority’. The ITAs can also establish ‘red lines’ and exclude groups or individuals from the

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<sup>58</sup> Political effectiveness is defined as having a political system that allows smooth working procedures for choosing officials and channelling political competition, adopting laws and policies, administering justice, raising revenues, and implementing policies throughout its territory (USAID, 2005).

<sup>59</sup> Zaum’s study is based on the ITA in Kosovo. He also points out that the overall universe of ITAs since 1919-2016 was only 12. His data includes participant observation, complemented with a textual analysis of speeches, visual images like graffiti, and secondary literature.

political process (Zaum 2017:416). A similar analysis of how the conduct of the war on terror has affected social cohesion, group dynamics and regime's behaviour under different fragile conditions could enrich the existing literature adding to our understanding of state fragility.

Most literature use the famous quote from President Bush's speech 'either you are with us, or you are with the terrorists' to frame the analysis (Cox, Levin and Newman , 2009; Casebeer, 2008; Behnke and Hellmich 2012; Jones, 2009:291; Islam, 2009; Van Schendel, 2001). Exploring the geopolitical boundary narratives in light of the GWoT and border fencing in India, Jones (2009:295) finds that, under the rubric of GWoT, the Bangladeshis became the 'enemy other' and the religious identity triumph over a historically shared ethnolinguistic identity with the West Bengal of India, resulting in the rapid fencing of the border between 2002-2008. The state failure task force contends that many Muslim countries see democratic capitalism as an 'alien model'. It contends that such antagonistic interpretation implies that 'democracies are more likely to fail in Muslim societies' (Goldstone, 2000:27). Highlighting the 'proximate psychological mechanism' of the root causes of terrorism, Casebeer (2008:656-659) points out the importance of examining the narratives – the 'Jihad versus McWorld' type of storytelling.<sup>60</sup> Behnke and Hellmich (2012:6) also argue that the 9/11 attack 'exploded' the western framework of understanding war and politics. The OECD report notes that societies in fragile states are exposed to the radical ideas spread by the transnational terrorist groups (OECD 2012:28). The report argues that a two-prong attack and policies by political elites or by non-state actors in fragile states can have a profound impact in delegitimising government institutions and affect a state's capacity to promote peaceful co-existence.

Several studies also focus on the impact of the commitment and compliance of the global CT regulations (Savun and Hays, 2011; Szasz, 2002; Roach 2011; HRW, 2012; Parvez, 2016; Cordesman, 2006, 2010; Shurkin et al., 2017). Non-academic literature, like the US Department of States' country, reports on CT, member states' report to the U.N. Counter-Terrorism Committee (CTC) and the global survey reports by the UN Counter-Terrorism Executive Committee (CTED), under UNSC Resolution 1373 (2001), and 1624(2005) provides

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<sup>60</sup> This is the structuring metaphor of Benjamin Barber's 'clash of the world views' where McWorld represent economic globalisation. Michael Vlahos (2002) also identifies the elements of Al Qaeda/ Taliban -style storytelling narrative tropes, which includes the stories of a heroic journey to heaven, the rhythm of history captured as an epic struggle, and story, the commanded charge of renewal, and the history revealed and enjoined through mystic literary form.



useful primary data.<sup>61</sup> Based on the official CT responses to 9/11 in the USA, UK, Canada and Australia, Roach's (2018:5) finds that the 'differences between the responses of democracies and countries with poor human rights records to terrorism diminished in the wake of 9/11.'

#### **4.2 Unresolved Issues in the Socio-political Dimension**

Despite the overwhelming historical evidence and longstanding scholarship, the literature marks a tendency of ignoring the external origin of fragility (Gros, 2010). Explaining the exact role of global structures – in particular, the GWoT, remains marginally explored. Thus, the inquiry into state fragility is in want of a systematic theorisation and a nuanced analysis of the pathways of how the external factors influence the socio-political dimension of state fragility. The fragmented state-society relations and relations between the groups in the society impinge upon the legitimacy is a core attribute of statehood.<sup>62</sup> One strand of literature views it as a domestic issue, and recommend grafting institutions, introducing best practices to foster better state-society relations in fragile states. Another strand remains critical of such 'one size fits all' measures and suggest minimum or no external influence. Such contestation demands to examine the impact of the GWoT on the state fragility. As opposed to the practice of assessing the impact at the sub-structural level, the literature is in want of a structural explanation of the GWoT and how its elements like the CT capacity building, CT regulations, together with the 'us' versus 'them' narrative can impact on fragile states' legitimacy.

Second, an inquiry into how the GWoT affects national institutions in their decision-making process, groups' entitlements and regime's interpretation of the GWoT in lights of various classifications of legitimacy remain mostly unexplored. Does it increase the output legitimacy at the expense of process legitimacy? Does it encourage exclusion and political entitlements of the groups and if so under what conditions?

Third, the rapid regulatory convergence of the states on CT related issues also demands to explore to add on to the extant literature. A niche critical literature shows that the external actors can define broad 'red lines' for the fight against terrorism. How do the state's and their societies react to such red lines? How do they mediate and mutate through domestic politics? Under what conditions do they promote greater social cohesion or fragmentation?

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<sup>61</sup> Mentionable that, 853 reports, submitted by the member states between 2001-2007 are openly available on the CTC website. However, the country reports are not made public after 2007.

<sup>62</sup> For example, Goldstone (2000:205) calls the scholars investigating state fragility to redirect their attention from the 'economic' dimensions to the *political structures and institutions in fragile states*.

## 5. Economic Dimension of Fragility in State Fragility Literature

A large part of the literature also relates to the economic dimension of state fragility. Its central proposition is that the lack of development and access to economic opportunities, failed strategies of implementing the development and modernisation theories contribute to state fragility (Gupta, 1990; Chang, 2003; Pritchett et al., 2010; Pureza, 2006; McGillivray 2005).<sup>63</sup> The extant literature often links prominent economic theories and have changed over time. Early economic theories of modernization and growth (Rostow 1960), structuralism (Singer 1950; Gershenkron 1962), neoclassical structural adjustment (Friedman 1970, Krueger, 1974; Bhagwati 1982), broadly links state's attainment of economic growth as the ultimate end-state for states. However, by 1980s the focus shifted on the wellbeing and 'entitlement'<sup>64</sup> (Sen, 1984, 1999; Stiglitz, 2002; Hertz, 2003; Higgins, 2013). This approach contributed towards the emphasis of poverty reduction, unemployment and entitlement setting up the Millennium Development Goals (MDGs)<sup>65</sup> and Sustainable Development Goals (SDGs) now cited in almost all literature of state fragility.<sup>66</sup> According to these measures, fragile states disproportionately suffer from poverty, the poor state of human development, inequality and remains short of achieving a single MDGs by 2015 (OECD 2012).

However, several aggregate output indicators of the economic dimensions became the prominent de-facto independent variables for state fragility. Table 2.3 summarises the proxy indicators of economic dimensions used in different fragility indices under nine broad categories. Economic indicators dominate in the development-oriented CIFP, CPIA and WGI index. It also shows that business climate, economic and financial reforms and poverty alleviation are three broad areas of emphasis. Reform in business climate often entails changes in the state's business regulations, deregulation, policies to allure/facilitate foreign investment, contract regulations, ease of doing business, private sector development and so on. Such an

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<sup>63</sup> For example, Pritchett (2011: 6) attributes the persistent implementation failure in development to the limitations of the 'deployment of theories of change that inadequately map onto the types of problems they are increasingly being asked to address.'

<sup>64</sup> Sen (1984:497) defined entitlement as 'the set of alternative commodity bundles that a person can command in a society using the totality of rights and opportunities that he or she faces.'

<sup>65</sup> The MDGs were a pledge to 'uphold the principles of human dignity, equality and equity, and free the world from extreme poverty'. The blueprint of the MDGs was enumerated in eight specific areas along with a set of measurable and time-bound targets (U.N. 2024:3).

<sup>66</sup> The SDG, introduced in 2015, is a 'plan of action for people, planet and prosperity'. It also seeks to strengthen universal peace in larger freedom. It contains 17 goals, ranging from the unfinished MDGs to areas like 'protecting, restoring and promoting sustainable use of terrestrial ecosystems, manage forests, combat desertification, and halt and reverse land degradation and biodiversity loss. (A/RES/70/1, 21 October 2015, p. 14.)

emphasis reflects not only the importance of market expansion but also the need for institutional and policy reforms to come out of fragility (Williamson 1990; World Bank 1993).

Table 2.3 Broad indicators used to operationalise economic dimension.

Broad Economic categories	Fragility Indices									
	BTI	CIFP	CPIA	FSI	GPI	IAG	ISW	PCIL	SFI	WGI
Business climate	X	X	X	X	X	X	X			X
Development	X	X	X	X					X	X
Economy and Finance Reform	X	X	X	X	X	X	X			X
Energy and Infrastructure		X				X			X	X
Foreign Aid		X		X						
Poverty & Unemployment	X	X	X	X	X	X	X			X
Property Rights	X		X			X				X
Trade Openness		X	X		X			X	X	X

The U. N.'s methodology for categorising the Least Developed Country (LDC) contrast the state-centric approach. Its proxy selection is based on causes that '(i) accentuate or perpetuate underdevelopment, (ii) *not the result of misguided policies* but, instead, are such that they limit policymakers' capacity to respond to the shocks, and (iii) *beyond* a country's control' (UN DESA 2015:53-58).<sup>67</sup> The method classifies the criteria as 'exposure' and 'shock' index. Accordingly, the economic remoteness criteria capture the *structural handicaps* of the peripheral economies and their ability to respond to shocks effectively or to diversify their economies (UN DESA, 2015: 54).<sup>68</sup> The exposure of population and environmental factors in this method accounts *structural obstacles* to growth that are missing in most fragility indices. Notwithstanding the attempt to throw a monolithic clock to the fragile state's economic owes, the literature on the economic dimension broadly recognise the external drivers of fragility.

## 5.1 Key External Factors of Economic Dimension

Most critical literature view fragile states as a product of the neoliberal doctrine (Cheng, 2003; Torres and Anderson, 2004; Purez, 2006; Willet, 2011; Pugh et al., 2012; Gros, 2013; Thorsen

<sup>67</sup> Mentionable that almost all LDCs are also regarded as fragile states. The Centre for Policy Development and Department of Economic and Social Affairs has developed the methodology.

<sup>68</sup> Classifying a country's economic vulnerability into 'exposure' and 'shock' index, it includes factors like population, remoteness, merchandise export concentration, instability of exports of goods and services, the share of the population in low elevated coastal zones, victims of natural disasters etc. The importance of geography, captured by the 'remoteness' criteria is also emphasised by Gros (2010).

and Lie, 2014, Rogers, 2016). Market expansion under the neo-liberal doctrine is viewed as ‘imperialism of capitalism’ (Chang 2004; Gros, 2013) with the sole objective to penetrate markets and prematurely open up their fragile economies for the growth of the markets.<sup>69</sup> The literature posits that the IOs, multinational companies (MNCs) are the driving force to achieve this goal. Sizeable critical literature by prominent economists links externalities with development and state fragility, suggesting to scale back international ambition, encouraging local ownership and refraining from abrupt economic liberalisation in fragile states (Stiglitz, 2000, 2003; Torres and Anderson, 2004; Willet, 2011).<sup>70</sup>

The extant literature cites the failure of the structural adjustment plan (SAP), introduced by the IMF in the 1980s, as a source of the political demonstrations, general strikes, and riots in many fragile states (Glassman 2001; Goldstein, 2001; Easterly, 2003; Rogers, 2016). Such violence dubbed as ‘IMF riots’ in the literature, were sparked by the fund’s recommendations to imposed austerity, privatisation and deregulation under SAP. Despite refinements, the economic growth under such doctrine has been ‘extraordinarily lopsided’ with much of its benefit residing with the elite minority (Rogers, 2016:11). The impact of SAP, as mentioned before, is mostly cited to support the adverse impact of high IFI’s involvement in fragile states (Glassman and Padraig, 2001 Easterly, 2003, Goldstein 2001).<sup>71</sup> SAP was profoundly anti-state and served the purpose of premature opening of the fragile economies to the world market resulting in their further weakening.<sup>72</sup> Indeed 25 out of the 38 fragile states in the 2009 Failed State Index had implemented some WB and IMF imposed SAP (Khan 2014).

The literature also argues that the growing availability of external financial support exacerbated the ‘economic disconnection’ of the regime in many African fragile states supplementing the (pre-existing) ‘political disconnection’ (Kaplan 2008: 36-37). The increasing dependency and

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<sup>69</sup> Gros (2010) argues that expanding the market became the new focus after the collapse of former the Soviet Union and enumerated its impact in fragile states.

<sup>70</sup> Stiglitz's (2003) *Globalization and Its Discontents* is essentially an indictment of the policies of the IMF, the U.S. Treasury Department, and related international institutions that push dogmatic ‘free market’ policies onto developing countries. Chang (2003) highlights the neglect of production functions and the emphasis on the market in the neo-liberal discourse.

<sup>71</sup> For example, Easterly (2003:368) finds that ‘because the World Bank and the IMF ultimately wish to restore growth in the economies to which they make adjustment loans, it is worrisome that positive growth has less of a poverty-reducing impact with high World Bank IMF involvement. Goldstein (2001) however claims that IMF did not share the World Bank's mandate.

<sup>72</sup> Referring to the SAP, Gros (2010:536) notes that ‘the omission of the neoliberal policies of international financial institutions from the list of fragile states indicators is especially troubling’.

availability of foreign assistance for the regime survival accorded a level of autonomy to regimes in a fragile state of its society and local resources. As a result, Kaplan (2008) argues that fragile states ‘lost interest in the local resource base as ‘anything other than a source of plunder.’ In a similar vein, Zaum (2017) cites that, the successive governments in Kenya have consistently influenced and directed aid allocation processes towards areas, to influence voting patterns and maximise the votes of the incumbent government – a practice common in many fragile states. Such practices raise the query to investigate whether the CT capacity building assistance in fragile states have a similar trajectory.

Fragile states are also seen as the outcome of the *systemic process* arising out of the exploitative relationship between ‘core’ and ‘peripheral’ states that allows the ‘core’ to monopolise the benefits of accumulation (Galtung, 1971; Wallerstein 2004). In this view, underdevelopment is perceived as the by-product of the process, necessary for the development of capitalism in the central capitalist countries and its continued reproduction on a world scale. Johan Galtung’s (1971) theory of structural violence – defined as the ‘built-in’ violence in the social/political/economic structures, is an early attempt to explain the impact of the systemic forces on fragile peripheral states. According to Galtung, imperialism is a general structure of relationship between the two collectives (i.e. the centre nations and the periphery nations) through which the states in the periphery (i.e. the fragile states) becomes mere instruments to drain off the surplus value to the centre represented by profits, royalties, interest, poor terms of trade and exchange. Galtung argues that the inequality in the living condition between these two collectives is not merely an issue of redistribution but also of the structure. Gros (2010), among others, uses such a framework to analyse the economic dimension of state fragility.

Researchers on civil war and terrorism have also linked fragile states’ economic dimensions with the incidence and onset of civil war and terrorism. Collier and other’s ‘greed or grievance’ theory of civil war are centred on the primacy of economic rationality in fragile situations. According to the theory, faster growth reduces conflict risk as it raises the *opportunity cost* of joining the rebellion. Connecting the low opportunity costs for recruitment in poverty-stricken countries, they assert that weak states with poor growth are more likely to experience civil war. Although the relationship is non-linear, they find countries with abundant natural resources have a higher risk of conflict. However, the theory has been later revised contending, ‘where rebellion is (economically) feasible it will occur: motivation is indeterminate, being supplied

by whatever agenda happens to be adopted by the first social entrepreneur to occupy the viable niche' (Collier et al., 2006:20).

The political economy literature highlights how the creditors and donors could also hasten and contribute to instability in fragile states through their bureaucratic entrenchments (Ross, 2003; Bray et al., 2003; Ballentine, 2003; Yannis, 2003). The literature posits that, in Kosovo, Nepal, the Democratic Republic of Congo and Sierra Leone, the geopolitical shift coupled with a severely diminished capacity of the state to maintain a capable military was a precipitating cause for the civil war. The creation of *sobel*, in Sierra Leone, owes much to such complex interplay where the financially pressed government had to trim one-third of state employees and engage the armed soldiers in 'Operation Pay Yourself' (Reno 2000:50; Pugh et al. 2004). Illustrating the Colton supply chain Cooper (2004:26-28) shows the economic network of regional conflict complex while Ballentine (2003:264-268) explains the opportunity structure. The defining role of such regional conflict complexes and structures to incite violence and instability in fragile states links the global and regional economic dimension with state fragility.

A growing post-9/11 critical literature – mostly originating from the field of political economy, contends that the politics of international aid, state building, peacekeeping and development have become 'securitised' and 'militarised' – particularly in fragile states that are regarded as hot-bed of terrorism (Pugh, 2005; Baker-Beall, 2009; Duffield, 2010; Berdal, 2014, Fisher and Anderson, 2015). The concentration of aid and assistance in hot-spots and regions, the increasing level of funding for security sector reforms, peacekeeping, are cited as the evidence of such securitisation of development in the literature.<sup>73</sup> Commenting on the IFI's roles in peacebuilding missions, Woodward (2012:13) claims that 'neither the IMF nor the World Bank seeks to build peace.' Instead, 'their goal is to transform the structure of pre-war and wartime economic and political power to create a state that facilitates private sector, market-led growth, particularly its capacity to service its foreign debt while lowering public expectations to that which a country can afford.' However, the securitisation of development in Uganda, Rwanda, Ethiopia and Chad, were not imposed but a conscious choice by the regimes (Fisher and Anderson 2015). The study contends that the governments in have explicitly permitted the

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<sup>73</sup> Securitisation in this context is defined as 'a "speech act" of—usually—western policy-makers, whereby an event or space ('Africa' or 'ungoverned spaces') is presented as an "existential threat" to a referent object (western states and populations), thereby legitimizing an "exceptional" response outside the accepted realm of political activity.' (Fisher and Anderson, 2015:133).

donors a major role in some policy areas like ‘socialising’ policy-making in social development and economic sectors and at the same time pursuing the explicit privatisation of areas like defence and security policy. Donors have generally accepted such informal ‘red lines’ drawn by the recipient countries, albeit reluctantly allowing these African regimes to build large militaries and intervene unilaterally in neighbouring states with only limited donor oversight or censure (Fisher and Anderson, 2014:143).

The literature indicates how fragile states have *reacted* and absorbed the capacity building practice and (some) were able to gain *increased control* over areas like privatising violence and the use of security force to pursue a semi-authoritarian rule. However, states are also made up of groups, individuals, and households who do not remain passive in response to state authoritarianism, violence, the collapse of entitlements, and the weakening of the formal economy. Instead, they adapt and react -- often in dynamic and highly innovative ways — not only to the conditions and opportunity structures created by violence and the disintegration of formal institutions but also to the state repression and exclusion – which begs to be explored.

## **5.2 Unresolved Issues in the Economic Dimension**

The proxy indicators of economic dimension remain inadequate to explain state fragility. First, development and growth-centric account risk conflating the idea of core state functions. For example, the proxy variables like ‘ease of doing business’, ‘regulatory policies’, goes beyond core state functions centred around security. Aggregate measures, such as per capita wealth also does not reflect the true potentials and equitable distributions of the wealth. Indeed, as Migdal claims (1988:286), in the context of economic dimensions ‘beyond tax ratios, few statistics serve as good summary statements of state capabilities.’

Notwithstanding such inadequacies, the literature on the economic dimension of state fragility appears to be more inclusive regarding taking into account the externalities. It links state fragility with the domestic economic policies as well as the systemic forces of the global economic structure. The structural violence and world systems theory premised on the centre-periphery model provides a framework to explain the fragile state problematic but at the same time remains *static* lacking specificities. Implicit to the model is a one-dimensional view that greed solely motivates human nature. The notion that the leadership in ‘centre’ nations are always nothing but exploitative and the despotic rulers, bourgeoisie and the intermediaries in fragile countries are locked into an exploitative structure, defies the notion of free will, pride

and nationalism (Boulding, 1977).<sup>74</sup> The fact that states like Singapore, Malaysia, South Korea, and Lesotho were able to achieve considerable progress operating within this exploitative global system reveals the limits of explanations based solely on systemic-dependency. Thus, a more useful way of analysing the systemic forces could be identifying the case-specific actors and their activities and, examine how they interact and influence each other in a particular context to claim causal connection (as will be used in this research). Such an approach also helps us to identify the causal pathways linking the external factors with the domestic outcome.

In this aspect, the political economy literature that connects development with security holds greater potentials to explore the research question. The literature on the economic explanation of violence in fragile states— in particular, the link between terrorism and economic development is more focused on refuting or establishing the links using data of various proxy indicators. Such models<sup>75</sup> restrict taking into account the analysis of the conflict-promoting acts by the state itself and the influence of regional and international *opportunity structures*. Government's misrule, combined with the linkage of state machinery with the war/ intervention entrepreneurs - both licit and illicit, in resource-rich or geopolitically important fragile states, can make the state 'attractive' for instability and armed contestation (Reno, 2000, Henke, 2017). It is also worth examining the trade-offs and the 'red lines' that the structure of the GWoT promotes, particularly in the context of fragile states who remains the primary recipients of the CT capacity building assistance.

## **6. The Road Map from Here**

The gap in the literature helps us to draw the roadmap for our inquiry of the fragile state problematique. The review shows that despite a well-established scholarship about the influence of external factors on state fragility, the overwhelming focus on domestic performances prevents historicising the fragile state problematique and considering fragile

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<sup>74</sup> In a critique of Galtung's theory, Boulding (1977) stated that 'while the metaphor of structural violence performed a service by calling attention to a problem, it may have done a disservice by preventing us from finding the answer.'

<sup>75</sup> For example, the greed and grievance theory postulated by Collier and other models rebellion as 'an industry that generates profit from looting' (Collier et al., 2005:3) and focuses on the predatory activities of the rebels, typifying the large-scale organised violence by the rebel army as the 'defining feature' of civil war. Such focus tends to associate all insurgencies as an extreme form of common criminality. However, in their 2005 version, Collier et al., disputes such assertion and claims that opportunity could account for either for-profit or not-for-profit rebel organisation (p.18). However, it does not elaborate on not-for-profit activities of rebel organisation.



states as part of the global system. The multi-causal pathways through which the global structure in general and the ideational and material factors of the GWOt, in particular, can affect fragile states remains unexplored.

Second, the literature establishes that amongst the various dimensions, the state's capacity to provide security and attain legitimacy is two central elements to investigate fragility. Violent conflict is synonymous with fragility. Thus, providing security remains the fundamental service that the state is required to provide to its citizen. However, providing security is always a delicate balance between consent and coercion – hence the importance of legitimacy. If a state relies more on coercion, it may lose its legitimacy and end up fragmenting the social cohesion, making the state more fragile. Conversely, a complete lack of coercive power by the state can unleash the fragmentary social forces challenging the state's authority.

The insights gained from the review suggests us to restrict conflating the concept of state fragility. Indeed, beyond the essential provision of security, there is decidedly less in common among all states that can be convincingly used to generalize fragile states (Migdal 1980; Ayoob 1995; Rotberg, 2004; Call, 2005; Andersen, 2008; Putzel, 2010; Gros, 2011; Bertoli and Ticci, 2012, Nay 2013).<sup>76</sup> Conceptually (and practically) a state is always fragile if it cannot provide security (Mata and Ziaja, 2009:18). Methodologically, it implies that the fragility score for any state will always be zero when the score in the security dimension is zero to satisfy the conceptual assumption.

Third, the literature reveals that the colonial legacy, the cold war support structure and the GWOt are the most cited historical factors affecting fragile states. However, establishing the links of colonial or the cold war structure with state fragility would require identifying the salient features of colonial/proxy states, and explaining why the political independence of such states did not remove or at least significantly alter the adverse institutional features. Besides, it would require justifying why the factors that contributed to their persistence in postcolonial states even after more than half a century.

In contrast, the GWOt is a more pronounced and manifestly related to the fragile state problematic. The focus on terrorism after the 9/11 has been a crucial breakpoint for the external

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<sup>76</sup> Gros(2011:539) argues that performance of security dimension is an excellent proxy to extrapolate the viability of state because, at the minimum, all state must provide security to their citizens and protect the territory and people from external aggression. Stewart (2004:278) also contends 'promoting security is instrumental for development.'

actors shaping up fragile states. The onset of GWoT led the UNSC to seek for universal legal norms focused around legislating against terrorism in general and making implementation of the executive actions against terrorism a universal concern (Velásquez-Ruiz, 2011, Marschik 2005, Szasz 2002). This was first set out in Resolution 1373 on the 28 September 2001 and subsequently refined by Resolution 1540 (2004).<sup>77</sup> Articulated through the broad-based enforcement and capacity-building projects by the UN, these Resolutions obliged states to legislate in acting against terrorist financing and other support to fight transnational terrorism. It also called for full international cooperation to share information and intelligence between states, screening asylum seekers, elimination of political exemption clause to the extradition of suspects, and addressing the links between terrorism, organised crime and the concerns with weapons of mass destruction in the hands of terrorist groups (Resolution 1373, para. 4). The political arrangements of cooperation between the states under the GWoT have also created a form of global governance. Such a condition merits considering the GWoT as a valid proxy of the global structure affecting fragile states. For a systematic tracing of the impact of this global structure, we need to identify the actors and their activities both at the global and at the local level. Identifying how the discourse of the GWoT has been translated into operational policy, how they have been implemented and internalised by individual actors and what practical results and reactions it has produced impacting fragile states, is central to aptly answering our research questions: how and under what conditions do the ideational and material factors of the GWoT affect state fragility?

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<sup>77</sup> Resolution 1373 (2001) is often regarded as the first act through which a legislative function was exercised by the UNSC (Velásquez-Ruiz, 2011; Marschik 2005).

## CHAPTER 3: CONCEPTUALISING STATE FRAGILITY

*‘For every claim that a state has collapsed, is failing, or is going to fail, contains two usually implicit definitions or benchmarks. One concerns the ‘stateness’ against which any given state should be measured as having succeeded or failed..., and the other, concerns the normative and practical implications of such a failure...’.* (Milliken and Krause, 2002: 753)

### 1. Introduction

This chapter is aimed at conceptualising state fragility, operationalising the concept and categorising various conditions of fragility to derive different typologies within the universe of fragile states for better analytical insights and tracing the effects of GWoT in subsequent chapters. The conceptualisation is anchored in dispositionalism – the idea that suggests that propensities (rather than frequencies) are better poised to explain the process of state fragility (Mellor, 1974; Popper, 1990; Martin 1994; Choi and Fara, 2016). The chapter first explains the dispositional attributes of fragility and outlines the process of analysing the disposition of a social entity, such as a state. It demonstrates that analysing state fragility as a disposition is useful: (i) to distinguish causes of fragility from its consequences (ii) to examine fragility as a fundamental latent property of all states that cannot escape the external ideational and material factors, and (iii) to carry out diagnostics inquiry of state fragility avoiding any particular policy inspired streams dominating the literature. Second, this chapter disaggregates the concept of statehood into ideational and material attributes and highlights that these two attributes come into fruition in states’ capacity and legitimacy dimensions. The chapter emphasises the primacy of security function and operationalises the definition of state fragility using six proxy indicators – three for capacity and three for legitimacy. Third, in light of the definition, the chapter outlines three conditions when a state can be categorised as fragile. These are: (i) when it lacks in capacity, (ii) lacks in legitimacy (iii) lacks in both capacity and legitimacy dimensions. Using alternate years’ data for the period 2006-2016 on the six proxy indicators, the chapter ‘orders the reality’ of fragile states as they exist. The clusters of states lacking in similar attribute(s), like legitimacy, capacity, or both provide better analytical insights and a level of generalisation of fragile conditions. Consequently, the chapter sets the foundation for tracing the causal mechanism and pathways of the GWoT as theorised in the next chapter.

### 2. Fragility as a Disposition

The notion of fragility relates to what philosophers call *dispositional* properties (Popper, 1959, 1990; Mellor, 1974; Martin 1994; Kingwell, 2007; Choi and Fara, 2016). Dispositions have

also been described as ‘power’ (Locke's term), ‘*dunamis*’ (Aristotle's term), ‘ability’, ‘potency’, ‘capability’, ‘tendency’, ‘potentiality’, ‘proclivity’, and so forth (Haskins 2013: 234; Rummel, 1976).<sup>78</sup> Two prominent proponents of ‘dispositionalism,’ Karl Popper and D.H Mellor, suggest that nearly all object properties are dispositional and can be better analysed in terms of their ‘propensity’ -- the ‘probability of the result of a single experiment, with *respect to its conditions*’ (Popper 1959:68).<sup>79</sup> According to Popper dispositional properties define the nature of objects in such a way that the *entire universe* must be seen as a universe of propensities.<sup>80</sup> As he writes (Popper 1990:19): ‘the view of propensities allows us to see in a new light the *processes* that constitute our world: the world process ..., as an unfolding process of realising possibilities and of unfolding new possibilities.’ Static properties are lodged in ‘actualities’ while dispositional properties reside in the ‘potentialities’ – i.e., the possibility of ‘becoming’ something. The size, shape, colour and weight of a glass is its observable/measurable ‘static’ property and remains with it at all times, while the *possibility* that it can be broken/smashed/deformed if struck/dropped or put under pressure/heat, is its dispositional property which *also* remains with it at all times, only to be manifested under some *stimulus conditions* in future circumstances (Gillies 2000:812). The fragile propensity of the glass is contingent on the ‘state of the universe’ in which it resides at a particular time. In other words, a dispositional view allows us to see the intrinsic fragile propensity of an entity with its extrinsic conditions reflecting metaphysical assumptions where both holist and individualist explanations are indispensable.<sup>81</sup> Such an understanding begs to outline the characteristics of dispositions.

Dispositions embody several characteristics. First, an entity can hold both static and dispositional properties at the same time. There is nothing about the actual behaviour of the

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<sup>78</sup> These terms in essence implies the concept of potentiality and actuality; the ‘linkage between different states of being; between potentialities and actualities, between dispositions and manifestations, and between determinable and determinants (specifics)’ (Rummel 1976: 165). Our focus her is to demonstrate that a dispositional view of state fragility is better poised to explain its cause and process.

<sup>79</sup> According to Popper (1959:68) ‘propensities, like Newtonian attractive forces, are invisible and, like them, they can act: they are *actual*, they are *real*’ suggesting propensity interpretation of probability can only provide a full-fledged account of the cause (*italic in original*). In the context of state fragility, Doornbos (2006:5) attests the usefulness of propensity interpretation of fragility.

<sup>80</sup> Contrasting propensity with frequency theory, Popper (1959:30-31) argues that the former allows us to account for the ‘*unobservable dispositional properties of the physical world*’ (*italic in original*). The propensity interpretation is also advanced by Gillies (2000) who introduced the long run propensity and single case propensity; Fetzer (1982, 1983) and Miller (1994) who offer single-case propensity theories.

<sup>81</sup> As Zahle (2016) states, ‘in certain cases, holist explanations should be advanced; in other cases, individualist explanations should be advanced.’

entity that is ever *necessary* to have a dispositional property. Second, the characteristic manifestations of dispositions happen only under some stimulus conditions. For example, a set of glasses that is protected by the packing materials (i.e., external environment) may not break even when struck from outside; yet its propensity of breaking *always* exists for the microstructural arrangements of the glass (i.e., internal conditions). Thus, the glass's internal property together with the external condition forms the *causal basis* for its fragile disposition. Third, the manifestation of the disposition under stimulus conditions may be varied. For example, the glass (when struck) may break neatly into two pieces, shatter into many pieces or simply exhibit some cracks. It may also be deformed/smashed when exposed to heat/pressure. Thus, the nature of the stimulus condition defines the manifestation of fragility. Simply put, as the effect follows the cause, the varied manifestation ensues, given the combined presence of internal and external conditions; one cannot be explained without the other. However, does the disposition of a social entity, such as a state differ from a natural entity?

## 2.1 Fragility of Social Entities

Unlike the dispositions of a natural entity (i.e., the fragility of a glass), the dispositional attributes of a social entity (i.e., the fragility of a state) are different as it is exceptionally challenging to unravel the entities and properties involved. Both share a similar causal and dispositional underpinning (Handfield, 2009, Elder-Vass, 2010).<sup>82</sup> Natural entities can exist independent of human action and thoughts; but states, as social entities, come into being only through the intention and action of human collectives. They become 'strong' or 'vulnerable' due to both external and internal conditions. For example, the dispositions of money, a social invention, become meaningful or valued not just by the virtue of denominations and limits ascribed to a metallic coin, paper notes, or plastic cards annotated as gold, silver or platinum and the security features it embodies to prevent forgery, but also by its *relationship* to the institutions such as the central bank of a country, norms that guarantee that others should accept it in exchange for goods and services. The conceptual systems, relational structures, human actions, together with the non-human physical objects such as the coins, notes, or cards, make the complete meaning of what 'money' is and its power as a social instrument for exchange (Elder-Vass, 2010:71). Thus, a complete causal explanation of disposition in the context of a

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<sup>82</sup> Several scholars highlight the differences between fragility of social and natural entities. Handfield (2009:1) cites that a physicist's attempt to describe the fragile disposition of iron to 'expand' when heated and a historian's reference to the fragile disposition of a belligerent state to explain 'alliance building' is not the same, yet both the concepts are 'recognizably causal and dispositional.'

social entity involves a structure - dispositions – action scheme.<sup>83</sup> The structural properties, the dispositions of the social entity and the action performed by the individual agents within the recognised social norms and practices are *all* integral to the explanatory narratives. Unlike natural entities where the fragile internal disposition (i.e., the molecular arrangements of glass) can exist independent of its externalities, the fragile disposition of a social entity (i.e., the fragility of a state) emerges and is sustained as part of the process of its external and internal environment.

This raises the question as to how we should analyse dispositions of a social entity and in particular their propensity to become fragile. Philosophers agree that there is a connection between dispositions and counterfactual conditionals (Popper 1990:11; Choi, 2006, Lewis 1997). The rider clause for any examination of propensity always concerns its *conditions* (Gilles 2007:595). This has led to the suggestion of different types of conditional analysis.<sup>84</sup> Expanding Lewis's (1997:149) insights on concepts such as fragility and lethality, solubility, Choi (2006) offers a succinct route for the conditional analysis of fragility: 'something X is fragile at time  $t$  if, for some intrinsic property  $B$  that X has at  $t$ , for some time  $t_1$  after  $t$ , if X were to be struck at time  $t$  and retain property  $B$  until  $t_1$ , then X's *being struck and X's having of B* would jointly be an X-complete cause of X's breaking (Choi, 2006:270-2071).' It implies that a putatively fragile entity X (such as a state) must retain the 'intrinsic propensity to break' for a sufficient time ( $t$  to  $t_1$ ), and that X's being struck (i.e., an external intervention) and X's having the intrinsic property are *jointly* an X-complete cause of X's fragility. Thus, it links the concept of disposition with the concept of causation where both the intrinsic and extrinsic conditions become integral to the causal explanation of fragility. But how useful is it to view and analyse fragility as a disposition in our context?

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<sup>83</sup> The inter-relations between human beings, non-human physical objects, social structures and cultural or conceptual systems in the social world that make it extremely challenging to disentangle the entities and properties involved in any inquiry of social dispositions. This has been highlighted by many including Elder-Vass (2010:70-71), Brady and Collier (eds), (2004:33-65), Lipset (1959: 71-78, 1994). They also stress that resolving these ontological confusion is vital for any inquiry of social dispositions.

<sup>84</sup> The Simple Conditional Analysis (SCA) and Reformed Conditional Analysis (RCA) are two main variants of analysing dispositions. Choi (2006, 2009) Martin (1994) and Lewis (1997) have highlighted the differences between the SCA and the RCA using fragility as an example. The aim here is not to discuss their differences but to highlight how state fragility can be analysed as a disposition.

## 2.2 State Fragility as a Dispositional Property

Conceptualising and analysing state fragility through the lens of dispositionalism offers unique advantages that are missing in the current literature on state fragility. First, it allows us to distinguish the causes of state fragility from its consequences. As discussed in Chapter 2, the current practice of making fragility legible through its consequences provides a truncated view as it ignores the external links. In contrast, fragility as a disposition implies investigating its attributes and causes, that is, how it happens *if* certain circumstances occurred – both internally and externally. As a result, fragility does not merely concern the changing nature and failure of the core state functions but also the relative capacity of the fragile states to adjust and maintain themselves in an increasingly capricious global environment; in other words, to borrow from Doornbos (2006:4), ‘their [fragile states] *propensity to survive* rather than collapse.’ The inherent condition of the fragile entity under investigation (i.e., state) and the state of the universe (i.e. global structure) in which it resides remains causally inseparable when we view state fragility through the lens of dispositionalism. Ontologically such an approach appears to be more logical and superior to establish the causality of state fragility.

Second, it allows us to examine fragility as a fundamental latent property of states. State fragility may lie forever in wait, as real as anything else, till it faces the right type of external stimuli for its manifestations. For example, the sovereignty and self-determination regime - the twin pillars of the post-WWII international order helped the birth and survival of many ‘juridically sovereign’ states that would otherwise have experienced ‘death’ by conquest in a ‘state of nature.’<sup>85</sup> In this context, the ‘twin pillars’ that largely supplanted the anarchic international condition, served as the ‘bubble wrap’ protecting the territorial sovereignty of these weak states. However, the fact that many such empirically weak states now struggle with fragility, failure, and collapse indicates that the post-WWII sovereignty and self-determination norms were no panacea for avoiding fragility. The ‘bubble wrap’ protected them from ‘death’ but was not effective against the gradual and sustained ‘heat and pressure’ of the external environment, resulting in their fragile conditions. State fragility is also a much more uncertain condition compared to state ‘death’, requiring us to examine the international structures that support or undermine a state’s viability. Focusing on the ‘heat and pressure’ of the external

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<sup>85</sup> Many have argued that state ‘death’ -- defined as ‘the formal loss of control over foreign policy to another’ (Fazal 2004:318-320), is possible under the conditions of anarchy. About 25 percent states in the international system since 1815 have ‘died’ (Valeriano and Van Benthuyzen 2012:1169).

environment, a dispositional view of fragility facilitates investigating how some states show a greater propensity to fragility compared to others under such conditions.

Third, anchoring the inquiry of state fragility on dispositionalism also avoids couching our conceptualisation on any particular IR theory or policy inspired research streams to explain state fragility that often limits examining potential causal mechanism involving external actor.<sup>86</sup> It allows taking a structural view of the global factors and arrive at several potential mechanisms and examine which one was operative in a particular case (Dowding, 2016:152). Tracing such potential mechanisms is particularly relevant because the state as a social entity supervenes upon the material capacity and ideational intent of human collectives. Through the lens of disposition, state fragility no longer remains just the summative failure of the state's domestic authority, legitimacy and capacity (ALC) dimensions -- as most inquiries suggest, but demands to be defined and investigated by the ideational and material factors within which states reside.<sup>87</sup> A state's propensity to become fragile is inclusive of the conditions created by international structures. Thus, any claim that the GWoT – as a proxy of the international structure, exerts a coherent and extended influence on state fragility, we need to specify its elements, identify the processes and actors and sketch the causal mechanisms through which it contributes towards the increase or decrease of state fragility (as carried out in chapter 5). Revealing the causal pathways remains essential to answering the research question: How and under what conditions do the ideational and material factors of the GWoT influence states and their societies, contributing towards their fragility?

The dispositional account of state fragility also implies that (i) the manifestation of fragility can be *varied* and (ii) it is essential to retain the intrinsic fragile properties for sufficient *time* to exhibit fragility. Just as the display of glass's fragility may include breaking neatly into two pieces, shattering into many pieces, exhibiting some cracks (if struck or dropped), or becoming deformed (under pressure or heat), state fragility may also have varied manifestations affecting its capacity and/or legitimacy to perform the core functions for some time or simply collapsing in all functions for a prolonged period. Such varied conditions of fragility have been labelled

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<sup>86</sup> For example, the ALC model suggested by Carment et al.'s (2010) reflects the convergence of three policy inspired research streams on state fragility: development-oriented, conflict-oriented and stability-oriented. Similarly, Ayoob, Migdal Holsti's work on weak states broadly uses IR theories where the analysis of fragility overwhelming focuses on the domestic causes.

<sup>87</sup> Harold (1997) makes a persuasive argument as to how the process of constant interactions between the states and international system can lead to compliance of certain norms and practices.



in various names including weak, failing, failed and collapsed – all of which can be placed along the line of the fragility spectrum. All states along this fragility spectrum share the same intrinsic fragile dispositions and can graduate as well as go down from one level of fragility to another. Again, just as the glass needs to hold its fragile disposition when it is struck and dropped, or exposed to heat and pressure (i.e., time  $t$  to  $t_1$  in our example) to manifest its fragility (i.e. broken, cracked, deformed), a state must also show its intrinsic fragile disposition at the time of facing the impact of global structure to satisfy the causality.

In sum, a dispositional view of state fragility allows us to take into account the global structure within which states are embedded. Exploring the causal connections – the supply side of the fragile state problematique, and connecting the putative causal claim of fragility with the elements of global structures and revealing the mechanism as to how it affects states and their societies are crucial to answering the research question. Such an effort essentially starts with examining the nature of a state and what exactly is affected in the domestic context, making that state fragile, that we examine next.

### **3. Conceptualising State Fragility**

#### **3.1 Ideational and Material Dimensions of Statehood**

Notwithstanding the debates on various state theories,<sup>88</sup> one could agree that state as a social entity is built on ideational and material foundations (Giegerich, 2006; Sørensen, 2008; Weber, cited in Eastwood, 2005:90).<sup>89</sup> Both human embodiment, reflecting the idea of state and the material manifestation in pursuit of realising that idea, are essential to a state's existence. The material and ideational factors are interdependent; one is not complete without the other. The idea of *Khalistan* or *Kurdistan* – as independent countries, may exist in the minds of Sikh and Kurdish people respectively, but it remains incomplete in the absence of the material manifestation of the idea. The material reality is essential for the social reality because 'the

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<sup>88</sup> For an illuminating discussion on different state theories grouped under 'Absolutist' (i.e. Jean Bodin and Thomas Hobbes), 'Ethical' (G.W.F. Hegel), 'Social Class' (Marx and Engels) and 'Constitutional' (John Locke) and their relevance to state fragility, see Howard (2010: 1-32). Grävingholt, Ziaja and Kreibaum (2015: 1286-8) connects the authority, capacity and legitimacy dimensions of statehood with Hobbesian political theory (corporatist state), Lockean social contract theory (contractualist state) and Weber and Anderson's constructivist state theory (constructivist state).

<sup>89</sup> The relevance to ideational-material nexus in defining states and their interactions has been highlighted by many including Adler (1997), Checkel (1999) Sørensen (2008), Glenn (2009). Wendt's structuration theory reinforces the concept while Parsons (2002), Meyer and Strickmann (2011), among others, explains how the ideational-material nexus interacts in European security cooperation.

environment in which agents/states take action is social as well as material' (Checkel, 1998:325; Giegerich, 2006:34). However, how exactly are the ideational and material attributes of statehood codified?

The Montevideo Convention -- the 'declarative theory of statehood' accepted as part of the customary international law is one of the earliest attempts to codify statehood.<sup>90</sup> It outlines four essential attributes: (i) permanent population, (ii) clearly defined territory (iii) effective government over the extent of its territory and, (iv) capacity to enter relations with other states (Grant, 1998:414). While the Convention provides the traditional core of what state is, many have highlighted its limitations -- particularly to account for the ideational aspects (Kreijen 2004, Grant 1999). Indeed, the Convention focus more on the material dimensions stressing the effectiveness and capacity of the entity claiming statehood, while its political independence and shared identity is 'implied' rather than being explicit (Kreijen 2004: 110). Reviewing the history of the Montevideo criteria, Grant (1999:456-7) observes that the notion of statehood and sovereignty is, at least in part, 'historically contingent.' He suggests adding several ideational criteria as valid sources to claim statehood such as the popular process, organic bonds within the community and legitimacy if the international community ever attempts to draft a new instrument to define statehood.<sup>91</sup> Attempts to codify statehood has remained contested amid broad recognition of the ideational and material factors as the founding elements of the modern state.

Barry Buzan's definition of a modern state, arguably, best captures the ideational and material factors of statehood. According to Buzan (2007: 68-92), the fundamental similarities of the modern state irrespective of their varied nature and type include: (i) a physical base, (ii) an institutional expression and (iii) the 'idea of state' holding the territory-polity-society package together. The *idea of the state* is the most abstract part of the model and defines the 'political identity' of the state and the 'functional logic' of the other two dimensions. Such an abstract idea becomes relevant and legitimate only when it is firmly planted into the '*mind*' of the citizens, and can reproduce itself automatically through the transfer of culture, heritage, history

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<sup>90</sup> The Montevideo Convention on the Rights and Duties of States is a treaty signed in 1933 at Montevideo, Uruguay by 19 states that became operative in 1934. No other multilateral instrument has replaced or supplemented it offering a definition of statehood (Grant 1999:416; Lauterpacht 2012:419).

<sup>91</sup> The eight-point suggestions by Grant includes aspects like: independence, claim to statehood, popular process as the source of a claim to statehood, legitimacy (internal and external), organic bonds within the community claiming statehood, U.N. membership, recognition. See Grant (1999:540- 541)

to the younger generation (i.e., internal legitimacy) and also acknowledged by the societies of other states (i.e., external legitimacy).

The institutions of the state are much more tangible elements, reflecting the idea of the state but not replacing it. State institutions – including its executive, legislative and judicial bodies reflect the merger of ideational and material factors of statehood. Just as a state with strong institutions needs or at least prefers to be supported by some ideas, strong ideas also need government machinery to be put into practice. Institutions embody the ‘national substance,’ translating the ‘organic’ entity into a ‘functional’ entity (Buzan 2007:83). The stability and capacity of state institutions to forge better state-society cohesion, thereby strengthening the idea of statehood, lie at the heart of the success or failure of the state. Thus, the functional effectiveness of government institutions and particularly those responsible for providing security, and their coherence with the idea of the state, are central to the state fragility debate.<sup>92</sup>

Finally, the physical base of the state is the most tangible element of statehood. This includes its human and territorial resources and the natural and human-made wealth created within the state boundaries. Just as the progressive development of the physical base and resources adds to the capacity of the state, its progressive destruction can lead to significant failure and subsequent collapse and obliteration of the state. The fact that the existence of a state ultimately rests on the independence of its physical base and a functional political organisation, the protection of the people and territory becomes the most fundamental concern of the state.<sup>93</sup>

In sum, a state’s ideational and material attributes come into fruition in its *capacity* and *legitimacy* to function and exist in the eyes of both domestic and international constituents. A state’s territorial base, natural and human resources, underpinned by the institutional foundations, the system of governance and organisations are aimed at achieving certain

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<sup>92</sup> As Buzan (2007:83) highlights, a maximal state – where the idea of state is very weak or non-existent and the institutions, commanded by the elites, takes over all functions, may resort to ‘fear’ as a unifying element, using the coercive power resulting in achieving obedience, rather than loyalty from its people.

<sup>93</sup> The criteria of having fixed frontiers and stable government are essential for statehood. However, the degree of sovereignty necessary for recognizing a state has remained problematic. For example, the Report of the International Committee of Jurists investigating the Aaland Islands Case in 1920 observed: “it is therefore difficult to say at what exact date the Finnish Republic in the legal sense of the term actually became a definitely constituted sovereign state. This certainly did not take place until a stable political organization had been created, and until the public authorities had become strong enough to assert themselves throughout the territories of the state without the assistance of foreign troops.” Cohen (1961: 1127-1171)

*capacities* – most notably the ability to monopolise violence to provide security to its citizens. A state’s capacity, when utilised according to the collective will and participation of the people, enables it to function and prosper as a social entity adding to its legitimacy and avoiding fragility. By reinforcing the founding ideology, culture, norms, and practices, governments can foster better state-society cohesion, adding to their legitimacy to monopolise violence, encouraging voluntary compliance by their citizens to rules and regulations and also enforcing them when needed. State legitimacy recognises the relevance of the facets of the organisation of society and its constituent groups (demographic, geographic, race and ethnicity and income structure) and their corresponding allegiance and acceptance of state rule as manifested in the state-society cohesion. Deficiency in a state’s capacity and/or legitimacy reflects badly on a state. With these understandings, we can now say that the exact ‘intrinsic properties’ of a state that governs state fragility are its *capacity and legitimacy*. Such an understanding helps us to define and operationalise state fragility – on which we embark next.

### **3.2 State Fragility Defined**

Attempts to define state fragility have prompted researchers to draw from different state theories and disaggregate the concept into various dimensions – most notably the legitimacy and capacity dimensions of statehood. Disaggregating state fragility into two or more dimensions is particularly evident when one moves to operationalise the concept. Call (2010) and the Commission on the Weak States and U.S. National Security (2004) disaggregate state fragility in terms of gaps and interactions of authority/security, legitimacy and capacity dimensions; Carment and others (2010) operationalise state fragility in terms of ALC dimensions; Cliffe and Manning (2008) and Ghani, Lockhart, and Carnahan (2005) outline ten basic functions of statehood grouped under different dimensions; Patrick (2006) disaggregates state fragility into capacity and political will, while Milliken and Krause (2002) highlights the institutional and functional dimension of statehood.

Drawing heavily from Migdal’s (1988, 2000) work on *weak states and strong societies*, David Carment and others’ (2010) conceptualisation of state fragility is premised on the problematic *dual nature of the state*: one that portrays the potential strong image and the other that portrays the actual practice of the state. Highlighting that states are in a constant state of ‘becoming’ (a strong state), they (2010:84) conceptualise state fragility as, ‘the extent to which the actual practice and capacities of states differ from their strong idealized images’, contending that a state’s dual nature exists in considerable tensions and evolves through the dynamic interactions

of various actors within the state, society and the ever-increasing pressure of the global structures. Under such a dynamic continuum, the institutions, functions, and processes of a state differ from its potential strong image rendering it fragile in a particular (or all) dimensions. State fragility, thus, becomes the distance between the idealised potentiality and actual practice of a state. To calculate such an abstract distance, they operationalise the concept by quantifying and comparing the state's relative performance in the ALC dimensions. The data on the ALC dimensions are derived from 84 indicators grouped into six clusters including governance, economy, security and crime, human development, demography and environment broadly reflect the ideational and material aspects of statehood, albeit with more focus on the material dimensions (Carment et al. 2010: 94-112).

State fragility is also conceptualised as the disintegration of the 'central power grid' of the state.<sup>94</sup> It is premised on states' sovereign power -- the fundamental property of statehood that allows self-governance and holding the state-society-polity package together. Thus, Gros (2010:539) contends that fragile states are those 'whose power grids have experienced a frequent, sustained and massive breakdown.' Drawing relevance from Scott's (2002) postulation of 'the power grid of state,' Gros (2010) portrays state power spatially in concentric terms, where it radiates from the centre towards the periphery and contends that it is in the periphery where the limits of state's power first become visible. Thus, state fragility becomes the *lack of power* by the state agency resulting in its actual weak performances prevailing over the desired strong image. To define the elements of the state's power grid, Gros (2010:539) refers at length to the 'primitive conditions' (i.e., the lack of basic state functions) as outlined by Weber (1978). Under primitive conditions, the state's lack in performing its basic functions either totally or in the form of any rational order. According to Weber the basic state functions includes: 'the enactment of law (legislative function); protection of personal safety and public order (police); protection of vested rights (administration of justice); the cultivation of hygienic, educational, social welfare and other cultural interests (the various branches of administration), and the organized armed protection against outside attack (military

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<sup>94</sup> Power in this sense is different as conceptualised in social contract theory. In social contract theory power implies 'the management of a country's economic and social resources for development.' However, sovereign power, in essence, implies state's authority – both internal and external reflecting state's strength. However, "even sovereignty... a key defining characteristic of statehood ... may not, in fact, be equally distributed." (Buzan 1991:73). However, some contend that "measuring state weakness is substantially different than to measure state strength"; hence, invoking 'power' to explain state fragility is unrealistic (Rice and Patrick, 2008).

administration)' (Weber quoted in Gros, 2010:538-39). According to Weber, these functions – in particular, the security and administrative functions, are taken over by 'amorphous ad hoc groups, kingship, households and neighbourhood association' in fragile (primitive) condition. Thus, a state's ability to monopolise violence to provide security to its people remains a key aspect of its capacity.

State fragility is also defined using the social contract theory.<sup>95</sup> According to this theory, a state is viewed as the provider of security and basic needs to its citizens at the expense of citizens surrendering certain rights and privileges to the state. Social contract theory views statehood as a creation of 'individual will' multiplied many times. The concept of citizenship translates the individualism into a collective whole, whose members are provided with equal rights and responsibilities. Citizens agree to surrender certain rights and privileges to generate reciprocated duties by the state to provide political goods, most notably security (Rousseau, 1987, Holsti, 1996:46). Thus, in social contract theory, fragility is not only about a state's capacity to perform reciprocated duties but also its willingness to perform those duties. Most working definitions of state fragility, notably by development agencies, are broadly anchored in social contract theory. For example, the World Bank defines 'fragile situations' as 'periods when states or institutions lack the capacity, accountability or legitimacy to mediate relations between citizen groups and between citizens and the state, making them vulnerable to violence' (World Bank 2011: xvi). The OECD (2012a: 11) similarly notes that fragile states 'lack the ability to develop mutually constructive relations with society' and that 'they often have a weak capacity to carry out basic governance functions.' As a result, the definition of fragile states premised on social contract theories culminates in depicting it as the 'lack of political will and/or capacity' to provide the basic services for poverty reduction, development and to safeguard the security and human rights.

In sum, most operational definitions of state fragility reflect the failure of the maturing of ideational and material factors, described in terms of the capacity and legitimacy dimensions

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<sup>95</sup> Social contract theory is premised on the view that a "persons' moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live." Socrates's argument as to why he must stay in prison and accept the death penalty, rather than escape and go into exile is often cited as a 'social contract argument'. However, the full expansion and defence of the theory comes from Thomas Hobbes ([1651], 1985). After Hobbes, John Locke (2003) and Jean-Jacques Rousseau (1987), are the best-known proponents of this influential theory. More recent proponents of the theory include John Rawls (1971) and David Gauthier (1988).

of statehood. Any deficiency in a state's capacity, as well as a state's willingness to use those capabilities to provide core public goods, can affect its legitimacy. Thus, we can now define state fragility as *a condition when a state is incapable of binding the ideational and material factors, thus leading to the lack of legitimacy amongst its people and/or the capacity to perform core state functions*. The definition implies that state fragility can arise out of (i) the lack of state capacity *or*, (ii) the lack of state legitimacy and (iii) a combination of both, i.e., the lack of capacity *and* legitimacy. Thus, the capacity building alone does not imply that the state can escape fragility. A state with adequate capacity, but ruled by a corrupt, authoritarian, incompetent, or venal regime, may lack the legitimacy and thereby remain unwilling or selective to provide core political goods— particularly security to its citizens. Second, defining state fragility as a condition *when* such lacking in capacity and legitimacy persists, implies that state fragility is not perpetual. States holding the intrinsic fragile disposition due to their inability to harness the ideational and material factors for a period (i.e.,  $t$  to  $t_1$  as mentioned in our example) can graduate over time if the external and internal environmental changes. However, there is no agreement on what qualifies as a sufficient period to consider a state as fragile.<sup>96</sup> Most quantitative assessments take into consideration a state's annual performance while only the BTI considers every *two years of* performance (BTI 2014:122). The World Bank's list of fragile states (2011-2014), in addition to other criteria,<sup>97</sup> includes states where there has been a presence of UN and/or peacekeeping or political/peace-building mission for the past *three years*. The time horizon required for implementing external assistance (typically a decade) or the internal program undertaken by the regime (typically elected for 4-5 years) can also be a factor for a meaningful assessment of state fragility.<sup>98</sup> However, the primacy attached to the capacity and legitimacy dimensions of statehood in the definition calls for a more nuanced exploring of these two examined next.

## **4. Dimensions of State Fragility**

### **4.1 State Capacity**

State capacity in its broadest sense is the ability of a state to mobilise and employ its material and human resources towards productive ends. Social institutions and entities that enhance state capacity, and the functions that are deemed as reflecting core state capacity, have

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<sup>96</sup> Questioning whether a one-year period is 'sufficient' to measuring state fragility, Mata and Ziaja (2010) also highlights the necessity of defining a 'period' for any investigation of state fragility.

<sup>97</sup> Other important criteria for the World Bank is the CPIA country rating of 3.2 or less.

<sup>98</sup> Ghani, Lockhart and Carnahan (2005:15) highlights that the 'time horizon of aid needs to be closer to a *decade* ... in order to effectively boost the capacity of states.'

expanded over time (Grant, 1998: 40; Fukuyama, 2004, Mata and Ziaja 2010). However, there is a danger in such expansions. First, we may confusingly broaden the scope, that is, the range of functions that a state carries out or should carry out. Second, we may broaden the strength of the state institutions, that is, the ability to deliver those assigned services to its citizens. The most important yardstick to define the scope and strength of the state's capacity is social expectations. The expectations of the citizens as to which functions are considered as fulfilling its obligations may substantially differ in different times and places making any quantitative measure of capacity inherently challenging (Grävingholt, Ziaja and Kreibaum 2015).

Amongst all the state functions, managing and controlling the monopoly of violence is the defining characteristics of all states and remains the most pronounced challenge in fragile states (Rotberg 2004, Call 2010). As mentioned before, security provides the conducive environment to develop and perform other functions such as primary education, health care, and economic opportunities. In this era of GWoT, fragile states have overwhelmingly been the centre of much of the world's violence. The source of violence, however, is not limited to the politically motivated civil conflict but also includes an act of terrorism, criminal and drug-related violence, state repressions, and acts of aggression or internationalised civil conflicts. Failing to consolidate the 'idea of state' together with effective institutions, regimes in fragile states - often commanded by elites, may resort to 'fear' as a unifying element, using the state's coercive power to achieve obedience, rather than loyalty from its people. Extreme capacity failure is evident in so-called 'warlord,' 'phantom,' and 'mirage' states (Gros 1996; Reno 1999). In such states, the rule of law and the administrative capacity is severely undermined by informal authorities and patron-client relationships. Thus, the provisions of core state functions such as security, education, health care, and economic opportunities may decline or stop altogether imperilling human security and breeding fragility.

Some have also made a distinction between the state's authority and capacity dimension highlighting that the former relates to the control of violence by the state, while the latter reflects the degree to which state institutions can provide or regulate the minimal provision of core public goods. The distinction rides on the logic that, authority implies taking the freedom to use violence *away* from the people by the state, while capacity is about *giving* core services to the people to fulfil state's contractual obligations (Grävingholt, Ziaja, and Kreibaum, 2015: 1286). Implicit in such explanations is the assumption that the provision of security is *outside* the social contract that promises giving core services to the people. However, in reality,



providing security tops in any account of the social contract and constitutes a core state function followed by others like taxation and public finance management, primary education and healthcare (Call, 2010; Carment and Sammy, 2010, Rotberg, 2004). Thus, the distinction between authority and capacity collapses if we consider the social contract as *inclusive* of security provision. Second, in contrast to the ‘giving’ and ‘taking away’ prism, the distinction also collapses when viewed through the state-society prism where the state remains the *active actor* in both authority and capacity dimensions. The control of violence by the state is intrinsic to the provision of security and core public goods to the people. Thus, authority is subsumed in the capacity dimension insofar as it refers to the state’s ability to exercise coercive force over its sovereign territory, to provide a stable and secure environment to its citizens, core public goods, and enact binding legislation over its population.

It is important to note that state capacity refers to the *collective* ability of institutions/ organisations and not of individuals. Individuals can have charismatic leadership skills and competencies, but that does not provide *enduring* state capacity. Thus, viewing state fragility/ success only as an outcome of the self-determined deeds and freely chosen choices of despotic/authoritarian or dynamic/charismatic leadership is an incomplete account of statehood. The success of Singapore expressed as the outcome of the leadership of its founding father Lee Kuan, or the failed/collapsed status of Libya to Muammar Gaddafi is a partial view. Notwithstanding the role of political leaders in wielding administrative power, social mobilisation, and institutional cohesion, they alone do not reflect state capacity. A more comprehensive account lies in the *collective* ability of state institutions and organisations to provide public goods to its citizens under various constraints. State capacity is better captured through the consistent and continuous ability of government institutions and organisations to identify and plan, prioritise, mobilise and deploy resources (both human and material) on agreed actions consistent with national *interests and national security*. This is particularly relevant in an era where fragile states are in the forefront of ‘capacity building’ projects by the international community and are required to reform laws, build new organisations, and abide by the new rules and norms under the rubric of GWoT.

State capacity has been disaggregated into different *indirect* proxy indicators. Some have used perception-based data on government effectiveness, the rule of law and control of corruption

as a proxy for state capacity.<sup>99</sup> Others also linked human security with state capacity and used various relevant proxies.<sup>100</sup> The proxy indicators are helpful to order the reality of fragile states. However, the institutional and functional logic underpinning state capacity is unique to each fragile context. States may acquire impressive capabilities to monopolize violence, set up new institutions utilising internal and external help/resources, but its functional logic, scope, and mandate of power to act originates from within – the legitimacy it enjoys shaping its willingness as to how, when and for/against whom that collective capacity will be used.

## 4.2 State Legitimacy

Legitimacy is the socially embedded cognitive and moral belief of the polity that accord authority to the state ‘to issue commands.’ Citizens obey these commands ‘not simply out of fear or self-interest but because they are believed in some sense to have moral authority’ (Barker cited in Zaum, 2012b:50-1). State legitimacy broadly implies a generalised perception by the citizens that the actions by the state authority are ‘desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions’ (Suchman 1995:574). Thus, a state’s (internal) legitimacy mirrors the state-society relation where the society is active in *voluntarily* accepting or refusing state’s claim to set and enforce binding rules, monopolise violence and levy taxes ( Dogan, 1992; Lipset 1959). Legitimate governments tend to be willing to provide the public goods and services to their citizens and invest in developing a mutually constructive relation both within the societies and between the societies of states to bolster the legitimacy

Analysing the nature of the constituent *beliefs* that generates willful obedience of the groups and citizens towards the state offers a more nuanced insight into various aspects of legitimacy (Zaum, 2012b:9-10, 2012b). The belief that the state institutions are effective, evidenced by their performance in promoting and upholding shared goals such as welfare gains, promotion of human rights and accountability on the use of force, emboldens the *output legitimacy*. An increase in output legitimacy indicates that the power and resources are effectively used

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<sup>99</sup> Coggins (2015:462) uses these three operational indicators as proxy for state capacity taking data from Worldwide Governance Indicators (WGIs) for the years 2008-2015. The BTI score of a country on ‘basic administration’ (i.e. existence of fundamental structures of a civilian administration, such as a basic system of courts and tax authorities) is as an operational indicators of state capacity (See Grävingsholt, Ziaja, and Kreibaum, 2015).

<sup>100</sup> Two major sources of this dimensions are the BTI score of 125 countries on monopoly of violence and UCDP database for battle related deaths.

towards a defined shared goal. Conversely, output legitimacy is challenged or decline if the state fails to achieve the desired end results. On the other hand, the procedural fairness, that is ‘ how power is exercised, the process by which rulers are selected, and by which decisions are made, and the process that ensures that power is exercised in a procedurally fair manner’ reflects the *process legitimacy*. As opposed to the output legitimacy that thrives on the effectiveness of the use of power and delivery of the shared goals, the process legitimacy relates to the issue like the practice of participatory governance, exercising universal suffrage, accountability, and transparency of the decision-making process and freedom of the media. A state ruled by an authoritarian regime may attain output legitimacy in a particular aspect ( such as ensuring the security of its people from an external threat) but remains deficient in process legitimacy. At the same time, the practice of participatory governance, trapped in the minimalist activities of holding competitive elections under questionable electoral integrity also does not add much to the process of legitimacy. The willing obedience of the citizens can also originate from the legitimating beliefs about the identity and particular qualities of an institution resulting in *structural legitimacy*. In such a context, the concerned institution is regarded as a ‘repository of public confidence’ and the ‘right organisation for the job.’ In the context of the state, structural legitimacy generally originates from the beliefs about the state’s capacity to monopolise violence and the ‘perceived ability to master the control of violence.’

Legitimacy is also about the community’s ‘sentiments, habits and attitudes’ towards the *idea of state* and how the community defines their political role (Holsti 1996: 84-97). Such a view allows us to see the concept of legitimacy in vertical and horizontal terms. The *vertical legitimacy* relates to the relationship between the state and society. It implies the principle(s) on which the ‘right to rule’ is based. It involves an implicit bargain that allows the states to extract in exchange for providing services and participation of the political community in the decision-making process.<sup>101</sup> *Horizontal legitimacy* implies the emotional and intellectual bases (based on religion, ethnicity, class, family/tribe) of the *groups* over which the rule is exercised. It defines the ‘limit of and the criteria for membership’ in the political community which is ruled (Holsti, 1996: 84). Thus, vertical legitimacy is about the social contract between the state and the society; the horizontal legitimacy is about the social contract between the groups. Such a nuanced understanding of legitimacy is relevant to trace how the external ideational and

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<sup>101</sup> For example, the main complain of East Pakistanis in 1971, south Sudanese in 2011 were that the extraction of taxes/resources and the participation in the central governments in Rawalpindi/Khartoum were not proportionate – in other words, the central government were lacking in vertical legitimacy.

material factors can strengthen or weaken one types of legitimacy at the expense of the other. Strengthening state to fight fragility with an excessive focus on the coercive capacity building may place the ‘output legitimacy’ and ‘process legitimacy’ in contradictory positions contributing to, rather than ameliorating state fragility. As a result, it can adversely affect inter-group relations (i.e., horizontal legitimacy), which in turn can affect the state-society relations (i.e., vertical legitimacy).

In the context of the fragile state, it is also important to highlight the difference between state legitimacy and regime legitimacy and its corresponding impact on defining national interest and national security. Regime legitimacy is narrowly conceived and refers to the ‘proper and appropriateness’ of *the political entity in power* to govern and how their power relates to the rights and obligations of the citizens (Call 2010:43). The pursuit for regime legitimacy at the expense of state legitimacy can result in unduly favouring the groups that are loyal to the regime, and at the same time persecuting or excluding the groups that are in opposed to the regime. Such actions can upset the social balance, fragmentation of the society and instability. The abuse of state resources, in particular, the coercive tools, against the opposition to protect regime security may affect vertical legitimacy. The state’s institution in such context is neither viewed as the ‘right organisation for the job,’ nor as effective in delivering the ‘defined shared goal,’ and loses its structural and output legitimacy. Security of the state, in such context, is confused with the security of the regime (Buzan 1991:96, Riaz, 2016:141).<sup>102</sup> Regime legitimacy is also less concerned about the state’s authority over its entire territory and population. Its focus is to retain the power centres, such as the capital, patrons, élite bases and mineral resource intensive provinces which are useful to feed and sustain the regime.

It is almost impossible to assert a universal criterion against which legitimacy can be measured.<sup>103</sup> Normative judgements of the state’s legitimacy depend on the context such as the unique social processes of argumentation, persuasion, and socialisation that takes place in the history of the state and may change over time. Similarly, the sociological judgement of legitimacy originates from certain normative suppositions and the congruency of those beliefs and values with the objectives and practices of the state institutions justifying its claim for

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<sup>102</sup> The distinction between national security and regime security is crucial in fragile states. Many have highlighted this distinction stressing that, “one needs to be suspicious of the assumptions that national security is what the government deems it to be.” (Buzan, 1991:96).

<sup>103</sup> In theory, only mass surveys that ask the question of whether an individual accepts the rule exerted by the state authorities of their country as legitimate could be a valid measure (Zaum, 2012b)

exercising power (Zaum 2013). Despite being difficult to measure legitimacy in quantifiable terms, researchers have often used several indirect indicators. Central to the selection of such indirect measures of legitimacy is the assumptions that ‘[T]he lower the degree of legitimacy the higher should be the amount of coercion’ (Dogan 1992:120). The absence of state-sanctioned coercion is viewed as a validation that its citizens view the state's authority as ‘desirable, proper and appropriate’. Thus, operational indicators of legitimacy include the degree of state repression to achieve obedience,<sup>104</sup> number of citizens leaving the country for political reasons<sup>105</sup>, media freedom<sup>106</sup>, political collapse,<sup>107</sup> and political freedom<sup>108</sup> (Grävingholt, Ziaja, and Kreibaum, 2015: 10; Coggins 2015:469).

All in all, the various theoretical underpinning of state fragility culminates in conceptualising and defining the concept into capacity and legitimacy dimensions, where the material and ideational factors of statehood come into fruition. The state’s capacity reflects the aggregate use of its material, human and institutional resources to perform the core state functions. External actors have traditionally assisted states for capacity building efforts. Such practice has increased manifold in the era of GWoT, bringing the state back into the focus. The generalised perception that state is the right organisation for the job of providing core public goods including security to its citizens does not automatically translate into granting the state the full spectrum of legitimacy. State legitimacy arises out of the combinations of the process (i.e. how the government acquire its power and how it conducts the process of policy-making and using that power) and the performance (i.e. how well the government functions and provides the political goods to its citizens, including the protection of the territory and its people) that are congruent to the embedded shared values of the society. The society, including politically relevant groups within the society, remains an active agent in accepting or rejecting the rules and granting the full spectrum of legitimacy to the government in power. Thus any capacity building efforts by the internal or external actors, that are more concerned towards

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<sup>104</sup>Grävingholt, Ziaja, and Kreibaum, (2015: 10) uses the data from Political Terror Scale (PTS) and Cingranelli–Richards (CIRI) Human Rights, Dataset as they measure the degree to which a state resorts to violence in order to preserve its power (Gibney, Cornett and Wood, 2011)

<sup>105</sup> The UNHCR data on the number of people granted asylums by country of origin (UNHCR 2011) is taken as an appropriate measure of this factor.

<sup>106</sup> Data from the Reporters without Borders database (RSF 2009).

<sup>107</sup> Coggins (2015:469) uses the Polity IV data and political instability according to the Political Instability Task Force (PITF; 2009).

<sup>108</sup> Commission on Weak States and US National Security (2004: 15) uses the Index of Political Freedom as a proxy to reflect legitimacy gap.

protecting the regime’s interests and/or remains subservient to the external actors' interests can impact on state legitimacy.

### 5. Conditions and Typologies of Fragile States

The capacity and legitimacy dimensions of the definition suggest three possible *conditions* where states, at a particular period in its history, can be considered as fragile based on their degree of capacity and legitimacy. This can be demonstrated by expressing state legitimacy and capacity in terms of ‘high’ and ‘low’ as plotted in table 3.1 along with its associated vulnerabilities. It is important to note that these are broad conditions of state fragility and not rigid. A state may reside in a myriad ‘in-between’ conditions. More importantly, the state’s lack of capacity can spiral into dwindling its legitimacy and vice versa. Nevertheless, the basic typology in table 3.1 offers an intermediate level of generalisation and to derive the universe of fragile states for better analysis.

Table 3.1: Vulnerability and conditions of fragility

		Capacity	
		High	Low
Legitimacy	High	<p><i>Non-fragile condition</i> Relatively invulnerable to most types of internal and external threats (Democratic, developed states)</p>	<p><i>Fragile condition type 1</i> Particularly vulnerable to control violence and security threats (Underdeveloped, Partial/emerging democracies)</p>
	Low	<p><i>Fragile condition type 2</i> Particularly vulnerable to political/ideational threats (Theocratic/ Autocratic, Hybrid regimes, Resource-rich countries)</p>	<p><i>Fragile condition type 3</i> Highly vulnerable to most types of internal and external threats (Fractionalized, collapsed states)</p>

The condition in which states enjoys both ‘high’ legitimacy and ‘high’ capacity broadly reflects the strong and stable states and is relatively unproblematic. In such a condition, states can make collective decisions and enforce them when necessary. They are relatively less vulnerable to most of the threats originating either from the internal or external sources. In such contexts, states tend to fulfil two conditions when it comes to employing coercive capabilities. First, they are *willing* to use force when necessary to ensure national security. Second, the freedom of

expression and participatory process enables them to *define national security* in comprehensive terms and the ability to make and implementing the collective decision of using force *only* for national security as a last resort. However, the other three conditions are the one where we can find the existence of fragility as it reflects the lack of capacity and/ or willingness by the state to perform its core functions.

In **type-1** fragile conditions (high legitimacy, low capacity) states can make collective decisions but *unable* to implement those. They are susceptible to internal as well as external security threats and structures. Constraints in adequate coercive capacity imply that states may be unable to use force when it is necessary, effectively supervise its territory, particularly the peripheral areas. The **type-2** fragile states reflect high capacity but low legitimacy. It implies a poor state-society relationship and the decisions made by the state – particularly about national security and national interests, are not reflective of the people’s need and desire. Such condition often tempts these states to (ab)use state machinery, particularly the coercive tools to achieve better social control when challenged. The type-2 fragile state lacks in other instruments of power and prematurely resorts to the use of force to achieve obedience rather than loyalty from the citizens. In this context, the principle of using coercion as a last resort is often violated. It may also involve not using force when it is necessary if it serves regime interest. The decision-making process lacks legitimacy. States in such condition are most sensitive to political threats, and political repressions and civil liberties remain restricted. Finally, the **type-3** fragile condition (low legitimacy and capacity) is the clearest sign of the impending collapse of the state. It implies that the state is incapable of making a collective decision and enforce them. This may happen when the rebels and external forces take over the state challenging the government's use of force and legitimacy to rule. It reflects the condition of a credible challenge and/or outright loss of states monopoly over the legitimate use of force.

## **6. Operationalising the Concept of State Fragility**

Operationalising the concept of fragile states is not without its challenges and requires making reasonable assumptions. The *first* challenge is to select suitable *indirect proxy indicators* since there is no direct measure of fragility. Such indicators must closely reflect the conceptual attributes of capacity and legitimacy and avoid conflating the idea. *Second*, ‘lacking’ of capacity and legitimacy dimension, as conceptualised, is an ‘in-between’ position, often unspecified in many data sources. For example, WGI, a perception based indicator, classifies states as only ‘weak’ (score -2.5) or ‘strong’ (score +2.5) based on a state’s performance in six

indicators.<sup>109</sup> However, except in two WGI indicators (i.e. ‘political stability and absence of violence,’ and ‘regulatory quality’) no state score -2.5 or below – prompting researchers to make arbitrary assumptions to define thresholds of state fragility/weakness.<sup>110</sup> More so, the standard errors associated with each scoring reported in the WGI, particularly for ‘weak’ states is too large (ranges from .87 - .25). For example, Peru ranks ahead of Jamaica on control of corruption. However, the error margins for the two countries overlap substantially. Thus an unspecified ‘in-between’ threshold to reflect ‘lacking’ and large error margins of the data on weak states make WGI less- suitable for our purpose. Third, the number of academically transparent and methodologically robust open data sources on state fragility with large temporal and geographical coverage is limited. For example, despite impressive temporal (2005-2016) and geographical (178 countries) coverage theFSI’s methodology of producing the index and using proprietary CAST software casts doubts on its replicability and transparency.<sup>111</sup>

To overcome these challenges, we remain focused on our preference of academically transparent and methodologically robust open source data with large temporal and geographical coverage ensuring content validity. Content validity implies that we take a minimalist approach in indicator selection, remaining open to both perception and output based indicators that can adequately reflect the attributes of capacity and legitimacy dimensions as conceptualised. If we select perception-based indicators, this must have clearly defined thresholds to match ‘lacking’ of capacity and legitimacy. The aim is to select data without conflating or compromising content validity, achieve sufficient temporal and geographical coverage and dispense less satisfactory proxy variables. Based on these principles, we now embark on selecting and justifying the proxy indicators for capacity and legitimacy dimensions and define the thresholds satisfying our conceptualisation.

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<sup>109</sup> Six WGI proxy indicators are: voice and accountability, political stability and absence of violence/terrorism, government effectiveness, regulatory quality, rule of law, and control of corruption. It recognizes the ‘imperfection’ of proxy indicators. To ameliorate such imprecisions, WGI reports margins of error (Kaufmann, Kraay and Mastruzzi 2010: 10-14). However, the margin of error for the fragile states are relatively high, making it less-suitable in this context.

<sup>110</sup> For example, Coggin’s (2015:469, note 14 and 21) list and analysis of fragile states ‘assumes’ that states with worst 5 percent scores (in selected WGI indicators) are failed, and accepts that “If the threshold for inclusion is raised to the bottom 10 percent” the list will change. Thus choosing thresholds for fragility (in WGI) appears to be flexible, in absence of any explanation of ‘in-between’ positions.

<sup>111</sup> Author’s e mail correspondence (August – September 2016) with the executive director of FSI project Mr J. J. Messner also did not yield sufficient clarification of some vital methodological issue.



## 6.1 Proxy Indicators of State Capacity.

Our conceptualisation suggests that the state's capacity is primarily enshrined in its ability to monopolise violence for providing security, enabling just and prudent administrative functioning of state institutions. The exact scope of security and administrative functions is not a definitional given but can be assumed as the state's ability to monopolise violence to control its territory and its ability to perform basic civil functions. Thus, two appropriate indicator that reflects state capacity could be the 'monopoly on the use of force' and 'basic administration' of the BTI. Based on a scale of 1 (worst) -10 (best), the former is a quantitative assessment of the 'extent states' monopoly on the use of force cover the entire territory' while the latter focuses on states' 'basic civil functions' such as basic administration and provision of jurisdiction, tax, communication, transport and infrastructure (BTI 2014:16-17). 'Basic administration' does not refer to security functions like keeping the peace or maintaining law and order, rather solely focus on the *existence and scope* of basic administration; hence it avoids repetition and conflation – consistent with our principle of taking a minimalistic approach.

However, both indicators are perception based. Another output indicator that seems a good proxy of the state's capacity is the annual under-5 child mortality rate (U5CMR) per 1,000 live births. Higher rates of U5CMR suggest less basic health care service provision available to the population and should be an indication of administrative capacity. It also encapsulates a state's ability to provide its citizens with basic life chances – an important human security dimension and can be assumed as a core state function (UNICEF 2015, Coggins 2015). Scholars have also associated mortality rate with several critical social factors like political power, segregation, and welfare state structures (LaVeist 1992; Chung and Muntaner 2006; Wildeman 2012), demonstrating that it is sensitive to short-term changes in these factors (Borrell et al. 2009; Conley and Springer 2001). We assume that these three indicators adequately proxy state capacity in light of our conceptualisation.

It is important to note that operationalising the concept with selective proxy indicators of state fragility does not necessarily imply causation but some 'credible association.' Hence the claim is not that the set of indicators bear a causal relationship with fragility outcomes, but rather that they represent a credible association with the underlying status of state fragility of a particular country for a given period. Thus, the U5CMR of a country over time is assumed to have a credible association with the underlying attribute of state capacity - reflecting state's ability to

perform one of its core functions by ensuring that a child survives to meet its life potential and successfully drove the 'observed' outcome through access to basic health services.

## 6.2 Proxy Indicators of State Legitimacy.

Our conceptualisation of legitimacy is centred on the citizenship rights and the willing obedience of the groups towards the state and its institutions that protects and delivers on the shared values and goals. The BTI indicators 'state identity' that captures (scale of 1 (worst) - 10 (best)) the 'extent to which all relevant groups in society agree about citizenship and accept the nation-state as legitimate' (BTI 2014:16) is closely aligned with our conceptualisation of legitimacy. Focusing on major groups this indicator assesses their acceptance of the official or dominant idea of state and the citizenship rights accorded by the state.

Table 3.2: Attributes and proxy indicators of state capacity and legitimacy.

Concept definition: a condition when the state is incapable of binding its ideational and material factors leading to the lack of legitimacy and/or capacity to perform core state functions.		
<b>Concept Dimensions</b>		
	Capacity (material)	Legitimacy (ideational)
<b>Attributes</b>	<ul style="list-style-type: none"> <li>▪ Ability to monopolise violence</li> <li>▪ The ability for civil function</li> <li>▪ Life chance-human Security</li> </ul>	<ul style="list-style-type: none"> <li>▪ Acceptance of rule</li> <li>▪ Absence of state violence</li> <li>▪ Degree of freedom enjoyed by the people</li> </ul>
<b>Indicators</b>	Monopoly of violence (BTI) <i>Perception based</i>	Degree of state identity (BTI), <i>Perception-based</i>
	Basic Administration (BTI), <i>Perception-based</i>	Physical integrity rights violations (PTS) <i>Perception based</i>
	Under-5 mortality (UN IGME) <i>Output-based</i>	Degree of civil liberty and political rights (Freedom House) <i>Perception based</i>

As discussed, indicators that capture the prevalence of political terror and the absence of political and civil liberties are also common to measure legitimacy. Thus, the political terror scale (PTS) and the political rights and civil liberty indicator by the Freedom House (FH) also appear a good proxy for state legitimacy. The PTS assesses the degree to which a state resorts to violence in order to preserve its power, via physical integrity violations such as state-sanctioned killings, torture, disappearances and political imprisonment on a scale of 1 (best) to 5 (worst) with specified thresholds (Gibney et. al 2016).<sup>112</sup> The political rights and civil liberty indicator by freedom house captures aspects of electoral process, political pluralism and participation, functioning of the government along with freedom of expression and belief,

<sup>112</sup> Although the CIRI Human Rights Dataset's indicator of physical integrity, provides a more nuanced scale, and has a similar thrust to the PTS, its data is available up to 2011. Thus we rely on PTS data.

associational and organizational rights, rule of law and personal autonomy and individual rights with specified threshold on a scale of 1(best) -7(worst) (Freedom House 2017). Despite the potential bias towards a Weberian model of statehood, these two indicators closely represent the attribute of legitimacy as conceptualised. The proxy indicators selected are summarised in table 3.2

At this stage, we examine whether the proxy indicators captures independent attributes of fragility or not. The result of the correlation test to assess their multicollinearity (at 1 per cent significance) of these six proxy indicators are shown in table 3.3. The difference in scale (a high value indicating more fragility in U5MR, PTS and CL&PR indicators, while in BTI indicators high value indicates less fragility) results in a negative value for the three indicators. It is evident that two BTI proxy indicators for capacity dimension (i.e., Basic Admin and Monopoly of Force) are fairly strongly correlated at 77 per cent but not multi-collinear (below 90%). Correlation between other proxy indicators ranges between .61-.28, where BTI's State ID, a proxy indicator for legitimacy, is least correlated with under-five mortality rate – a proxy indicator for capacity. Within the legitimacy indicators, the correlation between PTS\_Avg and the freedom house CLand PL\_Avg is also low at .56. These results tend to suggest that our indicators largely captures independent attributes of fragility and not multi-collinear. Having satisfied with the indicator selection, we now define the thresholds to order the reality of fragile states in different typologies and universe of fragile states.

Table 3.3: Correlation of six proxy indicators of state fragility

	Monopo~I	StateI~I	BasicA~I	U5MR_I~E	PTS_Avg	CLandP~g
MonopolyFo~I	1.0000					
StateID_BTI	0.6068*	1.0000				
BasicAdmin~I	0.7781*	0.5408*	1.0000			
U5MR_IGME	-0.4802*	-0.2781*	-0.5969*	1.0000		
PTS_Avg	-0.6229*	-0.4734*	-0.6237*	0.3273*	1.0000	
CLandPR_Avg	-0.3477*	-0.5404*	-0.4902*	0.2805*	0.5648*	1.0000

\* Significant at 1% level.

### 6.3 Defining Indicator Thresholds

Operationalising the concept using proxy indicators also requires assuming several thresholds. The first type of threshold relates to selecting the cut-off scores that reflect ‘lacking.’ For perception based (BTI, PTS, and FH) index we arrive at following thresholds for each one based on the explanations provided in their respective codebooks:

- **BTI thresholds.** The BTI rating scale ranges from 10 (best) to 1 (worst). A score of 4 in ‘monopoly of violence’ implies ‘state’s monopoly on the use of force is established *only in key parts* of the country. Large areas of the country are *controlled by guerrillas, paramilitaries or clans.*’<sup>113</sup> Similarly a country score of 4 in ‘state identity’ implies the “legitimacy of the nation-state is *frequently challenged*. Significant aspects of citizenship are *withheld from entire population* groups.”<sup>114</sup> And a ‘basic administration’ score of 4 implies ‘the administrative structures of the state are extending beyond maintaining law and order, but their *territorial scope and effectivity are limited* (BTI 2014: 16-17, italics added).’<sup>115</sup> Based on these, we assume a score of 4 and below reflect a country’s ‘lacking’ in the respective indicator satisfying our conceptualisation.
- **PTS threshold.** The ordinal scale of PTS has five levels: 5 (worst) - 1 (best).<sup>116</sup> The in-between score of 3 reflects that ‘there are *extensive political imprisonment* or a recent history of such imprisonment. Execution or other political murders and brutality may be *common*. *Unlimited detention*, with or without a trial, for political views, is accepted’

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<sup>113</sup> Score 10 (best) implies “there is no competition with the state’s monopoly on the use of force throughout the entire territory” and score 1 (worst) reflects a collapsed condition implying “there is no state monopoly on the use of force” (BTI 2014: 16).

<sup>114</sup> Score 10 (best) implies “the large majority of the population accepts the nation-state as legitimate. All individuals and groups enjoy the right to acquire citizenship without discrimination” and score 1 (worst) implies “the legitimacy of the nation-state is questioned fundamentally. Different population groups compete for hegemony and deny citizenship to others.” (BTI 2014: 16)

<sup>115</sup> Score 10 (best) implies “the state has a differentiated administrative structure throughout the country which provides all basic public services.” and score 1 (worst) is a near collapsed scenario: “the administrative structures of the state are limited to keeping the peace and maintaining law and order. Their territorial scope is very limited, and broad segments of the population are not covered.” (BTI 2014: 17).

<sup>116</sup> Score 1 (best) in PTS is interpreted as “countries under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional. Political murders are extremely rare.” PTS score 5 (worst) is the most severe reflecting a collapsed condition where “terror has expanded to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals.” (Wood and Gibny 2010: 373; Gibney et. al 2016).

(Wood and Gibny 2010: 373, *italics added*). Thus we assume any country with a score between 3-5 reflects ‘lacking’ in this indicator.

- **FH Index of Political Right and Civil Liberty threshold.** The FH index assigns a country rating on a scale of 7(worst) to 1 (best).<sup>117</sup> A country score of 6 and above meets our conceptual requirement as it reflects ‘restricted political right/civil liberties.’ While such states may allow a few civil liberties/political representations and occasionally tolerate political discussion (as explained before in case of hybrid regimes), the overall status of political and civil liberty remains very restricted (Freedom House 2017).
- **Under 5 Child Mortality Rate (U5CMR\_IGMEA) thresholds.** The annual U5CMR per 1,000 live births, published by UN IGMEA is an output indicator used in our operationalisation of state capacity. Some have used ‘countries with the worst 10 per cent of scores for each year’ as a threshold for this indicator (Coggins, 2016: note 21). However, such a threshold does not allow considering the wide variations in the regional targets. Thus we use the specific targets as defined by the WHO and UNDP for U5CMR for different regions. For example, the MDG-4 target by 2015 (reduce U5CMR rates by two thirds) for Eastern and Southern Africa is 55, while the same for West and Central Africa is 65. Similarly, the 2015 MDG-4 target for developing countries is 35 and for LDCs is 60 (UNICEF 2015:22). The specified thresholds between 2006-2009 were 122, for 2010 – 102, for 2011, it was 98, and for 2012-2015 it is taken as 65 for every 10000 life birth as specified UN Human Development Report. Thus we take these specific thresholds and consider countries that have failed to achieve this target as fragile.

The **second** type of thresholds relates to two issues: deciding (i) the ‘lacking’ in *how many* indicators and (ii) for *what duration* would indicate that a state is fragile? Our conceptualisation suggests that ‘lacking’ in capacity and/or legitimacy indicates the presence of fragile disposition. Consequently, we assume that lacking in *any* of the six proxy indicators would

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<sup>117</sup> Score 1 (best) in FH index of political rights and civil liberty reflects that the country “enjoy a wide range of political rights and civil including free and fair elections, freedoms of expression, assembly, association, education, and religion.” In contrast a score of 7 (worst) reflects few or no political rights and civil liberties because of “severe government oppression, sometimes in combination with civil war, allowing virtually no freedom of expression or association, protection of the rights of detainees and prisoners, and often control or dominate most economic activity.

constitute fragility as they measure independent attributes of capacity and legitimacy and cannot be traded/compensated. Second, setting a threshold period is implicit in our conceptualisation (i.e., the time from  $t$  to  $t_1$ ). The BTI data allows six observations of each country for every alternate year for the period 2006-2016.<sup>118</sup> It limits defining the ‘threshold period’ of state fragility between 1 to 6 occurrences. The highest threshold could be considering *all six occurrences*. The logic that justifies setting the threshold at six occurrences is not of aggregation but to reflect the *continued presence* of fragile dispositions for a particular state. It allows screening out states as fragile that have occasionally/accidentally stepped into fragility and also takes into account the fact that government policy and external interventions, take time to mediate and manifest in a domestic context as discussed. However, at the same time, setting the period threshold to six occurrences also limits our ability to observe the changes of individual states that have moved in or out of fragility or from one type of fragility to the other over time. Thus, an individual snapshot of fragility for each year is useful for tracing these changes and connect those with the external/internal causes. In sum, both a snapshot of fragility for the individual occurrence for the year 2006, 2008, 2010, 2012, 2014 and 2016, culminating in preparing a universe of fragile states involving all six occurrences are useful for our analysis.

#### **6.4 Limitations and Missing Data**

Our reliance on BTI results in 768 country-year observation of 128 ‘transformational’ states for alternate years from 2006-2016, generating 4,608 data. However, out of this, we have 55 missing data (1.19 per cent) of 16 country-year (2 per cent). These relates to 34 missing data on states that were born after 2006: Kosovo (12 missing data), Montenegro (4), South Sudan (18), and 21 missing data on states that were not included in all BTI index: Bhutan (3 missing data), Congo Rep (3), Kuwait (3), Lesotho (6), Oman (3) Qatar (6). Given the small amount of missing data, one way to deal with it would be trimming the dataset. However, in light of our basic assumptions, countries that were born after 2006, we assume them fragile if they have scored below the threshold in all years after independence in any one indicator. Only South Sudan becomes fragile when we apply this assumption. For the remaining 21 missing data, we can either use linear imputation or analyse the pattern of the data to make ‘educated guess.’ A closer look at the missing country scores suggests they are slow moving with a high degree of

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<sup>118</sup> BTI started ranking states using its current methodology from 2006 for every alternate year. The 2003 data is based on old methodology and does not include several dimensions. Leaving aside some exclusions, BTI Data is available for most countries with low capacity/legitimacy. Data for other proxies are available for the period 2006-2015/16.

path dependency. More so, these countries have not experienced any major events that would otherwise suggest any abrupt change in the scores. Thus we consider the score for the missing year to be the same as the immediately following year's score. Based on these assumptions we now prepare the typologies of fragile states for each observed year and an overall typology considering all six occurrences as theorised.

### **6.5 Universe and Typologies of Fragile States**

Figure 3.4 to 3.9 plots the states regarding their failure in capacity and legitimacy indicators for the year 2006, 2008, 2010, 2014 and 2016 respectively. The plotting helps us to classify these states into different typologies as theorised. In light of our conceptualisation and assumptions, total 83 countries are categorised as fragile in 2006 (Figures 3.4) out of which six are type-1, 53 are type-2, and remaining 24 are type-3 fragile states. In 2008 (Figure 3.5), there was only 3 type-1, 53 type-2 and 22 type-3 fragile states (total 78). In 2010 (Figure 3.6), the total number of fragile states was 76 (8 type-1, 59 type-2 and 19 type-3). Figure 3.7 depicts the typologies of 70 fragile states in 2012, out of which nine were type-1, 51, type-2 and 19 type-3 fragile states. In 2014, there were 11 type-1, 44 type 2 and 29 type-3 fragile states while in 2016 the number of fragile states was 76 out of which ten were type-1, 39 type-2 and 27 type-3 fragile states. Two general observation emerges from these individual snapshots of fragility: (i) Majority of the states (51% -77%) exhibits type-2 fragility (i.e., failure in one or more legitimacy indicators) (ii) Type-3 fragility has increased over time from an initial 29 per cent (in 2006) to 35 per cent (in 2016) of total fragile states; this increase is paralleled by a decrease in type-2 fragile states in the same period. (iii) Type-1 fragile states, though relatively less in number is also on the rise (7 per cent in 2006 to 13 per cent in 2016).

Figure 3.4 Typology of Fragile States -2006

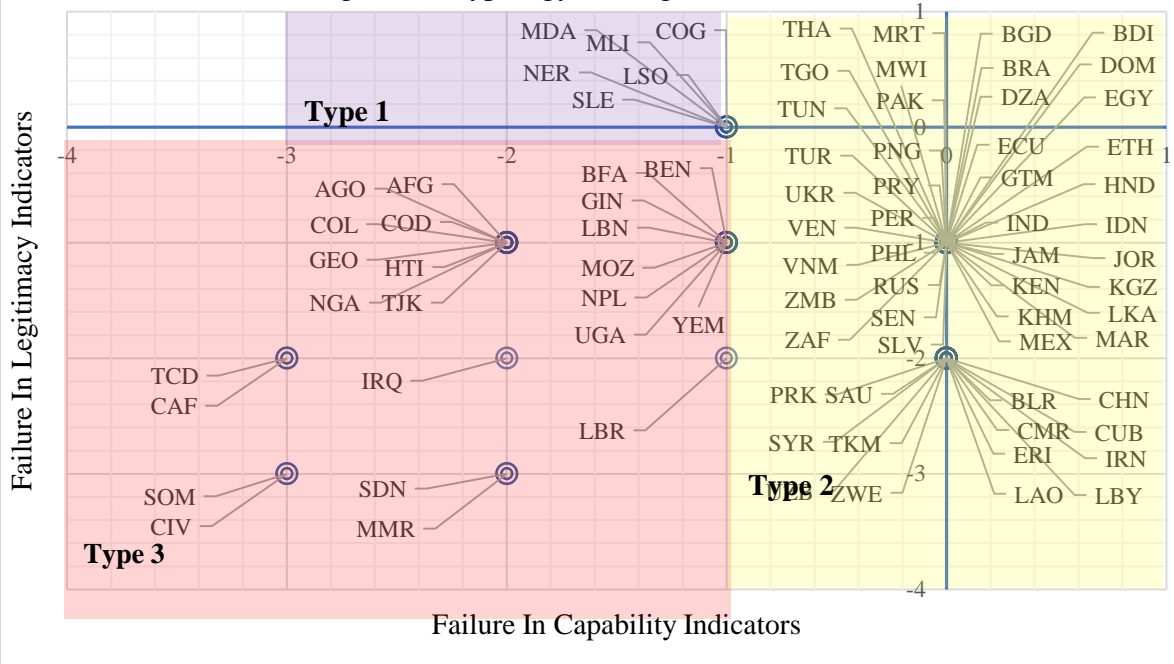


Figure 3.5: Typologies of Fragile States -2008

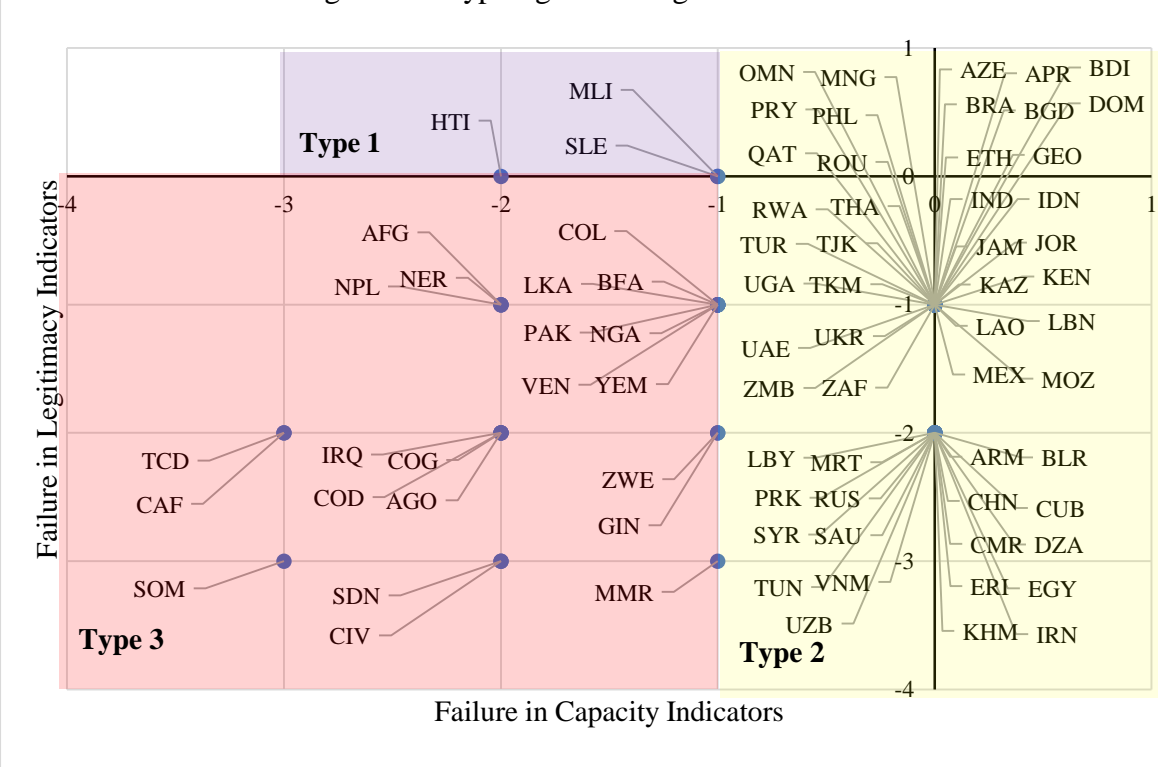




Figure 3.6: Typologies of Fragile States-2010

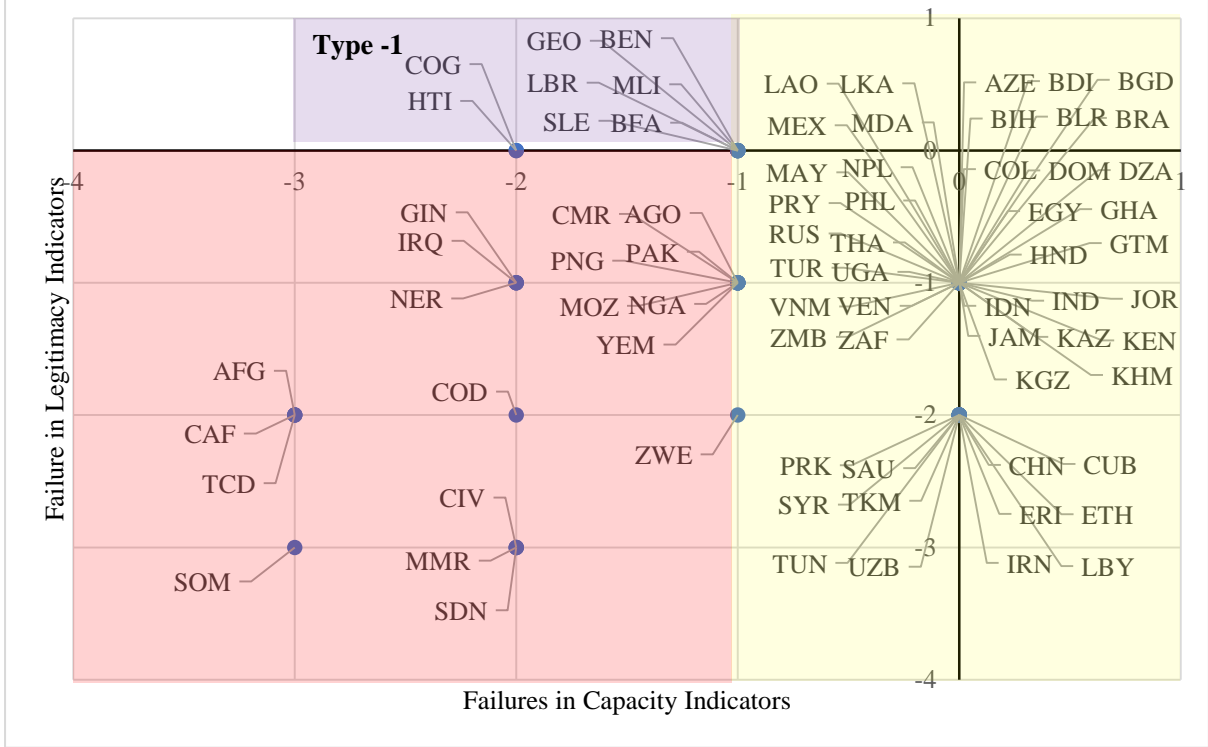


Figure 3.7: Typologies of Fragile States - 2012

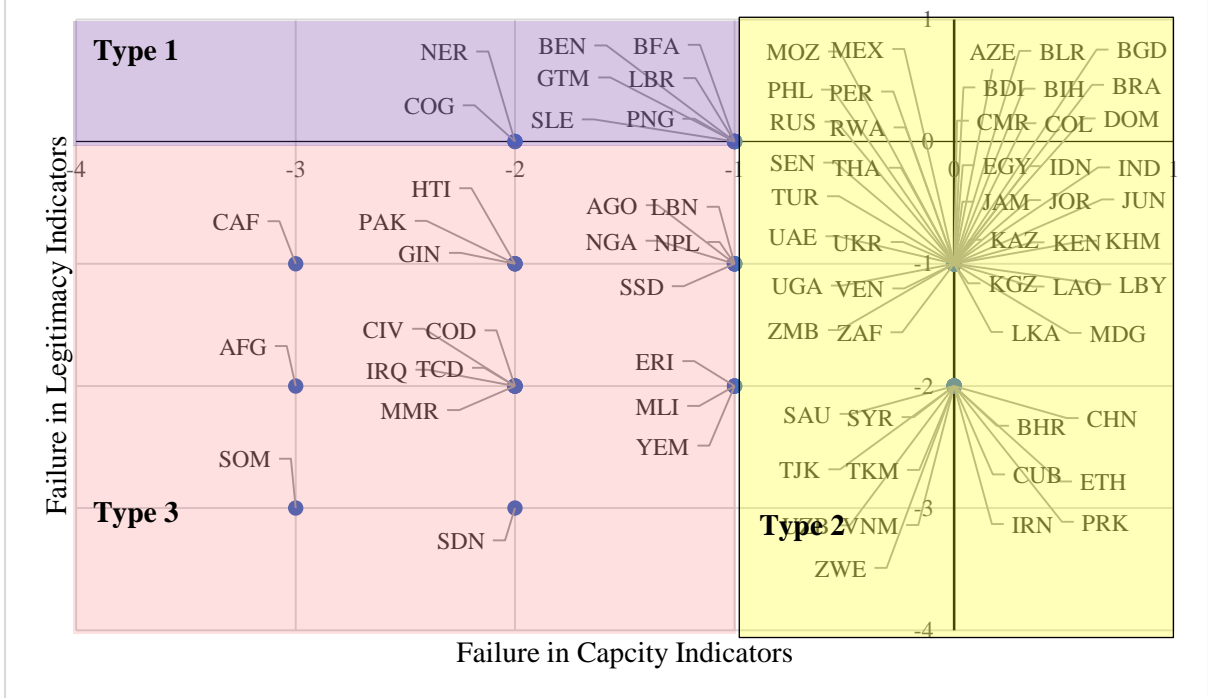


Figure 3.8: Typologies of Fragile States - 2014

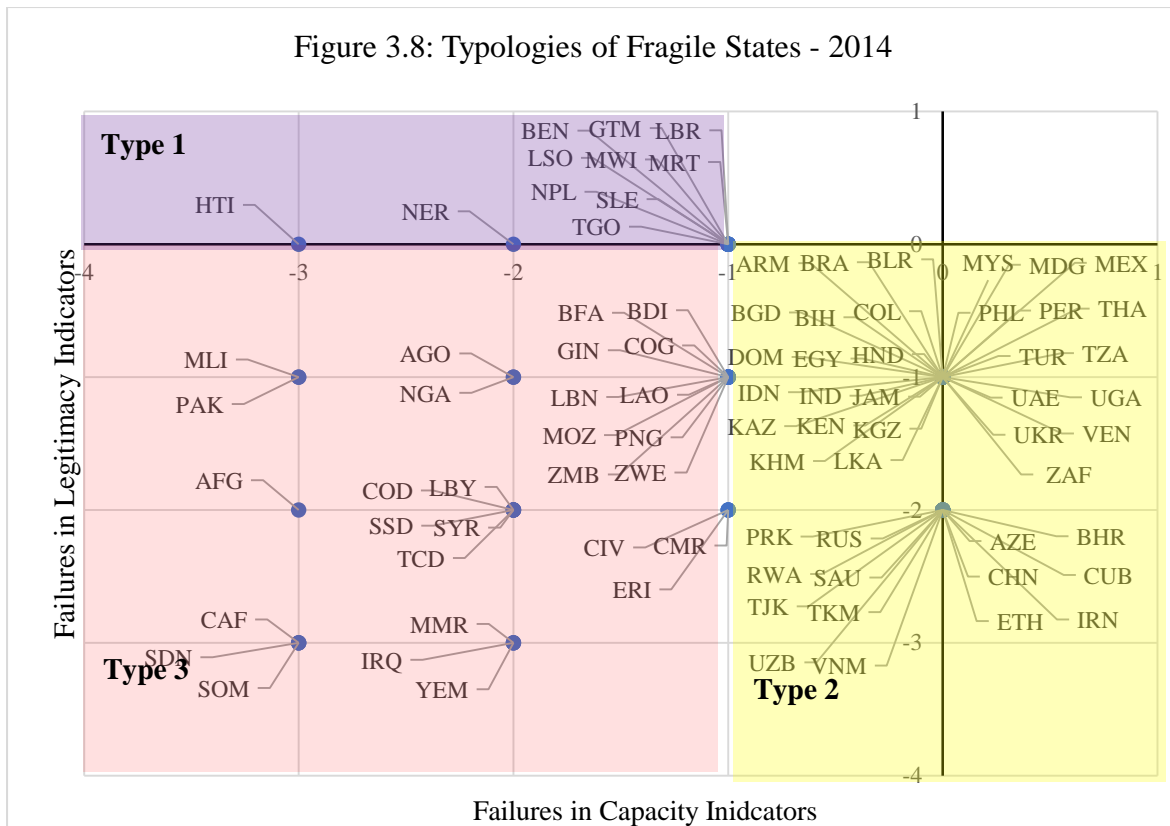
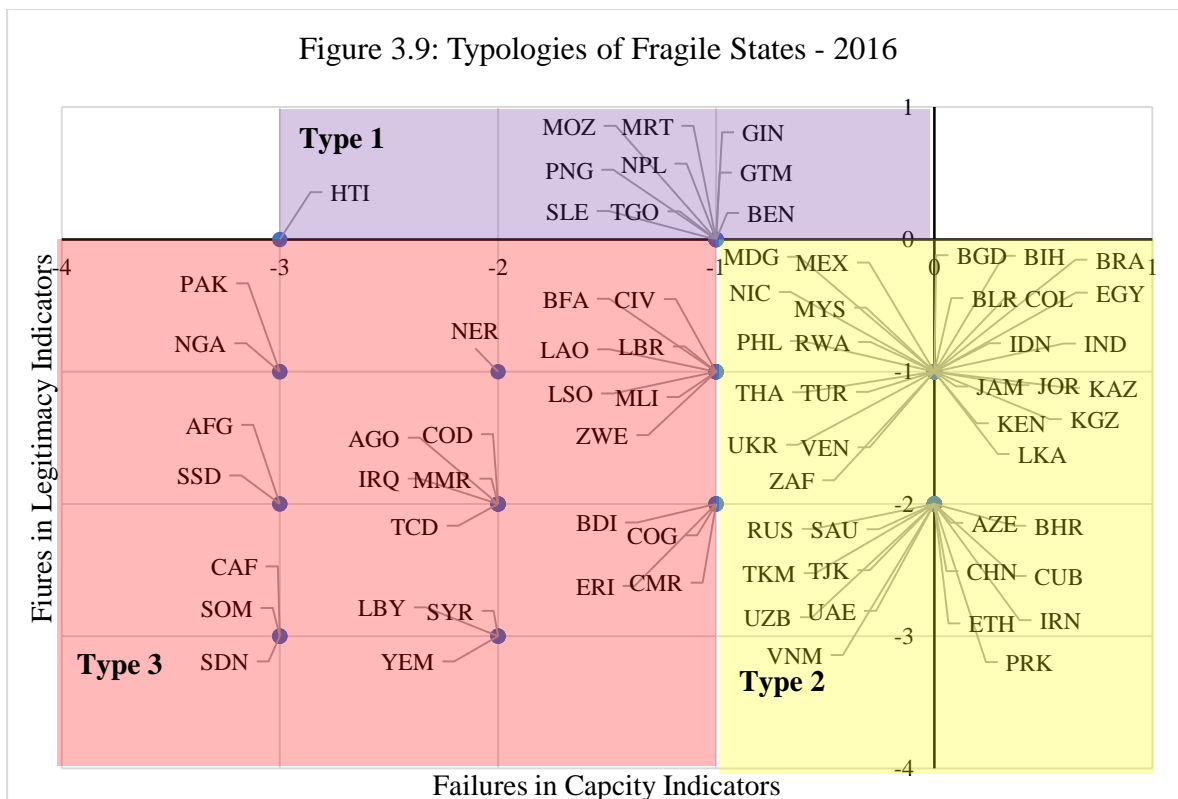


Figure 3.9: Typologies of Fragile States - 2016



Plotting the changes also entails tracing which countries have (i) remained in the same type of fragile condition, (ii) descended into more fragility or have (iii) moved in and out of fragile

conditions. It is evident that many type-2 fragile states such as Bangladesh, Belarus, Brazil, China, Cuba, India, Indonesia, Iran, Jamaica, Kenya, Kyrgyzstan, Mexico, North Korea, Philippines, Russia, South Africa, Saudi Arabia, Thailand, Turkey, Vietnam, Uzbekistan, has remained deficient in legitimacy dimensions for prolonged period avoiding descend into more severe type-3 fragile conditions (i.e. capacity and legitimacy failure). In contrast, the initial lacking of the legitimacy of some type-2 fragile states such as Pakistan, Syria, Libya, Laos, Burundi, Eretria, have mutated into type-3 fragility over time. For example, until 2012, Libya lacked only one or two indicators of legitimacy. However, by 2014 it became a type-3 fragile state involving both capacity and legitimacy failures in two or more indicators. Pakistan's entry to the list of fragile states in 2006 was due to its legitimacy failure in one indicator, which subsequently rolled into more severe type-3 failures in the following years. There are also some type 2 fragile states that have moved in and out of fragility. These includes Ecuador and El Salvador, Mongolia, Oman, Qatar, Romania, Ghana, Nicaragua (single occurrence of legitimacy failure between 2006-2016), Malaysia and, Guatemala (two occurrences of legitimacy failure between 2006-2016), Morocco, Paraguay and Peru (three occurrences of legitimacy failure between 2006 - 2014) and United Arab Emirates (four occurrences of legitimacy failure).

Type-1 fragile states are relatively less in number. Except Niger, Haiti and Congo D. R., state that is lacking in more than one indicators of capacity, also lacks in legitimacy dimension (type-3). Unlike the type-2 fragile states where we find many states remaining in that category for a prolonged period, there is only one country (Sierra Leone) that has remained in the type-1 fragile category for the whole period of observation without descending into type-3 fragile conditions. Others like Mali, which was categorised as fragile due to its lacking only in capacity dimension for three consecutive years (2006, 2008, and 2010) descended into type-3 fragility in 2012 and remained there till 2016.

The trend in type-3 fragility confirms Somalia as the most fragile state for the period of observation as it consistently lacks in all six capacity and legitimacy indicators. From 2014, Sudan and the Central African Republic also join Somalia as the most fragile states. However, as highlighted before, a large majority of states arrives in type-3 fragility following their initial lacking in legitimacy dimension.

In sum, tracing the movement of states from one type of fragility to the other provides important insights. The contrasting trend of type-2 fragile states tends to support the findings that partial democracies are far more vulnerable to state failure compared to full democratic or full autocratic regimes (Esty et al. 1998:19). However, this could also be due to the legitimacy indicators being biased towards the Weberian concept of statehood making the inclusion of one party/authoritarian states like China, Cuba, North Korea, Vietnam, into type-2 inevitable. Thus, the hybrid regimes – particularly fragile democracies in type-2 fragile conditions such as Bangladesh, Belarus, Brazil, Colombia, India, and Indonesia that has remained in this category for a long period provides an interesting group for investigation. At the same time, type-2 fragile states that have changed over time and become more fragile (such as Burundi, Eritrea, Pakistan, Libya, Laos, Syria) can also provide valuable insights into the causal connection of state fragility. More so, these countries are often the focus of capacity building efforts by the international community. Whether such efforts contribute to the erosion of state-society relation resulting in poor legitimacy could be a validation of the effect of external ideational and material factors. Thus, case studies on these countries can shed light to understand how the propensity of fragility, that exists in these states have or have not materialised into more severe fragile conditions.

While the year-wise typologies (figure 3.4 to 3.8) provides a snapshot and changes of state fragility, table 3.9 provides the typologies of *core fragile states*. The 55 core fragile states are deficient in a single, several or all indicators of legitimacy and/or capacity *in all observed years* between 2006 -2016 (see Annexe 3A for details). Out of the 55 countries, 14 are type-3 fragile states, lacking in one or more dimensions of both capacity and legitimacy. Thirty-one countries have type-2 fragile dispositions lacking in one or more legitimacy indicators. Finally, ten countries have type-1 fragile dispositions lacking in any one capacity indicators. A broad assessment of these core fragile states reinforces our previous assertion that the propensity of fragility is high in states that are deficient in legitimacy indicators. Legitimacy deficiency saw the seed of fragility and mutates into more severe types of fragile conditions in most cases. It also reinforces the finding that many type 2 fragile states can survive a lack of legitimacy for a prolonged period. Thus investigating such states can provide better insights into state fragility.

Table 3.9: Core Fragile States 2006-2016

Type 1 (Lack of Capacity)	Type 2 (Lack of Legitimacy)	Type 3 (Lack of Legitimacy & Capacity)
Benin, Burkina Faso, Congo Rep., Guinea, Haiti, Mali, Mauritania, Niger, Sierra Leone, South Sudan (10)	Bangladesh, Belarus, Brazil, Colombia, Egypt, Ethiopia, India, Indonesia, Jamaica, Kenya, Laos, Libya, Mexico, Pakistan, Philippines, Russia, Sri Lanka, South Africa, Thailand, Turkey, Venezuela, Vietnam, Zimbabwe, China, Cuba, Eretria, Iran, North Korea, Saudi Arabia, Syria, Uzbekistan (31)	Afghanistan, Angola, Burundi, Central African Republic, Cameroon, Cote d'Ivoire, Congo D.R., Iraq, Myanmar, Nigeria, Yemen, Chad, Sudan, Somalia (14)

## 7. Chapter Summary

This chapter argued that fragility as a disposition involves taking into account both the intrinsic and extrinsic attributes. Focusing on the intrinsic conditions, this chapter has conceptualised, defined and operationalised state fragility highlighting what intrinsic attributes of statehood is affected contributing to state fragility. It demonstrates that the condition of fragility relates to the state's capacity and legitimacy. The chapter has also derived the universe of fragile states and groups them under different typologies for subsequent analysis. A large number of states becoming fragile due to legitimacy deficiency hints at the possibility that the capacity building is no panacea. The loss of legitimacy is reflected through the fragmented state-society cohesion and the inability to make a collective decision. This tends to suggest that the capacity building efforts under the rubric of the GWoT may indeed contribute toward the deficit of state legitimacy which we investigate in the next chapter.

Annexe:

Annexe 3A: Universe of Core Fragile States 2006-2016

## CHAPTER 4: METHODOLOGY

*“...the past decade has seen a sustained move by students of international institutions and organizations to viewing their subject matter as independent variables affecting state interests and policy. Conceptually, this has put a premium on identifying the mechanisms connecting institutions to states; methodologically, there has been a growing concern with measuring process.”*

-- Jeffrey T. Checkel (2015:74)

### 1. Introduction

The research question begs to explore ‘how and under what conditions the ideational and material factors of the GWoT affect state fragility.’ Thus, a commitment to the *reality* of the unobservable ‘generative structures’ (Wendt 1987: 350), of the ‘larger framework of action’ (Cox 1996:97) which limits and constitutes the world appears implicit. Revealing the causal mechanism of a global structure – in particular, its ideational elements pose a methodological challenge.<sup>119</sup> The plurality of context within which fragile states reside also makes it hard to generalise the findings. These broad difficulties associated with the research question inform our choice of methodology. What could be a valid method to identify the causal process and pathways of a global structure (i.e. the GWoT) and trace its impact on states and societies? What evidence and counterfactuals are needed to validate that a particular impact on states and the societies are attributable to the ideational and material factors of the GWoT? The chapter begins with a discussion of structural causation to illustrate the philosophical root of process tracing (PT) – the preferred methodology. Consequently, it justifies why PT is chosen, drawing examples of similar studies, and outlines how PT will be used in this research. In particular, it specifies the elements of PT that will be used, discusses the evidentiary sources along with an assessment of the strengths and weaknesses of those sources and the criteria used for case selection, justifying why the three selected cases are analytically rich and particularly illustrative to answer the research question. The chapter ends by highlighting the likely challenges associated with PT and how those are addressed.

### 2. Structural Causation: How to Analyse the Structure of the GWoT?

Drawing relevance from the work of Bhaskar (1979,1986, 2008), Mumford (2008) and Collier (1994), Elder-Vass (2010:64-80) in his book *The Causal Power of Social Structure* argues that structural causation relates to ‘emergent causal power’ - a power to change in certain ways in

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<sup>119</sup> The ideational influence operate within a ‘black box’ of observability and to detect ideational effects, the analytic field of view must be expansive in terms of both temporal range and level (Jacobs 2015:41).

response to certain kinds of stimulus.<sup>120</sup> Two examples are often cited to illustrate the nature of structural causation (Elder-vass, 2010:49). First, water has the causal power to douse a fire. However, if we disaggregate water into its constituent parts (i.e. hydrogen and oxygen) and apply it on fire, the outcome will be different. Thus, water's ability to douse a fire *emerges* from a collective condition of its constituent parts and how they are interfaced with each other and act on water. Again, the *ability* of the water to douse a fire also emerges from the *liability* of the fire – its susceptibility to the application of water. Sand, for example, does not have the same 'liability' for the application of water.<sup>121</sup> Second, when a leaf falls from a tree, for example, its path towards the ground is influenced by not just the power of gravity but also by the wind, the aerodynamic shape of the leaf and perhaps by the event of any obstruction that interferes with its progress towards the ground. The combined effects of the contextual elements along with the gravitational force determine what path the leaf will take to land on the ground eventually. Thus, structural causation depends on the 'generative mechanisms', by virtue of which they possess an 'ensemble of tendencies, liabilities and powers' to effect change (Bhaskar 2008: 41). The causal explanation of a change in such context depends on the *ability* of an 'affecting' entity to have an impact, and also on the *liability* of the 'affected' entity to be affected in this particular way (Elder-Vass 2010:47). Thus, any plausible claim that a change in a fragile states has occurred due to the structure (of the GWoT) is not simply about analysing the constituent parts of the structure but involve explaining the mechanism and process through which the elements of that structure attains the emergent causal power and become one irreducible whole impacting fragile states, and, the susceptibility of fragile states to be affected by the structure (of the GWoT).

The philosophical root of structural causation also suggests that any disaggregated analysis of the structure of GWoT must be composed of parts that are themselves real irreducible wholes, and are in turn parts of the larger wholes, having its emergent causal powers and peculiar mechanisms. It is in this sense that this research categorises the ideational and material factors of the GWoT into cognitive, regulatory and capability domain. Each domain has its dynamics

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<sup>120</sup> Emphasising the *concept of emergence* the Elder-Vass (2010) argues that 'it [emergent causal power] enables us to see how the entities at each level can have causal powers of their own, despite being in a sense 'nothing more' than a collection of lower-level parts.' Collier (1994: 117) also asserted that 'Bhaskar's emergence theory allows us to conceive of real, irreducible wholes which are both composed of parts that are themselves real irreducible wholes, and are in turn parts of larger wholes, with each level of this hierarchy of composition having its own peculiar mechanisms and emergent powers'.

<sup>121</sup> Similarly, rocks have a *liability* to be eroded by wind/rain, whereas oceans do not.

and emergent causal powers to effect change, and together they remain one irreducible structure of the GWoT. Pursuant to the research question, our aim is to identify the causal mechanism and sketch the pathways of each domain for their subsequent tracing and *not* a comprehensive comparative analysis of the three pathways. The analysis of the impacts of structural forces is contextual and best captured by studying specific cases. For example, Cox's (1996:98) notion of historical structures consists of (i) ideas, (ii) material capabilities and (iii) institutions. He argues that the historical structure constitutes the 'context' within which action takes place, and there is 'no one-way determinism need be assumed among these three... The question of which way the lines of force run is always a historical question to be answered by a study of the particular case'. That said, the methodological challenge is to identify the elements of the cognitive, regulatory and capability domains of the GWoT and empirically demonstrate their impact on fragile states.

### 3. Why Process Tracing?

Amidst various interpretations,<sup>122</sup> Bennett and Checkel (2015:6-8) define PT as the 'analysis of evidence on processes, sequences and conjunctures of events within a case for the purpose of either developing or testing hypotheses about the causal mechanism that might causally explain the case.' It is often associated with scientific realism -- the epistemic attitude that entails belief in both observable and unobservable aspects of social life (Van Evera, 1997; Tilly, 2001; George and Bennett, 2005; Collier, 2011). PT focuses on *historicism* – a diachronic method that recognises that the social world is 'meaningful' and is 'made' by the collective actions over time (Cox 2002: xxiii). The non-positivists' root of PT (Humphrey, 2016; Jackson, 2011; Webber, 2004) claims that the causality is manifested in powers and propensities embedded within causal complexes and such causality is identifiable through counterfactual reasoning by referring to 'ideal types'. Scientific realists argue that inferences drawn through PT are, in principle, justified if the 'structure' in question can produce observable effects, or if its manipulation permits us to intervene with effect in the observable world (Bhaskar, 1979; Wendt, 1987; Boyd, 1983). It is in this context the structure of GWoT becomes causally efficacious to explain the phenomenon of state fragility. Good PT also involves casting a wider net for alternative explanations. A formal diagrammed expression of the multiple links in a

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<sup>122</sup> PT is often used without 'little thought or explication of how it works in practice' (Bennett and Checkel 2015:5). PT used in this research is informed by the workshops that I attended at the London School of Economics and University of Reading, conducted by Andrew Bennett and Adam Humphreys respectively and their works (Bennett, 2016; Humphreys, 2017, 2018). Also see Van Evera (1997), George and Bennett (2005), Gerring (2007), Collier et al. (2011).



causal chain makes PT more convincing (Gerring 2007:182). The findings arrived through PT are probabilistic, and its contribution to knowledge is through the increased understanding of the issue and the implicative nature of its conclusions.

In the context of this research, there are several advantages of using PT to answer the research question. First, PT is most suitable to address the puzzle that demands to take into account the plurality of context and combines social and institutional structure with individual agency and decision making (Bennett and Chakel 2015:3). Revealing the process and mechanism remains challenging to infer in most quantitative methods (Martin and Simmon, 2002:196). Many post-Cold War scholars have employed PT to explain how and whether the norms and practices of the international organisation (IOs) and institutions (IIs) such as World Bank (WB), International Monetary Fund (IMF), UN and EU function and impact states' behaviour.<sup>123</sup> Focusing on post-Cold War Eastern Europe, Judith Kelley (2004), for example, uses PT to investigate the impact of 'membership conditionality' and 'normative pressure' exerted by the IOs on state sovereignty and identity. Charles T Call (2012) in his book *why peace fails: the causes and prevention of civil war recurrence*, uses one in-depth case study (i.e. Liberia's second civil war) and several tightly focused and structured mini case studies to test his main argument on the civil war recurrence using PT. Indeed PT serves well for the mechanism-based theorising of the ideational and material factors of the GWOt and the context-driven tracing of the theorised pathways, implicit to this research.

Second, the definition suggests that PT involves both inductive and deductive process. Thus, we can use the inductive method to theorise the causal pathways through which the GWOt impacts the states and subsequently use the deductive method to validate or reject those pathways. Risse and other's (1999, 2013) successive studies leverage the inductive and deductive process to explain the diffusion of global human rights norms; their 'spiral model'(2013:5 -15) to map the human rights changes from norm expectations to country and societal level impacts is essentially arrived at through the inductive process, and subsequently tested in various case studies including in the context of 'limited statehood' where the deductive process is evident (Risse et al. 2013: chapter 6).

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<sup>123</sup> See Checkel (2015: 74- 92) for a detail review of these and many more studies that have used PT to derive mechanism, process and pathways outlining the impact of international structures/organisations.

Third, PT is intrinsically sympathetic to critical inquiry, and its epistemic attitude is rooted in the efficacy of both observable and unobservable aspects of social life; thus, it is possible to examine the ideational and material factors of the GWoT by using PT. In particular, PT allows us to examine the *actors* (i.e. states, politically relevant groups in the society) and their *activities* (i.e. changes in the policy, norm, implementation practice, resource allocation) to make inference about the hypotheses on how that *process* took place and whether and how it generated the outcome. The changes in the material factors are observable by analysing their trend in resources allocation, utilisation and the outcomes they produce. Tracing the ideational effects involve (i) analysing the communications to establish the existence of the idea and its nature (ii) analysing the ideational stability and change by examining the covariation over time and within case cross-section, (iii) tracing the diffusion channels of the idea to establish that the idea is exogenous to the case study (iv) unpacking the substance of decision output by outlining the causal mechanism (Jacobs, 2015:50-51).<sup>124</sup>

In sum, by taking an element of the global structure as an independent variable, PT facilitates explaining the process and mechanism of the state's behaviour and society's reaction. PT, rooted in scientific realism, serves well to account for both tangible and intangible elements of the ideational and material factors. The case studies would also allow greater flexibility to consider the plurality of context. However, applying PT to explain how the structure of the GWoT affects fragile states demands a nuanced understanding of how the method will be used and what evidentiary sources will be necessary for this research— discussed next.

#### **4. How will PT be used in this Research?**

The research involves both theory building and theory testing elements of PT. As alluded to before, an inductively derived theorisation of the pathways through which the structure of GWoT can impact fragile states and its deductive tracing in individual case studies lies at the heart of the research design. We defined our dependent variable in Chapter 4 and also identified type 1, 2, and 3 fragile states based on their deficit in capacity and legitimacy dimensions with no reference to the independent variable. The task now is to trace whether the GWoT has caused the fragility of these states, and, if so how? First, PT requires casting a wide net of compatible explanations. Thus, we will disaggregate the GWoT into cognitive, regulatory and capability

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<sup>124</sup> See table 2.1 in Jacobs (2015:50-51) for a detailed account of the empirical test, evidentiary task and the assumptions or limitations of process tracing the effects of the ideational factors.

domains and hypothesise their causal pathways leading to the increase and decrease in fragility. The pathways will reflect the multiple origins of state fragility and the channels of impacting – both perilous and positive, satisfying the need for casting a wide net of explanations for efficient PT. Second, PT also entails (i) identifying the relevant actors, (ii) how their belief and preferences are formed, (iii) how they choose their actions and (iv) how the actions of multiple actors are aggregated to produce the outcome (Schimmelfennig, 2015:106). The actors and evidence used for the theorisation and the case studies are discussed next.

#### **4.1 Actors and Evidence for Inductively Derived Theorisation**

The structure of GWoT is a product of the intentions and actions of several actors located at the loci of the international system. They defined the rules and norms that forbid, require or permit particular kind of actions as part of the GWoT.<sup>125</sup> Ideally, a structural actor must enjoy some form of legitimacy for setting/shaping rules and norms and monitoring or influencing their compliance (Zaum 2013).<sup>126</sup> The UN Security Council (SC) in general and, the Counter-Terrorism Committee (CTC), in particular, enjoys such legitimacy. The CTC, assisted by its Executive Directorate (CTED), and a number of other UN entities are engaged in the CT norm diffusion by articulating broad-based enforcement and capacity-building measures for the member states (see chapter 5 for a detailed account). The U.S. as the proponent of the GWoT is also a significant contributor towards the creation of a global architecture to fight terrorism. Within the U.S. government, the Department of State (DoS) and Department of Defence (DoD) are the principal actors in the GWoT through their policies, projects and actions.<sup>127</sup> Almost all regional and sub-regional organisations have also adopted CT strategies as a priority. Examining the reports and assessments submitted to or created by these actors provide useful insights for theorising the pathways.

Amongst the myriad of evidentiary sources on GWoT, our focus is limited to the relevant documents, reports and data to infer key global trends to theorise the three pathways and their subsequent tracing in selected case studies. For example, we compare the post and pre-9/11 era

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<sup>125</sup> As Mearsheimer, (1994) defined IOs as ‘set of rules that stipulates the way in which states should cooperate and compete with each other.’

<sup>126</sup> Structural legitimacy arises from ‘shared beliefs about its epistemic capacities’ and the ‘perceived ability to muster particular resources and expertise’ (Zaum, 2015). The CTC, established in 2001 is guided by the Resolutions 1373 (2001) and 1624 (2005). It is composed of all 15 SC member states.

<sup>127</sup> The absence of a clear government wide definition of U.S. CT spending makes it difficult to identify what to exclude or include as CT efforts. However, the CT engagement of the Department of Homeland Security is relevant for the U.S. domestic activities.

ratification trend of the UN based global CT instruments to draw inference about the exogeneity of the idea and the ‘mind’ of the member states.<sup>128</sup> We also examine the country reports raised by member states and the global survey reports by the CTED under two key UNSC Resolution on CT, Resolution 1373 (2001) and 1624(2005). These Reports has been described as ‘the world’s largest body of information on the CT capacity of each of the 192 UN Member States’ (CTC, 2018 a-d).<sup>129</sup> The minutes of the plenary meeting on ‘measures to eliminate international terrorism’, national reports (and responses) on human rights, shadow reports submitted by civil society organisations (CSO), universal periodic review on human rights, the recommendations by the UN Third Committee on human rights issues and reports by several UN sanctioning, monitoring and accountability regimes on CT are also reviewed. Several White House documents, strategy papers and historical data on US overseas aid and assistance (Green Book 2017a) provides important evidence about its policy priorities, engagement and resource allocations for the GWoT. The US Department of States’ country reports on CT (2004-2015) (previously known as ‘Patterns of Global Terrorism’ (2001-2003) is also used for mapping the trend, areas of focus and dissemination and implementation process of the CT strategy by the U.S. in partner countries. Observing the pre and post 9/11 framing of terrorism, commitment and compliance of the fight against terrorism and the capacity building efforts as reported in these documents is used to draw inferences and subsequent theorisation.

The empirical review of these official documents is supplemented by the trend analysis of relevant data from different sources. These includes the Global Terrorism Database (GTD), Political Terror Scale (PTS) data, Major Episode of Political Violence (MEPV), world press freedom index by the Reporters without Borders (RSF), Cingranelli and Richards (CIRI) Physical Integrity Rights Index dataset, data on illegal financial flow (IFF) from developing countries, data on U.S. drone strikes by the Bureau of Investigative Journalism, Stockholm International Peace Research Institute (SIPRI) Military Expenditure Data, Armed Conflict Location & Event Data Project (ACLED) data and the US Overseas Loans & Grants (Green Book). A brief description of the data sources used and their relevance is given in annexe 4-A.

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<sup>128</sup> As Jacobs (2015: 70) argues ‘establishing the exogeneity of actor’s ideas almost always requires expanding the historical scope of the inquiry to periods prior to the choice being explained’.

<sup>129</sup> However, the reports were made classified after 2007. Author’s correspondence with the CTC secretariat has not yielded access to post 2007 reports.

The reports are the most legible and authentic government position on an issue at a particular time reflecting the states' priority, belief and commitment towards a global norm and practice. However, it needs to be stressed that the official government reports may not be thoroughly objective and lack a critical view. These reports/ramifications are often made under strategic pressure, towing the official line, and the actors may have instrumental motives to convince observers of a particular viewpoint that may not reflect the reality. For example, the data on ratification of UN-based CT instruments do not automatically imply that the member states have complied and implemented the ratified instruments. Hence it is essential to consider the context and the motives and incentives that the actor may have had when the report/ratification was made. One possible way to offset such potential biases is to consider a wide range of accounts (i.e. pre and post 9/11 reports) and include sources representing contending views (Bennet and Checkel, 2015:25). Thus, the use of global data on related issues like physical integrity rights violation (CIRI), political terror (PTS), military spending (SIPRI), conflict and violence (ACED, GTD, MEPV) will be helpful to infer the global trend and arrive at a plausible theorisation of the pathways and compensate the potential bias. Similarly, the case studies will focus on country-specific variations over time, disaggregates the data into various actors and analyses important events to provide a context-driven explanation to validate or reject the theorised pathways – discussed next.

#### **4.2 Actors and Evidence for Deductive Tracing in Case Studies**

Each case study will outline the nature of its fragility and the extent of the country's involvement in the GWoT. Subsequently, the tracing of the cognitive, regulatory and capability pathways would involve analysing the domestic actors and their activities to validate or reject the theorised pathways in the particular case study. Local actors include not only the regime and state institutions (notably the security) but also the key opposition, militias, rebels and non-state armed groups (NSAG) (if any). The cognitive pathways will seek to establish the exogeneity of the idea and explore whether and how the thinking, interpreting and reason process of the actors have been influenced by the GWoT and how they are manifested. The regulatory pathways will identify the changes in domestic laws, policies and practices and trace whether these changes are attributed to the global CT structure. The capability pathways will focus on CT capacity building efforts to trace the change in allocations, prioritising and utilising of the internal and external resources and their potential impact.

The case studies will compare and contrast the evidence and data to establish the exogeneity of the ideational factors and to trace the changes in a particular context. For example, analysing the country reports to the UN will allow exploring how a state has historically viewed the threat of terrorism and whom all are labelled as the terrorist by the state. The reports will be contrasted with country-specific data derived from the global databases (such as GTD, ACLED) to see the historical variation of the terrorism-related violence and the actors (i.e. groups within the society) who are most responsible for the increase or decrease of terrorism. Is it the government forces, extremist groups, pro-government militias, rebels or opposition political parties and how does that relate to the theorised pathways? Similarly, the case studies will explore the compliance gap in CT regulation and norms by tracing the changes in domestic CT regulations, their interpretation and application. Are the CT regulations selectively applied to curb the opposition? Did it influence the regime to be more authoritarian? In short, the deductive methods of PT will allow us to identify changes in domestic actor's activities in areas like prioritising asset allocations, alliance building and concessions (if any) made by the state to receive CT assistance as well as intangible aspects like socio-political cohesion, political freedom, civil liberty and freedom of expression. Together we can assess whether and how the theorised pathways have influenced the risks of identity politics, authoritarianism, state-society cohesion, and violence, and thereby contributed towards the increase or decrease of state's legitimacy and capacity. However, it is essential that we select cases that are representative, illustrative and includes both most and least likely scenarios to support or refute the theorised pathways – discussed next.

## **5. Case Selection and Limitations**

As alluded to in the introduction, PT offers limited generalisability. The causal mechanism tested on the limited cases studies may be stronger at assessing whether and how the GWoT affects state fragility in those contexts but at the same time weak in evaluating how much it matters in other contexts (Gerring, 2004; George and Bennett, 2005). Case selection based on systematic criteria can, however, offset such limitations. First, it is cardinal that the selected case is 'positive' on the independent variable of interest (i.e. the GWoT), and the dependent variable (i.e. state fragility) (Bennett 2015:296).<sup>130</sup> Any attempt to trace the causal mechanism and theorised pathways involving cases where both cause and effects are not present will be

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<sup>130</sup> The requirement that the independent and dependent variable must be present (i.e. positive) in the selected case for PT is also emphasised by King, Keohane and Verba, (1994: 34-74), Goertz and Mahoney (2012), Schneider and Rohlfing (2013).

futile. Based on this criterion all the fragile states as derived in chapter 4 qualify. However, this will be impractical to trace the mechanism and process in all these cases. Thus, we select one case from each cluster representing type-1, type-2 and type-3 fragile conditions, to satisfy exploring ‘different conditions’ of fragility as mentioned in the research question. Such a selection criterion holds more probative value to explore how the GWoT affects countries lacking in capacity, legitimacy or both.

Second, case selection in PT may vary to include cases where the presence of the independent variable is believed to be extremely high, low or deviant cases as they would allow finding evidence to support or refute the hypothesised causal mechanisms (Jacobs, 2015:73). In other words, the selected cases must also represent a varying degree of penetration of the pathways of the GWoT. Thus, the type of governance and demography of the country and the country’s degree of engagements in the GWoT will be a better determinant for selecting the cases compared to its geographical location. This would allow finding the variation on identified characteristics of our theoretical interest – i.e. the causal pathways. The tracing of the theorised pathways in such diverse regime type and context will improve generalisability and illustrative. Thus, we select Bangladesh, Myanmar and Mali as a representative case study of type 1, 2 and 3 fragile condition. Taking a cue from Call (2012), we make a detail tracing of the pathways in the context of Bangladesh followed by a tightly focused tracing of Mali and Myanmar case. Specific justifications of each of these cases are discussed below.

### **5.1 Why Bangladesh?**

Three compelling reasons stand out for selecting Bangladesh. *First*, Bangladesh’s political reality and culture are more *mainstream* compared to many other type-2 fragile states such as China, North Korea, Cuba, Vietnam, having a one-party system. As opposed to the one-party states, the nature of Bangladesh’s fragility -- rooted in its legitimacy deficit, better relates to the intense process of creating a system out of an (imperfect) democratic environment. The birth of Bangladesh was in defiance of Jinnah’s two-nation theory premised on religion (Uddin 2006:123, Akhand 2015).<sup>131</sup> During Bangladesh’s independence, the idea of a Bengali state converged around its *Bengali identity* based on socialist-democratic-secularist principles that

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<sup>131</sup> Jinnah’s ‘two-nation theory’ was primarily based on the view that the Hindus and Muslims constitute distinct communities having different philosophies, social customs, religious traditions, political heroes, litterateurs, and even food and dress. Thus, he suggested dividing the continent into two nations, one comprising predominantly Muslims and the other by the Hindus (Bolitho, 1981; Seal, 1968).

*subsumed* its Muslim identity (Riaz 2016:5-8). However, Muslim identity has now become more pronounced (Vaughan 2007; Riaz 2016:186-218). Thus, tracing whether and how the GWoT caused this shift in national identity in Bangladesh can offer a rich and universal understanding of the cause and process of state fragility.

*Second*, as the world's seventh most populous and third-largest Muslim majority country,<sup>132</sup> Bangladesh came in the global spotlight after the 9/11 event. The country was initially labelled as a 'hotbed of terrorism', potential 'breeding ground of Islamist extremism', the 'next Afghanistan', soon to become a 'failed state' by many (Perry 2002; Griswoldjan 2005; Karlekar 2005). However, Bangladesh's engagement in the GWoT did not involve direct military action by any external actors. Bangladesh also did not slip into a more severe type-3 fragile state. Overall, Bangladesh's journey to fragility has been much more 'normal', and the nature of external involvement to fight terrorism has been through standard and traditional capacity building channels like many other countries.

Third, the Bangladesh paradox – i.e. the continued growth in the capacity dimension despite lingering governance and legitimacy deficiency, also make Bangladesh an illuminating case study. It helps us to investigate, whether or not the focus on capacity building in the era of GWoT can generate insecurities within the society, impacting power relations, entitlement and equitable sharing of resources contributing toward legitimacy deficit. What political, institutional and ideational weakness has the GWoT stimulated and generated to achieve an unhindered enjoyment of the fruits of growth and to achieve loyalty and willing obedience of the polity enhancing state-society relations? In sum, Bangladesh, as a Muslim majority country with a chequered history of democratic practice and contrasting records offers greater probative values to explore the impacts of the cognitive, regulative and capability pathways of GWoT.

## **5.2 Why Mali?**

The presence of violent extremist groups, deployment of a UN peacekeeping force with a CT mandate as well as extensive bilateral engagement in the fight against terrorism represents a manifold penetration of the ideational and material forces of the GWoT in the context of Mali.

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<sup>132</sup> Bangladesh houses 8.4 percent (134.43 million) of the total world Muslim population and 88.2 percent of Bangladeshi are Muslim (BBS 2015: 23; Pew Research 2010).



Mali became a ‘donor darling’ following its return to multiparty democracy in 1991,<sup>133</sup> hailed as ‘remarkable political mutation’; and a ‘poster-child of democracy’.<sup>134</sup> Yet, since 1991, Mali experienced two successful coups (in 1991, 2012) in the south, three major rebellions (1990-1996, 2006-2009, 2012-2013) and signed five peace accords with the armed groups in the north. The coups in the south show the fragility of Mali’s constitutional and democratic institutions; the violence and instability in the north shows a more profound capacity failure of the state to ensure security, territorial integrity and legitimacy to rule. After 2001, the presence of transnational terrorist groups in northern Mali drew renewed attention and urgency of the international actors, leading to increased capacity building efforts. It took a decisive French military intervention in 2013, followed by the deployment of African-led International Support Mission in Mali (AFISMA), later re-hatted as the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to stabilise the situation and regain some control of the lost territory (Reuters, 2012).

Despite the apparent progress and democratic consolidation at the centre, Mali’s propensity to fragility had never ceased to exist. The fact that the violence in the north, not least by the Islamists groups and al-Qaida affiliates, finally exposed Mali’s fragility in the era of the GWoT, makes it a compelling case to study. Mali’s extensive engagement with external actors can provide more detailed insights on the nature of Mali’s fragility and the cognitive, regulatory and capability pathways of the GWoT by examining primary sources like the MINUSMA situation reports along with Mali’s reports to the UN CTC.

### **5.3 Why Myanmar?**

Myanmar fits as a ‘hard’ case for its contrasting episodes of domestic and external contexts. Externally, Myanmar traversed from a ‘pariah’ status, facing western sanctions till 2010 to a phase of cooperation after the lifting of sanctions. Despite Myanmar’s expressed support for the GWoT from the onset, western sanctions were not lifted till Myanmar embarked on democratic reforms. During its pariah status, Myanmar pivoted the western sanctions through its engagement with Russia and China; the ASEAN countries also embraced Myanmar as a test case for promoting human rights, social justice and democracy, maintaining its principles of

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<sup>133</sup> Mali’s 1991 Constitution ushered a pluralist multiparty democracy. Elections were held in 1992, 1997, 2002, 2007 and 2013. See Albrecht et.al (2017:13-15); IPU, 2018; Constitution (Article 26, 28).

<sup>134</sup> For a detail account of Mali’s transition see Lewis, (2012); Harmon (2016:71); Lebovich, (2016); Surkin (2014). Mentionable that the region has been affected by civil war (Côte d’Ivoire, Libya) failed democratic transition (Togo), authoritarian rule (Burkina Faso) and repeated military coups (Guinea).

non-interference (Selth 2008; Haake, 2008, 2010; Holliday 2009; Thuzar 2017; Schlenzig, 2014). Such contrasting dynamics and limited external engagements offer a unique opportunity to explore how and to what extent the theorised structures of the GWoT could influence the state and the society, contributing to Myanmar's fragility.

Internally, during this period, the world's most durable military regime (Bünte 2011:2), mutated from collective authoritarianism under the State Peace & Development Council (SPDC) to a disciplined democracy under the quasi-civilian rule of the pro-military Union Solidarity and Development Party (USDP) followed by the NLD government that came into power in 2015 through a free and fair election (Zwa Moe, 2017; Mydans, 2011). Myanmar adopted a new Constitution in 2008, introducing a 'disciplined' multi-party democracy while retaining the dominant role of the military. It also enacted its first CT Law in 2014 despite the early ratifications of the international CT instruments. The remarkable political transformations and the pursuit for capacity and legitimacy building under the authoritarian and quasi-civilian regimes and their corresponding links to the GWoT can provide rich insights to validate or reject the theorised pathways. How and to what extent has the GWoT influenced the choices of the state during Myanmar's travel from authoritarianism to disciplined democracy?

At the societal level, the primacy of Buddhism as the ideological foundation of the Burmese nationalism (ICG 2017, Shengrong 2016) also make Myanmar a compelling case. The rise of Buddhist nationalism and its effects on minorities is integral to the tracing of the theorised pathways of the GWoT. Has the GWoT contributed to revising the societal position of the ethno-religious minorities that were long considered unthreatening? Did it contribute to (re)ignite identity politics and exclusionary practices causing social fragmentations? How were the religious minorities, especially the Muslims, framed during Myanmar's transition? In sum, the case study offers a unique opportunity to make stronger causal attributions about the effects of the GWoT on type-3 fragile states.

However, one challenge in these three case studies is that their fragility predates the GWoT. Unlike more obvious cases like Libya or Syria that slipped into fragility after 2001, the capacity and legitimacy deficit of Myanmar and Mali, in particular, predates the GWoT. Thus, the case study involves explicit analysis, comparison and contrasting of the pre and post-2001 events, actions and framing to establish whether or not the changes are attributable to the ideational and material factors of the GWoT. The fundamental nature of their fragility – that is lacking in

capacity, legitimacy or both, also allows tracing the mutual interactions between the external capacity building efforts and its different impacts on the state-society relations. The remarkable variations of these three case studies make them representative, analytically rich and illustrative to answer the research question as their selection are based on epistemic justifications.

## **6 Chapter Summary**

This chapter laid out the methodology and argued that PT is the most appropriate method to answer the research question adequately. Drawing relevance from the nature of inquiry and several other influential studies, the chapter justified the choice, and outlined how PT will be used and the evidence that will be examined to theorise the causal pathways and their subsequent tracing in three case studies. The chapter also argued that the justification for the case selection is epistemic in nature. However, PT is not a panacea. It offers a plausible explanation for the events and actions. Like any mechanism-based theorising, PT embodies the challenges of how to scale up the explanations to larger bodies of theory. PT can also lead to ‘infinite regress’—a temptation to indulge in the exceedingly fine-grained level of details while losing sight of the broader issue inherent in structural causation. A bias towards evidence or event selection particularly with regards to politically sensitive evidence could also obscure and erode the validity of the research. To overcome these challenges this research primarily relies on diverse sources of data, generated from globally credible and authentic sources as outlined. The case studies are also supplemented by annexes on key issues and aspects to avoid any potential omissions. However, the focus remains on tracing the causal pathways with the right kind of evidence with a probative value that can confirm or reject the proposition. Utilising the prior knowledge, specific formulation of the causal pathways and the use of evidence, PT nevertheless can generate valuable conclusions, despite its limitations.

Annexe:

Annexe 4A: Data Sources Used for Theorisation and Tracing of the Pathways

## CHAPTER 5: THE GWOT AND STATE FRAGILITY: THEORISING THE CAUSAL PATHWAYS

*‘[V]ery frequently the “world images” that have been created by “ideas” have, like switchmen, determined the tracks along which action has been pushed by the dynamic of interest’ (Weber, cited in Eastwood, 2005: 90).*

### 1. Introduction

In light of our working definition of state fragility, answering the research question requires us to demonstrate how the ideational and material forces of the GWoT are mediated through state institutions and the society, affecting social cohesion and group dynamics, and impinging not just a state’s capacity to provide core public goods to its citizens but also its legitimacy to rule and define the functional logic of state institutions. This chapter outlines why do the ideational and material factors matter followed by defining them and identifying the elements that constitute these factors in the context of GWoT. Second, the chapter outlines that the ideational and material factors of GWoT operate through three broad pathways: (i) the cognitive pathway that shapes the thinking, interpreting and reasoning process (ii) the regulatory pathway that creates demand for policy coordination, cooperation and compatible legal and procedural instruments for CT and their compliance (iii) the capability pathway that shapes state’s coercive capability, institutions and CT alliance building. Third, taking into consideration of the global trend and data of the cognitive, regulatory and capability domains, the chapter theorises the causal process and pathways explaining how the GWoT can impact state’s legitimacy and capacity dimensions contributing to the increase or decrease of state fragility. The theorisation of the three pathways is illustrated through schematic diagrams to facilitate their tracing in individual case studies. The chapter ends with a comparative analysis of the theorised pathways highlighting their relationship and relative significance.

### 2. Why do the Ideational and Material Factors of the GWoT Matter?

In the broadest sense, any global structure comprises the practices and underpinning ideas. To put the idea into practice, members of the global community needs to formulate rules, norms and regulations and marshal resources to build capacities and institutions. As alluded before, concerns over the use of terrorism as a means of achieving a political goal were raised much before the 9/11 (Reuter, 2006; Horowitz 2008; A/8791/Add.1).<sup>135</sup> However, formulating and agreeing to a set of underpinning ideas and resource mobilisation to build a global structure to

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<sup>135</sup> See Reuter (2006) for a critical historical account of the suicide attack. Horowitz (2008) suggests thinking of suicide terrorism as an example of a military innovation for non-state actors. See A/8791/Add.1 for the statement by the UNSG flagging this problem in 1972.

fight terrorism remained scanty (Roach, 2012, Byers, 2010). The terrorist act of historic proportions of the 9/11 changed that. Indeed, the event of 9/11, as one observer puts, ‘resists immediate subsumption under a given structure of meaning, law or truth’ and at the same time cries out for ‘analysis, definition and categorisation’ (Behnke and Hellmich 2012:2). The physical violence and political symbolism of the attack have been described as the ‘Pearl Harbour of American terrorism,’ marking the end of America’s ‘holiday from history’ and providing enhanced normative legitimacy and resources to build a global structure to fight terrorism (Newport, 2001; Will, 2001).<sup>136</sup>

Consequently, the declaration of the GWoT fundamentally altered the post-modern history of the world and remains far from being over.<sup>137</sup> It ushered in a new meaning and framing of terrorism and a renewed demand for a global response to terrorism in general and international terrorism in particular. Implicit to this demand was the need to create a global structure and define the underpinning rules, regulations and norms to fight terrorism, connecting the global to the local.<sup>138</sup> The discourse of the GWoT became a novel interpretive tool for the states and societies to define problems, diagnose causes, make moral judgements and suggest remedies.<sup>139</sup> The discourse continues to offer a powerful organising principle, shaping and influencing the choices and actions of the states – in particular, the fragile states, because of their unique position in the system.

Despite enjoying considerable freedom of action as a sovereign entity, it is hard to argue that any state is entirely free in the post-modern world (Chandler, 2005). Fragile states, arguably

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<sup>136</sup> According to a Gallup poll in November 2001, around 77 per cent of young Americans expressed that a hundred years from now historians will claim the Sept. 11 attacks as having a greater impact on the U.S. compared to the Pearl Harbour attack (Newport, 2001). The 9/11 was described as an attack on ‘not just of American power but also its virtues’ (Will, 2001).

<sup>137</sup> While Bush’s era is described as a war on terror presidency, Obama’s declaration in 2013 did not end the GWoT; it ‘bounded’ the U.S. military action to a ‘series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America’ (The White House, 2013).

<sup>138</sup> Norris et.al. (2003) among others argues that the event of 9/11 has led to the emergence of a ‘new macro’ frame of GWoT, with the propensity to link local events/conflicts with global ones. The implication and use of this new macro frame on the governments, non-state actors and media has also been highlighted by others such as Reese, (2007), Ruigrok and Van Atteveldt, (2007), Ryan, (2004) to justify actions and explain political and military strategies, especially while dealing with terrorism.

<sup>139</sup> The argument is drawn from Entman (1993:52), one of the early proponent of ‘framing theory’ who states: ‘Frames, then, define problems – determine what a causal agent is doing with what costs and benefits, usually measured in terms of common cultural values; diagnose causes – identify the forces creating the problem; make moral judgments – evaluate causal agents and their effects; and suggest remedies – offer and justify treatments for the problems and predict their likely effects.’

even more so than other states, remains subject to the ideational and material influences of the dominant actors. As Zaum (2010:5) argues, ‘...within the broadly anarchic international environment, there have always been pockets of hierarchy in international society.’ Such hierarchies allow great powers to legitimately ‘exercise control over certain policy areas of subordinate states.’ As a result, independent states that want to survive and prosper in an anarchic system are ‘compelled to act in certain ways’ (Sorenson 2008:8). Various margins drawn by the powerful actors regarding rules, norms and practices together with setting up international institutions to provide incentives or impose penalties facilitates the process for states to act in certain ways. The structure of the GWoT emerged through a process in which the powerful actors operating through the UNSC defined the rules, norms and practices to fight terrorism. However, the persistent influence of global ideational and material factors to shape the state’s preferences and action is not a straightforward issue. The weak institutional capacity, corruption, contested legitimacy, legacies of high inequality, violence and instability enables such global ideational and materials factors to mutate and multiply in fragile conditions producing unexpected consequences and unanticipated trade-offs (OECD, 2015: 15, World Bank 2011). These unintended consequences, like the fragmentation of state-society relation, group cohesion, human rights abuse, sovereignty norm violation, adopting a lesser evil doctrine, as mentioned in chapter 1, can best be linked to the ideational and material factors of the GWoT. It is in this context that the structure of the GWoT becomes important.

### **3. The Ideational and Material Factors Defined**

In the context of IR, ideas are defined as ‘subjective claims about descriptions of the world’, the ‘causal relationships’ based on which actors claim the ‘normative legitimacy of certain actions’ (Parsons, 2002:48). An idea *empowers* the actor(s) through the discourse and becomes a reality only through the actor’s *ability* ‘to intervene in the real world or to refrain from such intervention, with the effect of influencing a specific process or state of affairs’ (Giddens, 1984:14). The ideas define the meaning and the purpose of the material power (i.e. capability); hence they are the ‘starting point’ to interpret the social world (Tannenwald, 2005: 19, Wendt, 2000). Such an understanding of the world emphasises the importance of the processes and mechanisms of translating the ideas to explain the outcomes. Ideational forces work through a process of interaction and learning, facilitated by global and local institutions and agencies, influencing states’ identities and interest (Wendt 1992:394). For example, the idea of ‘anarchy’ can only become causally relevant when it is given *meaning* through a *process* of thinking, interpreting and reasoning (Wendt 1992: 392; Wendt 1995: 78). The thinking, interpreting and

reasoning process amongst the friends may lead to developing collective security, while the same amongst the enemies may lead to confrontation and self-help. Thus, what matters is analysing the ideational *process* to explain how the states and the societies grow and mature – i.e. become more resilient and cohesive to avoid being reduced to a Hobbesian condition.<sup>140</sup>

Central to the process of assigning meaning is the production and reproduction of shared knowledge. Such knowledge is transmitted through interactions of the states and their societies shaping our *cognitive domain* and developing a mutual and equal sense of supporting an issue, act or agenda especially from the perspective of the policy elites in a country and the citizens in general.<sup>141</sup> It implies that the process of ‘collective learning, cognitive evolution, epistemic change and the life cycles of norms’ drives the mechanism of change (due to ideational factors) and involves the institutionalisation of the knowledge, practices and discourses (Adler, 2001: 102). It is in these senses that we need to view the ideational factors of the GWoT and how they become relevant and a novel interpretive tool for the regimes in the fragile states and their societies to assess its impact.

However, the cognitive domain of a global structure does not exist in a material vacuum.<sup>142</sup> The material factors such as the relative distribution of capabilities – in particular, its coercive capabilities, is regarded as the master explanatory variable (Waltz, 2000, Mearsheimer 1995) for the state’s behaviour. The focus on material factors is premised on the view that, much like the state, any global structure is required to provide order, monitor compliance and regulate the cohabitation of states in the anarchic international system. In the context of the structure of GWoT, an overwhelming focus on the coercive capacity building can affect the power balance, not just between the states, but also within the state. The material capabilities along with the ideas and institutions constitute the context within which the actions by the states or any other actors take place.

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<sup>140</sup> Explaining the conditions of anarchy in terms of ‘maturity’, Wendt (1992:409) asserts that ‘mature’ anarchies are less likely than ‘immature’ ones to be reduced by predation to a Hobbesian condition.’’

<sup>141</sup> The neoclassical realists recognise that the perceptions of policy elites can impact states’ foreign policy. However, others pay no attention to domestic factors (Glenn, 2009:523–4; Rose, 1998; Wohlforth, 1993).

<sup>142</sup> The realist claims that ‘the distribution of material capabilities among states is the key factor for understanding world politics’ (Mearsheimer 1995: 91). For realists ‘the centre of attention is on forces of destruction (i.e. military capabilities) rather than forces of creation’ Sorenson (2008: 8).

In sum, both ideational and material factors of a structure are relevant and can affect change.<sup>143</sup> The material factors influence ideational environment while the ideas govern the demand of their existence, resource distribution and functional logic. The socialisation process influences inputs for defining the identity and interest of the actors in the system. Thus, the ideational and material factors of the GWoT is a broader encompassing phenomenon that embraces not only the governmental institutions in fragile states but also subsumes informal mechanisms. Together they produce a set of mutual expectations, rules and regulations, organisational plans, energies and material commitments for the global structure of the war on terror to come into being which limits and constitutes the world and the functioning of the state-society complex. Focus on the domains that are affected by the structure of the GWoT can be a useful starting point to theorise their causal pathways.

#### **4. The Cognitive, Regulatory and Capability Domain of the GWoT**

Notwithstanding their inherent indivisibility, any theorisation of the ideational and material factors needs to be based on two fundamental principles. *First*, we must recognise that the ideational factors are intersubjective and can bring *change* in state-society's behaviour in combination with the material factors (Wendt 1999:114; Jacobs, 2015; Weber, cited in Eastwood, 2005:90). Such changes are manifested in the choice(s) that the actor(s) make, the capabilities and institutions that they build or aspire to build and the perception that prevails in the societies within states. *Second*, we need to recognise that at some level, the combined effects of the global ideational and material factors constitute a different kind of independently existing structures. Sorensen (2008:14) combines the global ideational and material factors in terms of power and norms (i.e. economic power, political-military power, and international norms) while Cox's (1996:98) conceptualisation of the 'historical structure' is a combination that brings together 'thought, material conditions and institutions.' Both recognise the difficulties in drawing clear distinctions amongst these elements due to the fungible nature of political, economic and military power.<sup>144</sup> It needs to be emphasised that dissecting the ideational and material factors into unique domains does not imply an attempt to arrive at a

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<sup>143</sup> Proposing a richer concept of 'analytical eclecticism', Sorensen (2008:2) among others highlights the need for combining material and ideational factors in the study of IR.

<sup>144</sup> As Sorensen argues quoting Keohane (984: 18–31): 'politics and economics are two sides of the same coin...it will often be difficult to draw a clear distinction between economic power and political power.' Cox (1996: 85–123) also asserted that 'historical structures, should not be considered in terms of their need for equilibrium maintenance, but more dynamically, in terms of identifying the contradictions and conflicts within them which create the possibility for transformation of the framework for action.'



theory that produces law like regularities about their effects on states and social life. Instead, such categorisations provide a useful framework to explore and analyse the impacts that the ideational and material factors of the GWoT can create in fragile states and their societies.

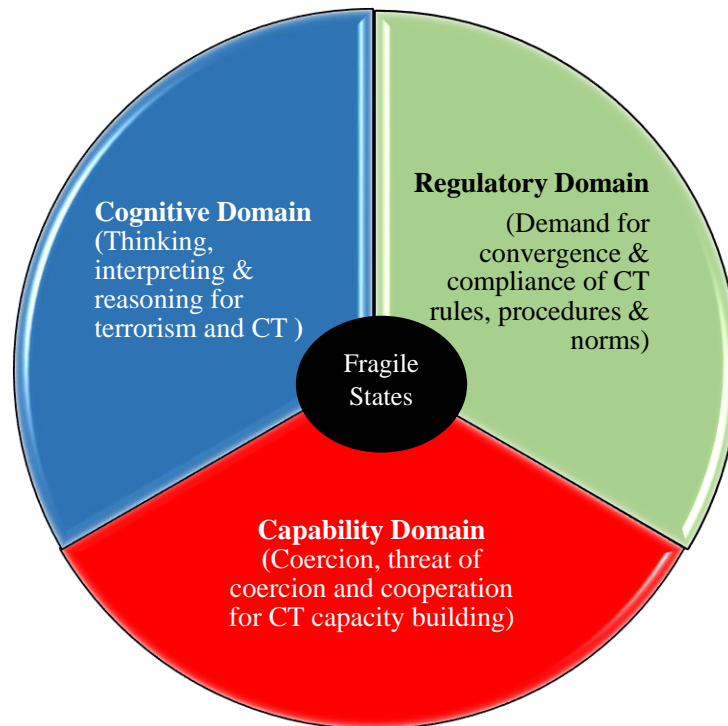


Figure 5.1: Three Domains of the Ideational and Material factors of GWoT

Figure 5.1 shows the three broad domains that are affected by GWoT. First, the framing of the GWoT and the production and reproduction of knowledge reinforcing such framing and the norm socialisation process shapes our *cognitive domain*. It generates new meanings of terrorism and how states and societies should understand and interpret terrorism. Second, the global norms and practices to fight the war on terror shape the *regulatory domain* suggesting states to (re)act in a certain way. It also defines the boundaries within which the states must act to fight the war on terror. Third, the material factors of GWoT and the corresponding focus on enhancing the coercive capability of states shape the *capability domain* – defining the use of coercive forces. These three domains recognise the centrality of ideas (i.e. the cognitive domain), the power of the material capabilities (i.e. the capability domain) and the combined emphasis on shared norms and regulations (i.e. the regulatory domain) to effect change.

Together they become a unique and interdependent structure affecting fragile states.<sup>145</sup> Each of these domains operates through their respective pathways – discussed next.

**4.1 Cognitive Pathway.** Cognitive pathway refers to the underlying mental processes people use to make sense of information. It generates meaning involving three interdependent processes: first, comparative thinking, that process' information by identifying how bits of data are alike and/or different; second, a symbolic representation process that helps to transform information into culturally acceptable coding systems and finally a reasoning process that uses the abstract thinking strategies to systematically process information to generate meaning (Garner, 2007:1-30, Hollis 1995:144). In short, the cognitive pathway involves a thinking- interpreting- reasoning process. The 'us' versus 'them' framing of GWoT helps in creating a meaning of the discourse – often dividing societies and states into binary terms to justify the actions. The shared notions of the GWoT facilitate states to claim normative legitimacy in this global war. The production and reproduction of knowledge are part of this process shaping the identity and interest of the state and society resulting in new strategic cultures, values and policy practices that may challenge the existing ones. Indeed, as we will examine, the particular framing of the GWoT by the authoritative actors as well as by the violent extremist groups have challenged the liberal values and norms such as civil liberty, freedom and human rights and the culture of respecting sovereignty norm, – all affecting state fragility.

**4.2 Regulatory Pathway.** The regulatory pathway of GWoT is a logical extension of the 'meaning' created by the cognitive pathway to make the fight against terrorism *actionable* by states. It consists of formal and informal policies, norms and practices. Powerful and legitimate actors in the international system such as the UNSC, the USA, and the regional bodies formulate and sustain the regulatory framework. It includes a renewed emphasis on, and the introduction of CT conventions, protocols and resolutions, and domestic legislation aimed at policy convergence and coordination to achieve rule consistent behaviour by the states. The functioning of such a formal regulatory domain helps to stabilise and perpetuate the particular meaning of the discourse of GWoT in general and terrorism in particular.

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<sup>145</sup> For example, regulatory pathway merges 'power and interest' of the international institutions and powerful actors with 'ideas and norms' (of social agency and process) and become effective with the material support. Together they create a shared meaning and 'context' within which the state and the society acts.

**4.3 Capability Pathway.** The material factors create the capability pathway of the GWoT. The channels through which the capability pathway operate include the exercise of coercion, the threat of coercion and capacity building assistance to enhance states coercive capability in general and to fight against terrorism in particular. State that harbours transnational terrorist groups posing a threat to international security is subjected to coercion or threat of coercion while willing partners of the war on terror often receive increased assistance for the coercive capacity building. Thus, in a broad sense, the capability domain includes the dynamic protective and destructive technologies, specialised forces and resources that a state needs to acquire or aspires to acquire. The process may involve increased military spending, cooperation and assistance, border security and immigration control, availability of particular CT assets, functional adequacy of those capabilities, induction of new institutions or elite forces to fight terrorism (Meyer and Strickmann, 2011:70).

In light of these three pathways of the GWoT, we now connect the evidence to theorise their causal links to the capacity and legitimacy dimensions of state fragility.

## **5. Theorising the Effects of the Cognitive Pathway of GWoT**

The peculiarity of the 9/11 attack changed the western understanding of war and politics and thereby helped to shape a new meaning and ways to fight terrorism. First, the scope of the 9/11 event seemed more akin to an act of war, traditionally understood in the west as a continuation of policy by other means by *state* actors. However, the 9/11 attackers were non-state actors, demanding a radically different world order based on the transcendental truths, grounded in their misinterpretation of Islam (Behnke and Hellmich, 2012:2-6). Second, the event reflected an ‘apocalyptic nihilism’ - a complete indifference to human cost (Ignatieff, quoted in Behnke and Hellmich, 2012). These two factors exploded the status quo framework of understanding war and politics built on the premise that states wage war as a continuation of policy by other means and the threat of death works as the ultimate sanction for maintaining political order. The terrorists’ aim of seeking nothing but a violent transformation of an ‘irremediably sinful and unjust world’ is also incompatible with the political reality and practices. Consequently, it confronted states, particularly the democratic ones, with the dilemma of whether or not terrorism can have *any justification* whatsoever in the socio-political environment. At the

policy level, states were faced with the dilemma that eliminating terrorism can and should be pursued by an ‘appeasement tarted up as reasonableness’ in the post 9/11 era (Will, 2001).<sup>146</sup>

Such a context privileges a *consequentialist approach* in the fight against terrorism where the end justifies the means. It rejects the view that some actions are right because they are intrinsically good while others are wrong/prohibited and the highest good must be both good in itself and good without qualification (i.e. the deontological approach). Table 5.2 outlines how a consequentialist approach of the GWoT differs from the deontological approach. The consequentialist motivation of the GWoT invokes the idea of performing what is ‘most good’ – the end that benefits ‘the most’ justify the means (Alexander and Moore, 2016; Cox, Levin and Newman, 2009). This results in choosing a path of, according to Ignatieff (2004:18), ‘lesser evil’. As mentioned before, the lesser evil doctrine implies coming to a judgment of which course of action is likely to inflict the *least* damage on maintaining the free institutions of liberal democracy (i.e. conservative principle) and preserving the inviolable individual rights from gross harms (i.e. dignity principle). In the context of GWoT, the lesser evil doctrine tends to view the act of terrorism and the non-state actors as pure evil and accords greater margin for the state to use force against such actors.<sup>147</sup> The event of 9/11 and its consequent interpretations have largely influenced to set up such restrictive margins that culminate in ‘othering’ the non-state actors engaged in terrorism to justify waging a global war against them.<sup>148</sup>

A consequentialist approach can end up in undermining and corrupting the liberal values as states navigate through a process of optimising outcome in the fight against terrorism. The search for an outcome that is ‘most good’ for the majority triumph over liberal values such as individual rights and inviolability claims. The margin of the ‘lesser evil’ doctrine in the context of GWoT has gradually reduced in the post 9/11 era. A review of the UN documents on international terrorism is indicative of this (UNGA, 2018; A/71/100). For example, the title of

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<sup>146</sup> Writing immediately after 9/11 in *The Washington Post*, Will (2001) opined that the idea that an ‘extreme action can have justification in the social environment’ is ‘bad sociology’ and the idea that terrorism ‘can and should be eliminated by appeasement tarted up as reasonableness’ is ‘bad philosophy.’

<sup>147</sup> As Ignatieff (2004:18) cautions, ‘the path of lesser evil is not ‘indefinite’, at some point – when we have to destroy the village in order to save it – we may conclude that we have slipped from the lesser to the greater (evil).

<sup>148</sup> The 2017 report by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism observes that some States and prominent non-governmental organizations (NGOs) do not accept that non-State armed groups are subject to international human rights obligations – a reflection of keeping terrorists and terrorism out of politics.

the agenda changed from ‘measures to *prevent*’ to measures to *eliminate*’ international terrorism and escalating the discussion on the ‘measures’ from non-binding UNGA resolutions to binding UNSC resolutions (discussed in more details under regulatory domain). Such framing and emphasis attached to international terrorism reflect the mind of the global actors precipitating to the state and societal level.

Table 5.2: Framing the GWoT: deontological versus consequentialist approach

	Deontological Approach	Consequentialist Approach
Motivation	To perform what is intrinsical right. The means must be ‘right’ to achieve an end.	To perform what is ‘most good’. The end that benefits the most justifies the means.
Ethical & Moral focus	Ethical conduct involves always doing the right thing: never failing to do one's duty. Seeks to achieve moral consistency.	Ethical conduct is the action that will achieve the best consequences. Seeks to achieve moral balancing.
View on terrorists	No scope to take a position on ‘terrorist’. Focuses only on ‘act’ and own ‘duty’ to implement rules.	Offers scope to define the ‘terrorists’. Promotes ‘outcome-based’ rules.
Nature of Rules promoted	Regulative and constitutive rules, norms and practices that frame taking ‘right’ actions by all actors.	Regulative and constitutive rules, norms and practices based on consequential consideration, influenced/favouring the dominant actors and or majority.
Justice and rights	Considerations of justice override considerations about consequences and a person’s inviolability rights cannot be trumped by considerations of utility.	Choice of ‘best’ consequences can triumph individual rights and inviolability claims.
Limitations	Rigid and impersonal. Offers no insight to proceed when facing a situation in which two or more duties conflict.	Flexible and pragmatic. Conflicting priorities are resolved in utilitarian terms. Considers heinous actions may also bring a good outcome for the majority, hence ethical.
Outcome	Liberal values are protected without being tainted.	Liberal values risks being tainted and coloured.

At the global level, the cognitive pathway of the GWoT imbues a culture of *fear* and *othering*. It works as an *echo chamber* for the states and the societies with deep penetrating and mutating ability. The quest for the freedom from fear from 9/11 type terrorist events has reduced the barriers to interventions, particularly by the powerful actors (Buzan 2006). Before 9/11, the accepted norm for intervention applying instruments like Responsibility to Protect (R2P) was aimed at creating a consensus around the right to intervene *only* when states were not fulfilling their obligations to protect their citizens (UK Parliament 2013, ICISS, 2001). However, the GWoT brought a new focus to identify ‘states at risk’ promoting a doctrine of unilateral pre-

emption that undermines the long-held sovereignty doctrine.<sup>149</sup> In some cases, states have informed the UNSC justifying their military action in the context of CT citing Article 51 of the UN Charter.<sup>150</sup> However, many such interventions were unilateral and pre-emptive.

The shift in the strategic cultures is based on painting the fragile states as an exporter of vices and the urgency of taking pre-emptive actions to prevent the vices from reaching the stable and wealthy western states. Such fear and ‘othering’ driven approach show little or no regards to the underlying causes of fragility. The doctrine of pre-emption emphasises that a state can take action to defend their territory and interests even *before* an attack becomes imminent. Proponents of pre-emptive strikes, particularly the U.S., argue that ‘imminence’ is too restrictive a concept, as sometimes it can be too late to deter an imminent attack and action must be taken sooner (Greenwood, 2011). The claimed threat of weapons of mass destructions (as in the case of Iraq), nuclear terrorism, harbouring terrorists (as in the case of Sudan, Yemen, Afghanistan, Pakistan), is often cited in support of this doctrine. This new strategic culture and policy practices by the powerful actors work as an ‘echo chamber’ for the other states triggering a substantial shift in their security definitions, regional stability and resource allocation priorities. Kenyan air strike on al Shabaab in Somali, Israeli attack in Syria, Syrian attack on ISIS position in Iraq and Indian ‘surgical strike’ on alleged terror groups in Myanmar and Pakistan are a few examples of the global ‘echo chamber’ at work following this doctrine (Iyengar, 2015 The Indian Express, 2016).

The cognitive pathway of GWoT also brings back the state as the central player ignoring the society-focused approaches of development.<sup>151</sup> The quest to empower the state overlooks the

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<sup>149</sup> The 2002 National Security Strategy of the U.S outlines this doctrine in most clear terms as it states: ‘given the goals of rogue states and terrorists, the US can no longer solely rely on a reactive posture as we have in the past ... we cannot let our enemies strike first. As a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed’ (White House, 2002: 14). It is important to note that the R2P document *has not changed* the legal position on intervention which is based on three important principles: first, international community has a responsibility to protect populations when *their government doesn’t*. Second, it limits the application of R2P to situations of war crimes, crimes against humanity, genocide and ethnic cleansing. Third, UNSC remains the gatekeeper to any such intervention.

<sup>150</sup> For the 2014-15 letters to the UNSC see S/2014/695 (USA), S/2014/851 and S/2015/688(UK), S/2015/745 (France), S/2015/563 (Turkey), S/2015/693 (Australia), Germany (S/2105/946). Also see Peters and Marxsen (2017: 3-14) for an illuminating discussion on self-defence against non-State actors.

<sup>151</sup> For example, Fukuyama (2004) highlights that ‘the 11 September attacks underlined the fact that the lack of governance in poor and troubled parts of the world ... could have profound security consequences’ and warns against ‘excessive zeal in pursuing a *society centric* ‘neo-liberal’ agenda’ as it undermines state, calling for ‘bring back the state in.’

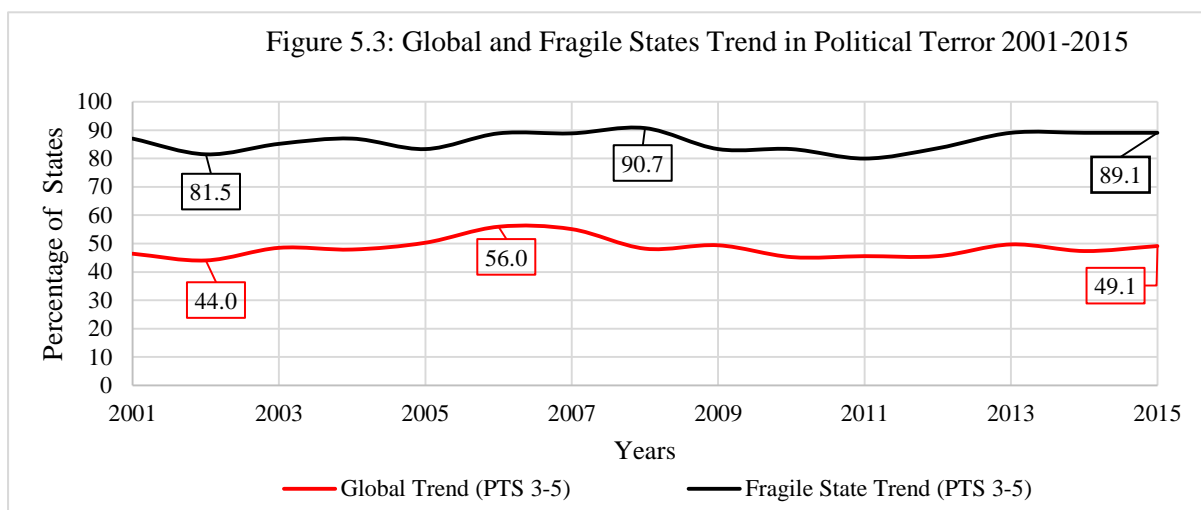
fact that the state itself can be a source of the fragility of its institutions and societies in many ways. First, the regime can adopt and use the ‘us’ versus ‘them’ narrative of the GWoT in the national political context. States that are challenged by groups in variance with the regime’s ideology and rule can embark on discrediting these groups as ‘terrorist’. Several long-standing and deeply rooted conflicts such as in Chechnya, Myanmar, Mali, Uzbekistan, Kashmir, Philippines, Palestine, some parts of Syria have been redefined and repackaged by the state actors using the discourse of the GWoT (HRW, 2012: 6, Dudout 2011: 4). Second, in post-conflict fragile states, this may also lead to excluding important NSAG out of peace agreements which increases the chances to relapse into conflict and fragility.<sup>152</sup> The OECD (2012: 42) report observes that since 9/11, international actors have increasingly perceived all non-state armed groups (including domestically legitimate groups) as ‘terrorist organisations’. Such attitude risks reducing their inclusion in the peace processes and future rehabilitation and reintegration projects. Third, the framing of the GWoT taints the evaluative and descriptive meaning of terrorism<sup>153</sup> allowing states to adopt a broad and vague definition of terrorism. As a result, it empowers fragile states to not only to curb legitimate dissent but also to selectively apply the state’s coercive power against political oppositions leading to increased societal violence.

In sum, at the state level, the cognitive pathway of the GWoT works as a stimulus to undermine liberal values, empowering state actors to wage all sorts of intimidations and coercive actions such as unilateral military intervention, human rights violation, political killing, torture and abduction of people who do not deserve to be killed, abducted, maimed or tortured. The post 9/11 trend in political terror (PTS), societal violence (Centre for Systemic Peace) and media freedom (Freedom House) provide evidence to that effect.

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<sup>152</sup> Dudouet (2011) points out that the proscriptions of actors in countries like Sri Lanka, the Philippines, Turkey, Palestine and Nepal took place at a time when they were demonstrating their readiness to engage in dialogue and considering non-violent political strategy, resulting in their re-radicalization.

<sup>153</sup> ‘Thick’ ethical concepts combine the descriptive and evaluative aspects (William 1985: 140-42 and 150-52). Terrorism as a thick ethical concept (Keller 2005:55-58) involves both the evaluative and descriptive aspects. However, others (Smith 2013: chapter 6) find that there isn’t much distinction to be drawn except that some ethical concept could be ‘maximally-thin’ while the other not-maximally-thin’.



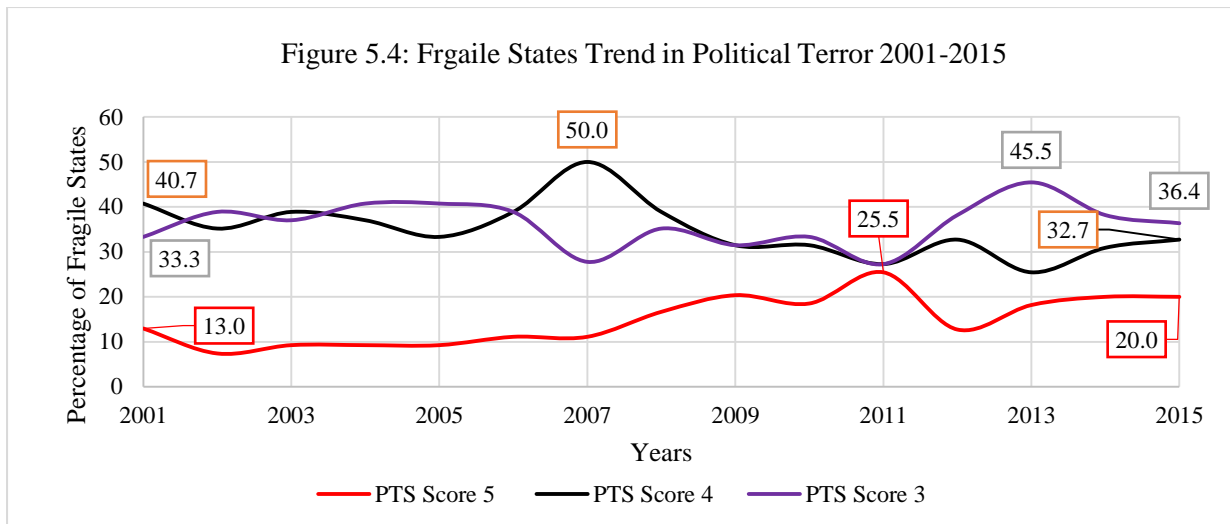
Source: Author's compilation from Gibney et al. (2016)

Figure 5.3 plots the trend in political terror as measured by PTS<sup>154</sup> for the period 2001-2015. Since 2001, globally there has been a steady increase in the percentage of countries<sup>155</sup> with a PTS score of 3 and above (threshold score for fragility as defined in chapter 4). The percentage of fragile states that are traditionally fraught with political terror has also increased during this time except in 2011. Figure 5.4 plots a more nuanced picture of political terror in the context of 55 fragile states as listed in chapter 4. It reveals that the increase in extreme political terror (i.e. score 5) in the context of the fragile states had jumped from 13 per cent in 2001 to 25.5 per cent in 2011 and had stabilised around 20 per cent of countries in 2015. This evidence tends to suggest that the discourse of GWoT has empowered states to abuse the state's coercive means terrorising its population including curbing political freedom in fragile states.

<sup>154</sup> Focusing on state behaviour, the PTS measures actual violations of physical integrity rights more than general political repression on a scale of 1 (countries under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional and political murders are extremely rare) to 5 (countries where murders, disappearances, and torture are part of life and has been extended to the whole population). The PTS relies on inter-subjective coding to generate a country's score focusing on state violence along three dimensions: scope, intensity and range.

<sup>155</sup> Percentage of states instead of absolute number of states is used as the number of states varies between 2001-2016 from 168-17 (for global trend) and 54-55 for FS trend.





Source: Author’s compilation from Gibney et al. (2016).

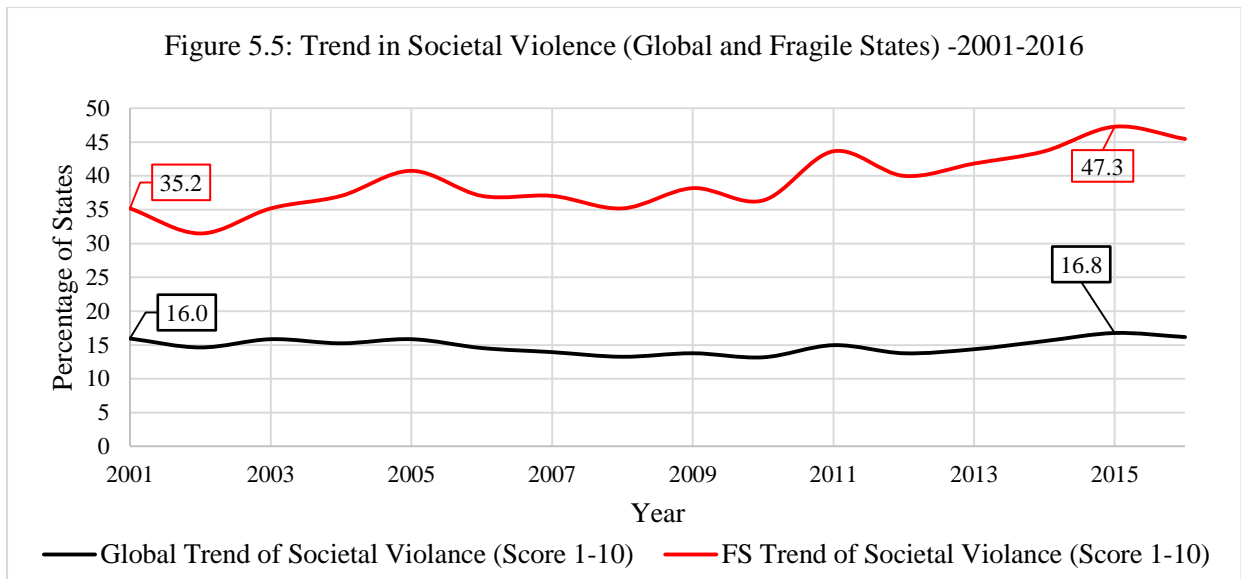
Similarly, the global trend of societal violence as recorded by the Centre for Systemic Peace in summed magnitudes<sup>156</sup> of all Major Episode of Political Violence (societal MEPV)<sup>157</sup> provides broad evidence relating to the effects of the cognitive pathway. Figure 5.5 shows that the global trend (2001-2016) of societal violence had a little increase<sup>158</sup> while the fragile states experienced most of the violence reaching 47.3 per cent of states in 2015. Figure 5.6 provides a more nuanced picture of the fragile state’s societal violence by disaggregating the summed magnitudes into its corresponding scales. It shows that the extreme form of societal violence (i.e. magnitude 7-10) has remained stable.<sup>159</sup> However, societal violence in the magnitude of 6 and above has increased in fragile states indicating damage and distortions of social networks, increased area and scope of death and destruction, population displacement, environmental degradation, infrastructure damage and resource diversion.

<sup>156</sup> The magnitude score is based on a scale of 1 (lowest) to 10 (highest) for each MEPV reflecting the destructive impact/magnitude of the episode on the directly-affected society or societies. Magnitude scores are based on multiple factors including state capabilities, area and scope of death and destruction, population displacement, and episode duration. See the Codebook (MEPVv2016) for details.

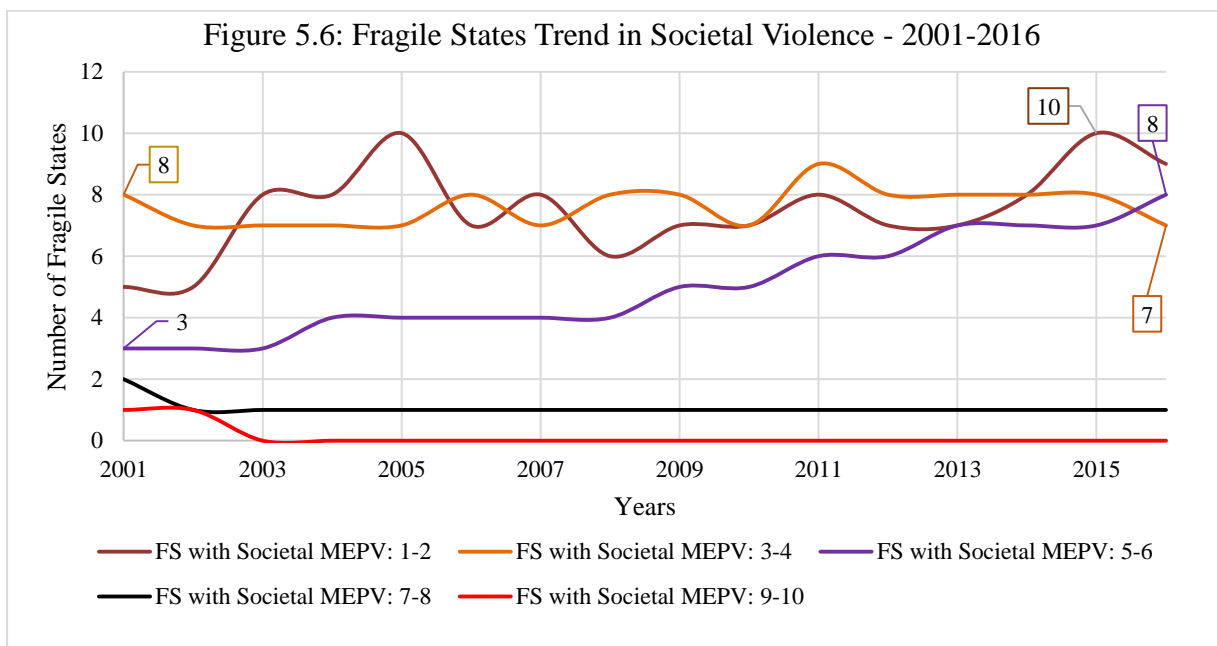
<sup>157</sup> The total summed magnitudes of all societal MEPV (CIVTOT) includes country-year data on the magnitude score of episodes of ethnic warfare, ethnic violence, civil warfare and civil violence. Author recommends CIVTOT data as a more valid aggregate of societal violence (Marshall 2017: 2).

<sup>158</sup> The meagre increase needs to be viewed in the context of restrictive methods applied to measure the magnitude of MEPV. Each MEVP reflects at least 500 ‘directly-related’ fatalities and the violence have to reach a level of intensity in which political violence is both systematic and sustained. For example, between 1946-2016, a magnitude 10 score in total societal violence (CIVTOT) has been assigned only in five occasions, the most recent one being the Rwandan genocide in 1994. (Marshall 2017a)

<sup>159</sup> There were only 19 occurrences of MEVPs with magnitude of 7-10 during this period out of which 16 were in India while one in Afghanistan and two in Angola.



Source: Author's compilation from Marshall (2017)



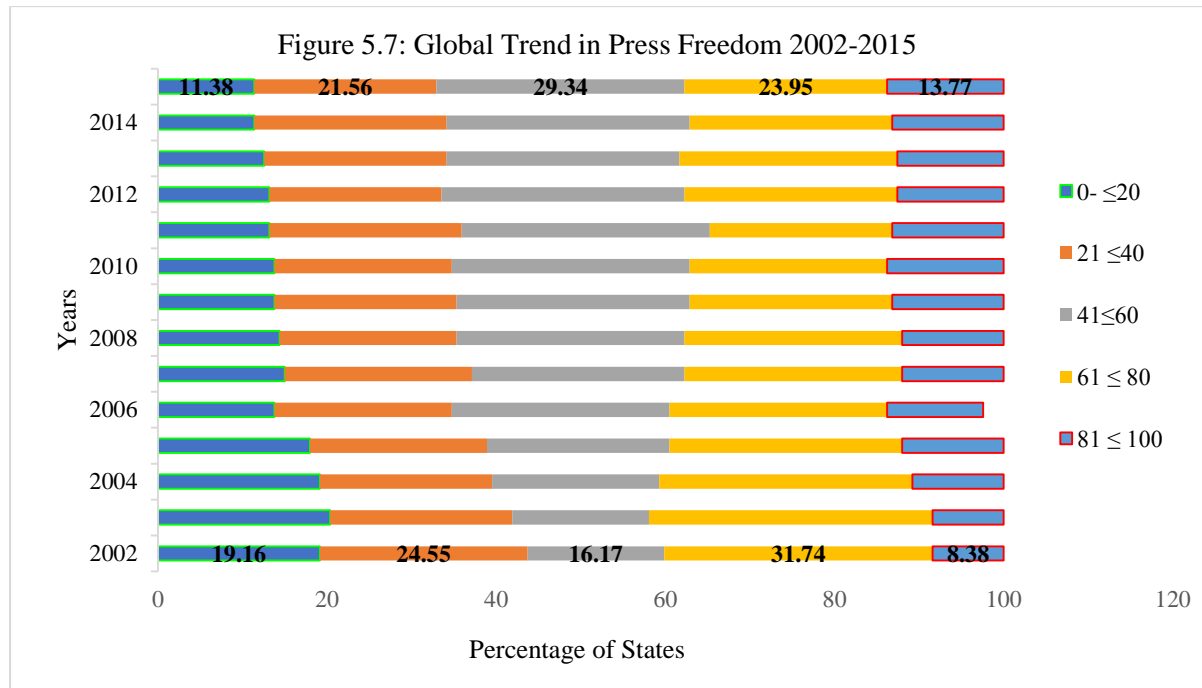
Source: Author's compilation from Marshall (2017)

A similar trend is observed in the global press freedom index<sup>160</sup> (figure 5.7) that measures the degree of freedom, abuses and acts of violence against journalists.<sup>161</sup> Out of 167 countries, only

<sup>160</sup> Press freedom index measures the degree of freedom available to journalists in a country on a scale of 0 (good) -100 (very bad). Figure includes data of 167 countries on which data are available for all years (2002-2015). The index is based on expert assessment combined with quantitative data on abuses and acts of violence against journalists during the period evaluated. (RSF 2017a)

<sup>161</sup> Press freedom index groups countries in five categories: good (0 to 15 points), fairly good (from 15.01 to 25) problematic (from 25.01 to 35), bad (from 35.01 to 55) and very bad (from 55.01 to 100)

8 per cent (14 countries) had a score between 81-100 in 2002 indicating ‘severe restrictions’ on press freedom while the same increased to 14 per cent (24 countries) in 2015. At the same time, the number of countries that had ‘very good’ press freedom (score 0 – below 20) had an 8 per cent decline. This evidence tends to suggest that, the era of GWoT is marked with more assertive states curbing media freedom, fundamental to liberal democracy.



Source: Author’s compilation from RSF (2017).

The culture of fear and othering has also facilitated the re-emergence of morally controversial practices like torture, rendition as a ‘necessity’ practice (Redress, 2004). In matured democracies, such practices existed only on a small scale before 9/11.<sup>162</sup> However, after 9/11, the provision for extraordinary renditions<sup>163</sup> and torture was globalised and vastly expanded citing national security interests (Open Society Foundations, 2013). The ‘ticking time bomb’ became a familiar logic to justify torture as a ‘necessary’ tool for intelligence gathering (Thaler 2016). Many fragile states were complicit in opening up black sites and use enhanced interrogation techniques as part of the GWoT.<sup>164</sup> According to the 2013 open society justice

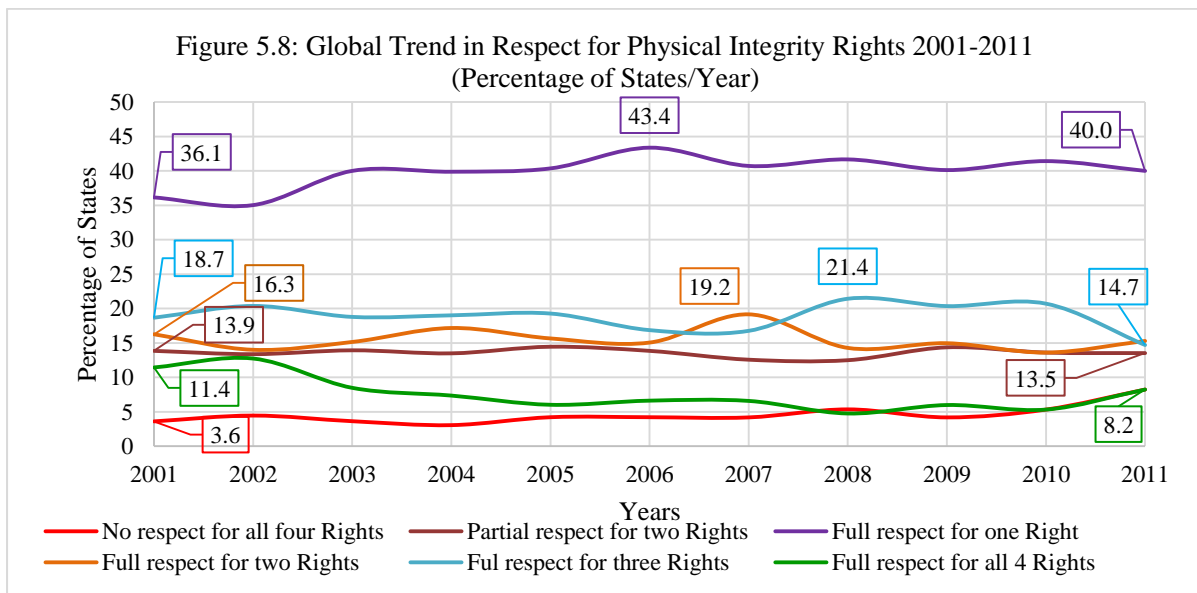
points). However, for a nuanced picture this graph groups the countries in five categories at 20 points intervals where a score between 81 to 100 indicate severe restrictions on press freedom. (RSF 2017b)

<sup>162</sup> In 1986, the Regan administration first initiated the practice of rendition in the US. In 1993, President Bush, issued specific procedures for renditions into the U.S. (National Security Directive 77) which remains classified. During the Clinton era ten such renditions took place into the U.S.

<sup>163</sup> Defined as transfer of a detainee to the custody of a foreign government for purposes of detention and interrogation without legal process. Open Society Foundations (2013:5)

<sup>164</sup> The type of participation by foreign governments includes hosting CIA prisons in their territories, detaining, interrogating, torturing, and abusing individuals; assisting in the capture and transport of detainees; permitting the use of domestic airspace and airports for secret flights transporting detainees;

initiative report, 13 out of 54 participating states in CIA detention and extraordinary rendition operations since 9/11 were fragile states.<sup>165</sup> Such practices by the matured democracies work as an *echo chamber* and gravitate regimes in fragile states to undermine the already poor human rights condition.<sup>166</sup> The trend data (2001-2011) from the CIRI Physical Integrity Rights Index provides evidence of an increasing trend of such morally controversial practice.<sup>167</sup> Combining the data on torture, extrajudicial killing, political imprisonment, and disappearance indicators, it reports the government's respect for these four rights.<sup>168</sup> Figure 5.8 is the global trend of these four rights while Figure 5.9 is the same in the context of fragile states.



Source: Author's compilation from Cingranelli et al. (2014)

providing intelligence leading to the secret detention and extraordinary rendition of individuals; and interrogating individuals who were secretly being held in the custody of other governments.

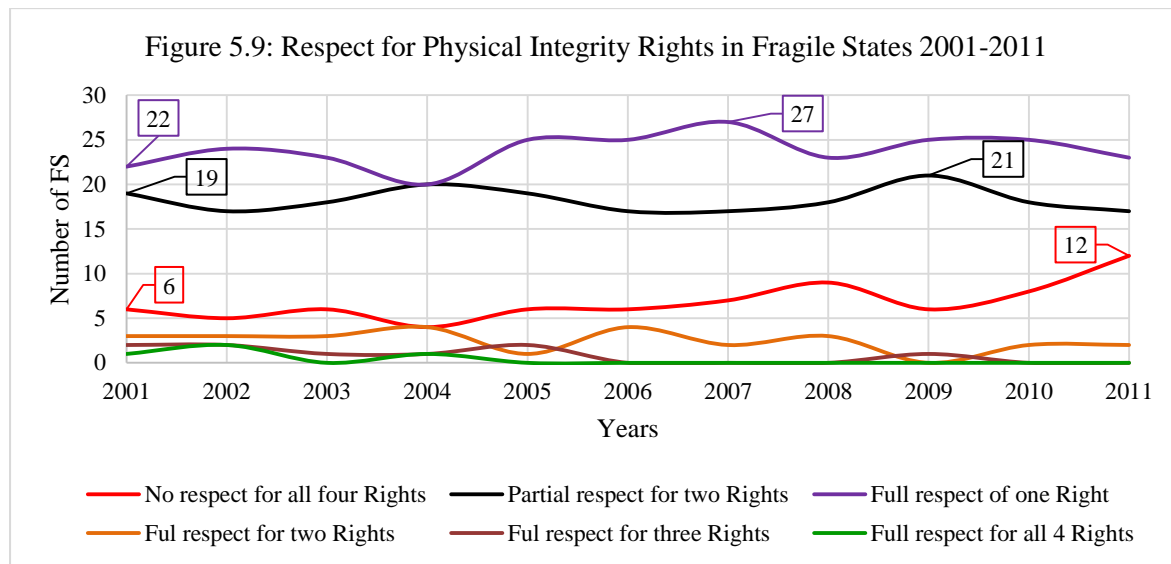
<sup>165</sup> Countries/territories include both fragile (13) and non-fragile (41) states such as: *Afghanistan*, Albania, Algeria, Australia, Austria, *Azerbaijan*, Belgium, Bosnia-Herzegovina, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, *Egypt*, *Ethiopia*, Finland, *Gambia*, Georgia, Germany, Greece, Hong Kong, Iceland, Indonesia, *Iran*, Ireland, Italy, Jordan, Kenya, *Libya*, Lithuania, Macedonia, Malawi, Malaysia, *Mauritania*, Morocco, *Pakistan*, Poland, Portugal, Romania, Saudi Arabia, *Somalia*, South Africa, Spain, Sri Lanka, Sweden, *Syria*, Thailand, Turkey, United Arab Emirates, United Kingdom, Uzbekistan, *Yemen* and *Zimbabwe*. (Open Society Foundation 2013: 6).

<sup>166</sup> Commenting on the wider effect of torture Thaler (2016: 780) argues that such practices 'leads to the disintegration of the very culture that forms the basis of liberal democracy.'

<sup>167</sup> Data for CIRI Physical Integrity Rights Index is available till 2011.

<sup>168</sup> The pattern of government's respect for these four physical integrity rights is classified on a scale of 0 (no respect for all four rights) to 8 (full respect for all four rights). Scale 1 represents partial respect for disappearance but none for killing, imprisonment & torture, scale 2 reflect partial respect for disappearance & killing but none for other two, scale 3 reflects full respect for disappearance, partial for killing but none for imprisonment & torture, scale 4 is full respect for disappearance, partial for killing & torture but none for imprisonment, scale 5 is for full respect for disappearance, partial for killing, imprisonment & torture, scale 6 reflects full respect for disappearance & killing, Partial for the other two while scale 7 stand for condition when states have full respect for disappearance, killing & imprisonment but partial respect for Torture. See Cingranelli and Richards (1999:414).

Evidently, the percentage of states having *no respect* for all four rights have increased by 5 per cent between 2001-2011 while the number of states having full respect to the physical integrity rights has declined by 3 per cent. The number of fragile states with no respect for disappearances, political killing, imprisonment and torture have doubled during this period.



Source: Author’s compilation from Cingranelli et al. (2014)

At the societal level, the cognitive pathway is instrumental in identity restructuring and the construction of the ‘other’. It relies on several actors and activities to create competing images of identity leveraging different ethno-religious and political cleavages. First, transnational extremist groups like ISIS and al-Qaida propagate a competing image of ‘us’ and ‘them’ to shape the mind of the society using a selective and biased interpretation of Islam. ISIS’s doctrine of fighting the ‘near enemy’ also exploits the political differences that are rooted in the local context and use those as a weapon for indoctrination.<sup>169</sup> In Muslim majority states, the process of othering is often created by pitting the national identity/ culture against the religious identity/culture, moderate Islam against extremist or Shia against Sunni.<sup>170</sup> In this process of othering, the cognitive pathway of the GWoT, to borrow from Cox, becomes the larger ‘framework for action’ within which the local socio-political action takes place.<sup>171</sup> The

<sup>169</sup> Byman and Williams (2015) states: ‘The Islamic State does not follow Al Qaeda’s “far enemy” strategy, preferring instead the “near enemy” strategy, albeit on a regional level.’

<sup>170</sup> As Cordesman (2006) writes: “Terrorist groups have shown that they can easily move across national lines... and exploit the differences between nations and cultures as weapons.

<sup>171</sup> Cox’s ‘historical structure’ emphasizing the ethno-political sphere highlights that ‘action’ in the social world takes place within a broader “framework for action” which limits and constitutes the world.

limits and constituent elements of this broader framework of action espoused by the GWoT stimulate the identity debate that may result in fragmenting state-society relations and the relations between the groups.

Second, the increasing trend of Islamophobia<sup>172</sup> and exclusionary practice in places where Muslims are a minority also feeds into the process of identity restructuring. In Myanmar, for example, the Buddhist nationalists used the discourse of GWoT to create pressure for political exclusion (Thein, 2017). As a result of the leading political parties did not field any Muslim candidate in the 2016 election for fear of being labelled as ‘pro-Muslim’.<sup>173</sup> In Gujrat state election in India, the leading Bharatiya Janata Party (BJP) also did not field any Muslim candidate who constitutes the largest minority group in the states.<sup>174</sup> Such exclusionary practices serve as a stimulus for reigniting the identity politics leading to social fragmentations.

Third, the difference in framing terrorism-related events by the media also feeds the cognitive pathway.<sup>175</sup> Most media coverage of terrorist event involving Islamic extremists has been *interpretive* instead of descriptive, highlighting the ‘why’ in addition to the traditional ‘what, where, when, and who’ questions (Falkheimer and Olsson 2015). The news coverages are also *thematic* – extending the reporting of the event and the actor with the wider trends, neighbourhoods in which the terrorist lived or was trained, and the socio-political and religious culture. There is also the demand for the Islamic community to raise their voice against terrorism following any terrorist incident. Such treatment of Islamic terrorism stands in sharp contrast to domestic terrorism or gun violence that is often cast as a ‘minor threat that occurs in isolated incidents by troubled individuals’ (Powell 2011:90). In sum, the GWoT provides a

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Just as the concept of ‘master’ and ‘slaves’ are meaningless without a social structure of ‘slavery’, groups like ISIS and al-Qaida becomes *less* relevant without the structures of the GWoT.

<sup>172</sup> Several Pew Surveys establishes the growing trend of Islamophobia, particularly in the west. According to the 2008 Survey, half of Spanish (52%) and German respondents (50%) rate Muslims unfavourably. Opinions about Muslims are somewhat less negative in Poland (46%) and considerably less negative in France (38%). About one-in-four in Britain and the United States (23% each) also voice in many fragile states. See for details Pew Research Centre (2008).

<sup>173</sup> Both National League for Democracy (NLD) and Union Solidarity and Development Party (USDP) did not field any Muslim candidate in the historic general election of Myanmar in 2016 that is considered as ‘free and fair’ by most observers. See McPherson, (2015) and Hindstrom, (2015)

<sup>174</sup> Muslims constitute 9.65 percent of Gujrat’s population and are the biggest minority group. However, Muslim member in Gujrat state assembly has reduced from five in 2007 to only two in 2012.

<sup>175</sup> A content analysis by Falkheimer and Olsson (2015) of 924 news articles about the terrorist attacks in Norway, on 22 July 2011, shows that the media coverage of the event was very descriptive, focused on the perpetrator as an individual, his questionable political exposure and not analysing reasons and consequences on a political–societal level. Powell (2011) reports a similar finding in the U.S. context.

format of storytelling that helps to create and to strengthen a cognitive pathway based on the philosophy of fear and othering, reinforcing the state's authoritarianism sustained by the global echo chamber contributing to social fragmentation and fragility.

Based on the discussions, we can now draw how the cognitive pathway of GWOt impacts fragile states (see figure 5.10). At the heart of this pathway lies a culture of fear and othering and a global echo chamber producing new strategic norms and practices. First, the culture of fear and othering can manifest through identity politics, instilling a sense of insecurity, social fragmentation, violence and instability and thereby creating a fragile situation. Second, a global echo chamber can empower the state to become more authoritarian which may or may not culminate into a fragile situation. The condition under which fragile states may not slip into more fragility is when the state is prudent in the application of its coercive means, or the opposition is weak or lacks support to challenge the authority. Notwithstanding their complementarity, these two channels of the cognitive pathway are distinctive. The former can directly reach societies without the need to mediate through state institutions. Leveraging the modern communication facilities, it can trigger the othering process, reignite or strengthen identity-based politics, radicalisation by exploiting local socio-political and economic cleavages. However, if the state takes a consequentialist approach to terrorism, the culture of fear and othering can mediate through state institutions and result in undermining physical integrity rights, media freedom, moral and liberal values contributing to more fragility.

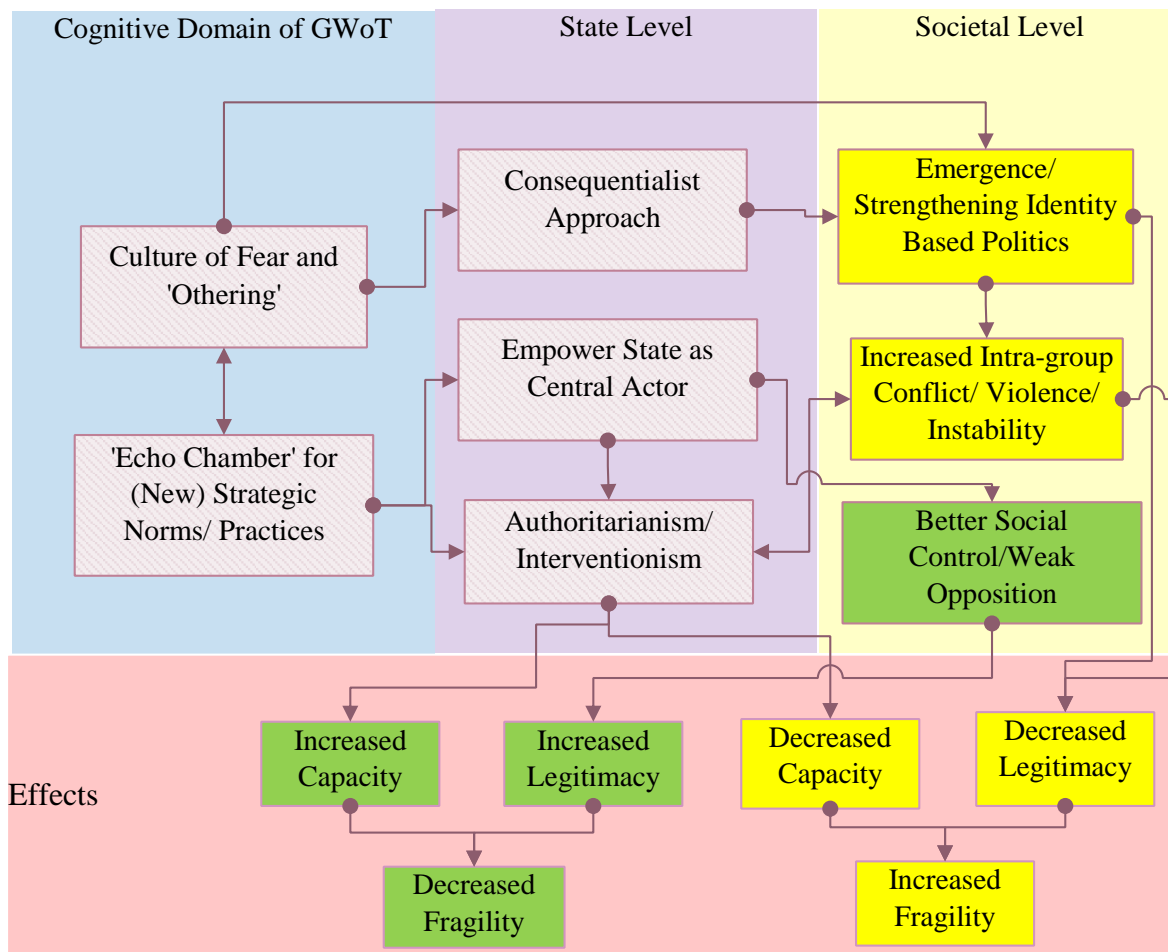


Figure 5.10: The Cognitive Pathway of GWOt Affecting State Fragility

In contrast, the global echo chamber mediates through state institutions to become causally effective. The new strategic norms and practices empower the fragile states to fight not only terrorism but also use its coercive power for achieving regime security instead of national security through exclusionary and selective practices. For powerful states, it provides normative legitimacy to pre-emptive attack and intervention, regime change, tighter border and immigration control. In sum, the cognitive pathway of GWOt shapes the process of thinking- interpreting-reasoning at the international level that mediates through states institutions and penetrates the society leading to the increase or decrease of state fragility.

The cognitive pathway sets the foundation for the international community to formulate the regulatory pathway of GWOt– which we examine next.



## 6. Theorising the Effects of the Regulatory Pathway of GWoT

The regulatory pathway of GWoT refers to the voluntary and binding instruments, such as conventions, protocols, resolutions, laws and practices for states to fight terrorism. Considering the broad array of such instruments, we focus on the core UN-based documents that lie at the heart of the CT regulatory domain. As of December 2017, there are 12 UN CT convention and seven protocols (see annexe 5A) that criminalise specific acts of terrorism, such as hijacking (aircraft), hostage-taking, maritime and nuclear terrorism, bombings and the financing of terrorism. Once ratified by the states, these instruments provide a legal framework for multilateral actions against terrorism. Analysing the ratification trend of these instruments provides an insight into the ‘mind’ of the state actors.<sup>176</sup> It is worth noting that out of 12 CT conventions, only two were introduced after 9/11.<sup>177</sup> Most of the conventions were available long before 9/11 for accession or ratification by the state parties. Despite such availability, many states were reluctant to ratify, and the ratification trend *declined* before 9/11. However, a renewed emphasis on terrorism after the event of 9/11 resulted in speedy ratifications of these instruments marking a global convergence on CT legislation.<sup>178</sup> Table 5.11 reflects the ratification trend<sup>179</sup> of the ten pre-9/11 conventions on a scale of three years interval.<sup>180</sup> As evident, ratification of all the conventions except three introduced in 1963, 1970 and 1971 had a sudden increase after 9/11. The declining trend of ratifying the convention on diplomatic agent and hostage, introduced in 1973 and 1979 respectively also increased after 9/11. Relatively new conventions on terrorist financing (1999), bombing (1997), plastic explosive (1991), were also quickly ratified by the states after 9/11.

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<sup>176</sup> Because ‘ratification’ is higher than ‘signature’ as it reflects a tacit willingness and endorsement of the state to such instruments. Many signatory states have never ratified a treaty.

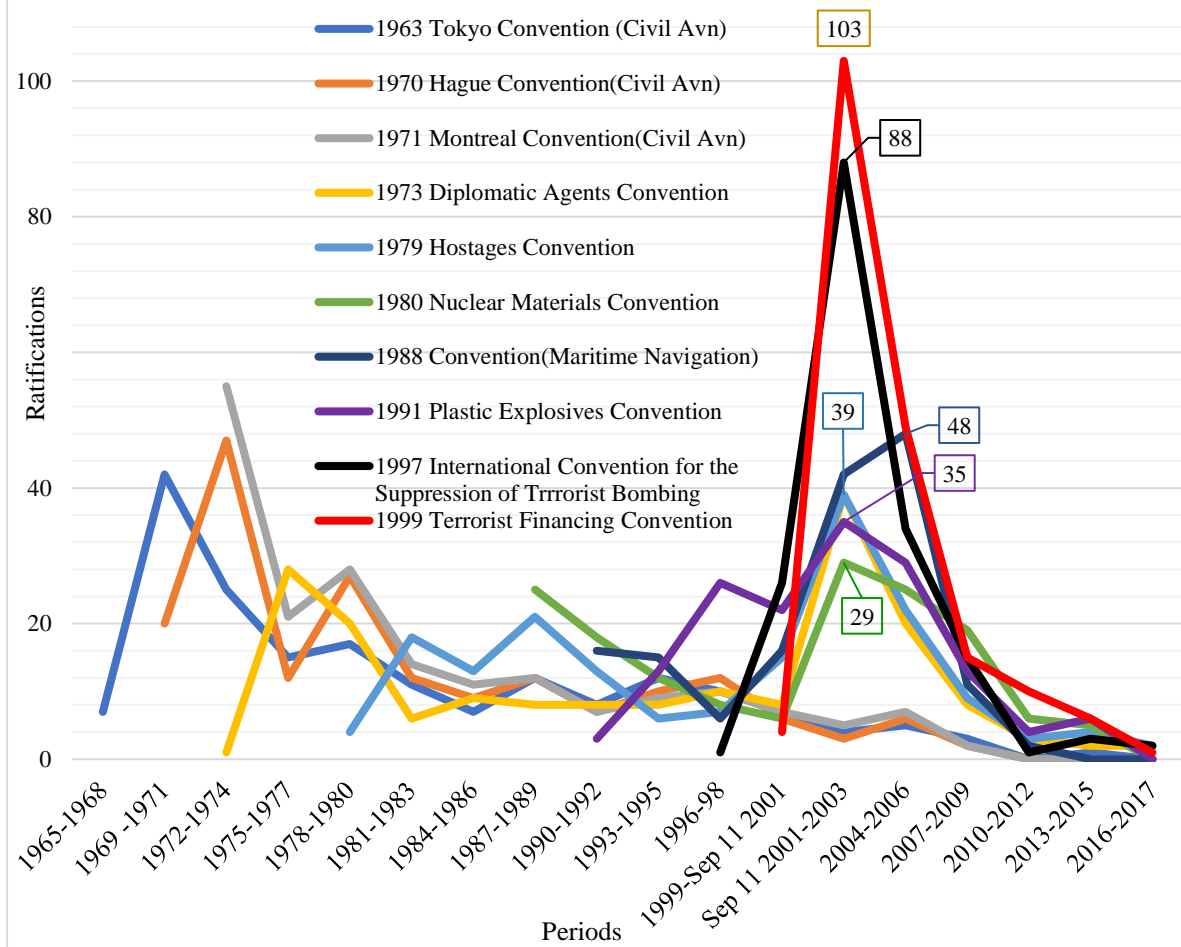
<sup>177</sup> Two post 9/11 CT conventions includes the 2005 convention on nuclear terrorism and 2010 convention unlawful act on international civil aviation.

<sup>178</sup> The call to ratify the UN CT instruments were made in many documents including UNSC Resolution 1368 (2001) which asked member states to ‘redouble’ their efforts, ‘increase cooperation’ and ‘full implementation of the relevant international anti-terrorist conventions’. See S/RES/1368 (2001)

<sup>179</sup> Ratification figures include approval/acceptance/accession (i.e. approval after the treaty has entered into force) / succession (i.e. successor new state continues to maintain approval of the convention), all of which bears same legal effect as ratification See UN glossary of terms.

<sup>180</sup> The three years interval reflects the general duration taken by the states for ratification.

Figure 5.11 Ratification Trend of CT Conventions-1965-2017  
(Total Ratifications/Period)

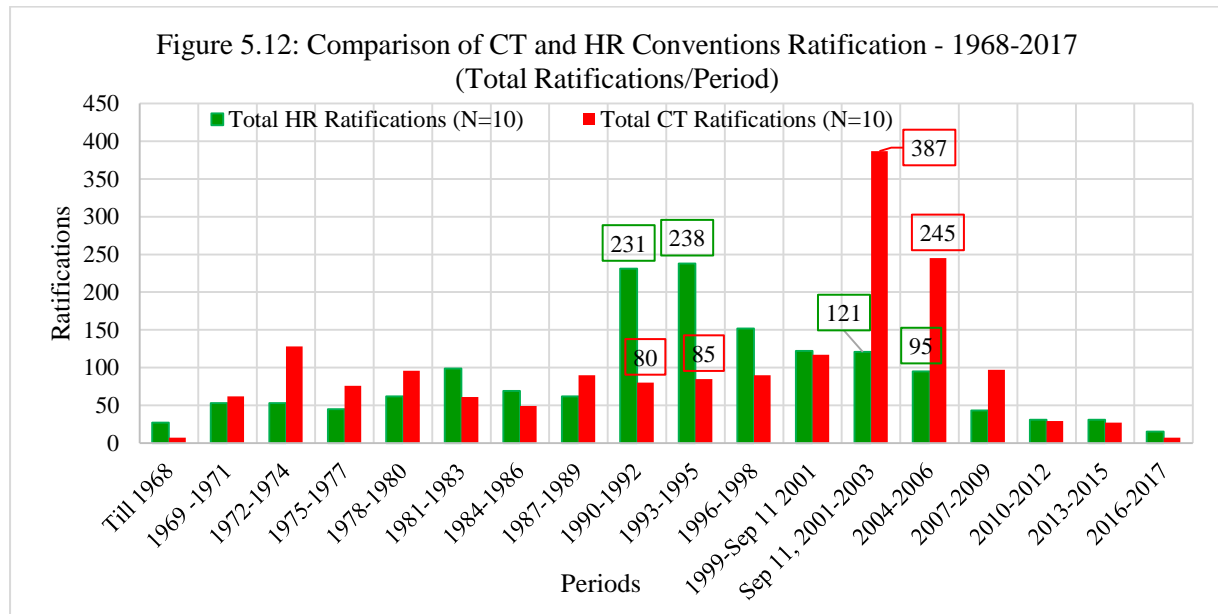


Source: Author's compilation from the UN Treaty Collection Database

The post 9/11 'mind' of the state actors becomes much more apparent when the ratification trend of CT instruments are compared with the UN human rights (HR) instruments that were also available for ratification during the same period. Figure 5.12 compares the ratification trend of 10 CT and HR conventions.<sup>181</sup> The HR ratification trend reached its peak during 1990-1995, coinciding with the second wave of democratisation; before 9/11, there were 1,213 ratifications of the ten HR instruments compared to 941 ratifications of the ten CT instruments.

<sup>181</sup> The comparison is based on same number of pre-9/11 HR conventions (N=10) available for ratifications by the states since 1965. These are 1965 Convention on the Elimination of Racial Discrimination (CERD), 1966 Covenant on Civil and Political Rights (CCPR), 1966 Convention on Economic, Social, and Cultural Rights (CESCR), 1979 Convention on the Elimination of Discrimination Against Women (CEDAW), 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW), 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), 1989 Convention on the Rights of the Children (CRC), 1990 Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (CMW), 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and 1998 ICC Statute.

However, after the 9/11, the ratification of CT instruments spiked. Within three years (11 Sep 2001 to 2003), CT conventions ratification trend were 3.20 times higher compared to HR. By 2017, the total ratification of CT conventions reached 1733 compared to 1549 for the HR conventions. A disaggregated comparison of the ratification speed (see figure 5.13) for each convention also illustrates the demand for regulatory convergence on CT after 9/11. Thus, the regulatory pathway of the GWoT converged and consolidated only after the event of 9/11 – buttressed by several actions of the apex UN bodies like the UNSC and UNGA.



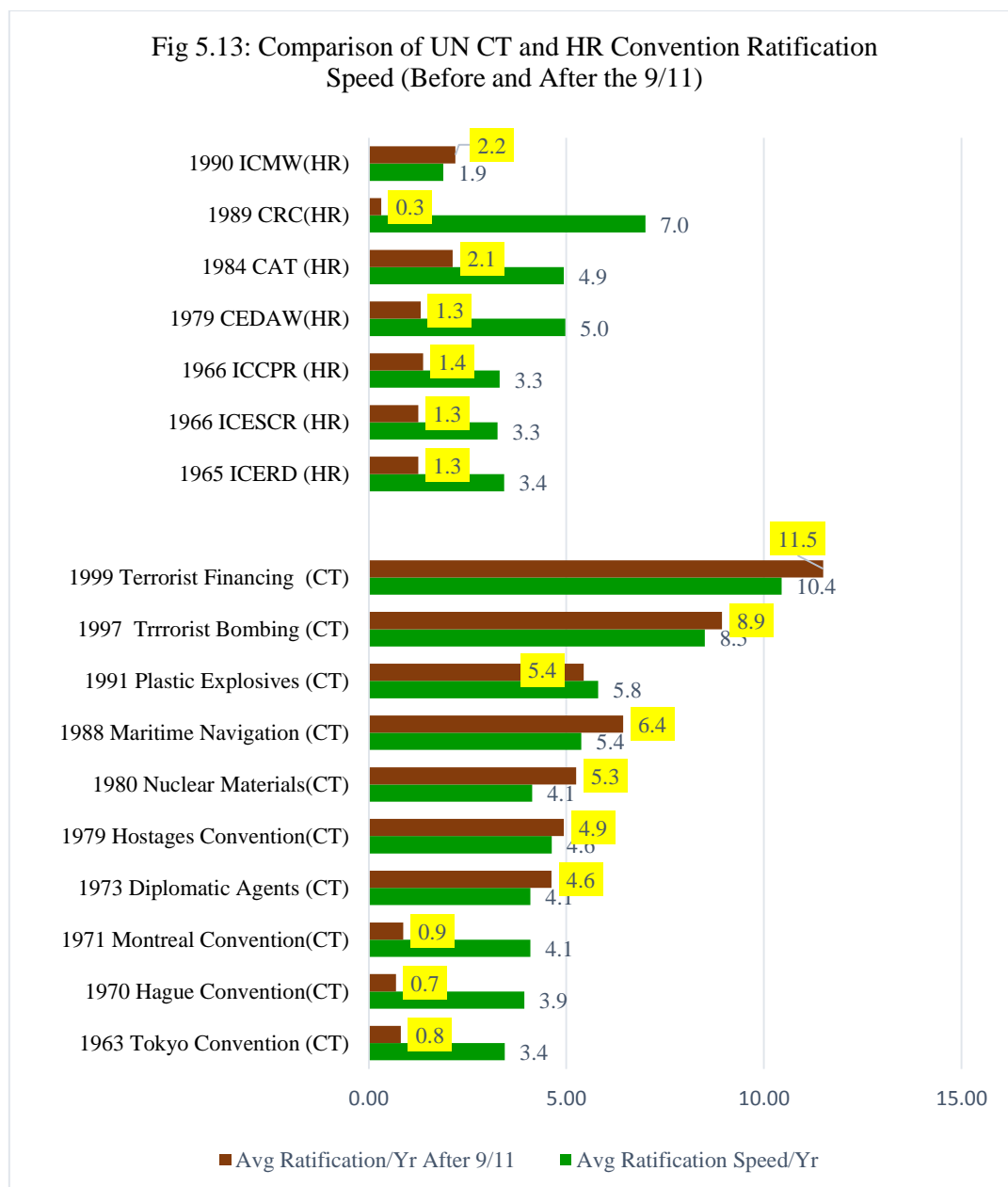
Source: Author’s compilation from the UN Treaty Collection database (for CT Ratification data) and UN Office of Legal Affairs (for HR Ratification data).

The demand for CT regulatory convergence and compliance was initiated by several actions of the UNSC and the UNGA particularly around 2001. The UNSC adopted 41 resolutions<sup>182</sup> relating to terrorism between September 2001 - July 2017, while the UNGA passed 57, during the same period (See annexe 5B & 5C).<sup>183</sup> The 1972 UNGA Resolution (A/RES/3034(XXVII)) on ‘*Measures to Prevent International Terrorism*’ expressed that the Assembly is ‘deeply perturbed’ and ‘concerned’ over increasing frequency of terrorism and its effects; and at the same time, it also reaffirmed ‘the inalienable rights of self-determination and independence of all people’ and explicitly upheld the ‘the *legitimacy of their* struggle, in particular, the struggle for national liberation movement (p.119).’ By 1988, such expressions in UNGA resolutions changed, and by 1995, the mention of the inalienable rights of self-determination and

<sup>182</sup> Most of these resolutions were condemnations of terrorist attacks. See annex B for a full list.

<sup>183</sup> Between Dec 1972- Sep 2001 UNGA also adopted 24 Resolutions relating terrorism. CTED (2017)

conferring legitimacy to the national liberation movement were dropped (A/RES/49/60).<sup>184</sup> Instead, the resolutions held the view that the act of terrorism is ‘unjustifiable.’ in any circumstances, regardless of the ‘considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature’ (A/RES/49/60, p.4, A/RES/54/110).



Source: Author’s compilation

The UNGA also adopted the Global Counter-Terrorism Strategy focusing on four pillars<sup>185</sup> emphasising human rights and the rule of law in the GWoT. By 2002, the UNSC resolutions

<sup>184</sup> A separate resolution on ‘Human Rights and Terrorism’ started from 1995.

<sup>185</sup> The four pillars are: (i) addressing the conditions conducive to the spread of terrorism, (ii) measures to prevent and combat terrorism, (iii) measures to build states’ capacity to prevent and combat terrorism

started expressing ‘strong and unequivocal’ condemnation of terrorism ‘in all its forms and manifestations, committed by whomever, wherever and for whatever reasons.’ By introducing new resolutions, particularly under Chapter VII of the UN Charter<sup>186</sup> the UNSC essentially started to legislate against terrorism and made the task of implementing executive action against terrorism a universal concern through its CTC (Szasz 2002; Norman 2004).

The U.N.-based regulatory pathway of the GWoT comes into fruition through the reporting regime introduced by resolution 1373 (2001) and 1624 (2005).<sup>187</sup> Between 2001 -2007, member states have submitted 743 reports under UN SC resolution 1373(2001) and 110 reports under resolution 1624(2004).<sup>188</sup> The report covers various issues including actions taken by the states against sanctioned entities/individuals and capacity building efforts/needs for the fight against terrorism. Several sanctioning, monitoring and accountability regimes are also in place under the CTC to facilitate rule-consistent behaviour by the states. As of 30 March 2017, the consolidated UN sanction list included 640 individuals and 367 entities (mostly non-state actors like Al-Qaida, ISIS, and Taliban) against whom the member states are required to take various punitive measures including arrest, asset freeze, ban on travel and restrictions (U.N. 2017). According to the sanction list, the origin and operating areas of almost all these entities are in fragile states<sup>189</sup> putting these states in focus for international security.

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and to strengthen the role of the United Nations system in that regard, (iv) measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism. The strategy is reviewed every 2 years. In September 2008, all 192-member states confirmed their commitment to the principles of this strategy, and pledged to pursue its implementation. This strategy includes action plan that spells out specific measures for the member states in light of the four pillars.

<sup>186</sup> Chapter VII allows the UNSC to take obligatory form of action ‘with respect to threats to the peace, breaches of the peace, and acts of aggression,’ rarely used against non-state actors in the past.

<sup>187</sup> In the 2001 report, the CTC Chair noted that ‘Resolution 1373 has created ‘formal obligations’ to all 191 UN Member States in the fight against international terrorism, and with the ambitious task of raising ‘the average level of government performance against terrorism all over the world’ ( S/2004/70: 4).

<sup>188</sup> Based on available country reports in CTC website and includes additional/revised/corrections submitted by the member states. Country reports beyond 2007 is not made public. Author’s e mail to obtain the post-2007 country reports for the case studies received no positive response from the CTC.

<sup>189</sup> Countries are : Afghanistan, Algeria, Bangladesh, Bosnia Herzegovina, Central African Republic, Congo D.R., Egypt, Indonesia, Eritrea, Ethiopia, India, Iraq, Iran, Jordan, Kenya, Kuwait, Lebanon, Liechtenstein, Libya, Mali, Malaysia Mauritania, Morocco, Netherland, Niger, Nigeria, North Korea, Pakistan, Philippines, Russia(Chechnya),Switzerland, Sudan, Somalia Syria, Saudi Arabia, Tunisia, Turkmenistan, Uganda, Uzbekistan, UAE, USA, United Kingdom, West Bank and Gaza, Yemen

Fighting terrorism financing has also been a critical area of the regulatory domain of GWoT.<sup>190</sup> Entities like the Financial Action Task Force (FATF) have been empowered to review and assess member states CT financing measures and suggest effective implementations.<sup>191</sup> Over 200 countries have criminalised terrorist financing and can reportedly apply targeted financial sanctions (Shin 2016). However, the UN CTITF Working Group Report (2009: 6) on Tackling the Financing of Terrorism observes, ‘it is difficult to determine the effectiveness of legislation criminalising terrorist financing partly because a presumed preventive effect is by definition not measurable.’ Despite stricter financial regulations, the illicit financial flow (IFF) from the developing world have increased (GFI 2013), questioning the legitimacy and effectiveness of the regulatory measures around terrorism financing.

The provisions of the UNSC resolutions together with the reporting regime<sup>192</sup> serve as a tool to achieve rule-consistent behaviour by the member states. It allows to classify the states into various stages,<sup>193</sup> identify the entry point of assistance by external actors to empower states’ legislative and executive machinery through a systematic process of capacity building. Parting with the previous practice of adopting aspirations resolutions, the CTC-driven process fits into the larger scheme to ‘bring back the state’ as argued before. The CT norm socialisation process through the UN-based instruments also resonates in the regional and sub-regional level strengthening the regulatory pathway of the GWoT. However, what implications does such a mass ratifications of CT Conventions and reporting and reviewing mechanism bear on fragile states and what are their consequences?

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<sup>190</sup> Curbing terrorist financing is mentioned in several resolutions such as Resolutions 2253 (2016), 1455 (2003), 1390(2001), 1333 (2002) and 1267 (1999) and in the 1999 Convention that had the fastest ratification trend. Since 9/11, over 153 countries have adopted/updated CT financing legislations.

<sup>191</sup> The *UNSC resolutions* gives ‘strong, visible support’ to FATF to ‘put pressure on members to fully implement the FATF’s standards to combat terrorist financing’. According FATF President, the *FATF has* reviewed the implementation of CT financing measures in 200 jurisdictions. And almost all have criminalised terrorist financing and can apply targeted sanctions (FATF 2017).

<sup>192</sup> States are required to answering several questions through this reporting regime. The 2004 CTC questionnaires to the member states contained nine questions regarding state’s action on the UN Sanction list while the others were related to travel ban (five), arms embargo (four), financial and economic assets freeze (five questions with several sub sections) and two question regarding the CT assistances required/ willing to provide.

<sup>193</sup> The CTC classify states into three discrete prioritised stages. Stage A: requires ensuring that states have effective CT legislation in all areas of activity related to resolution 1373; Stage B: requires strengthening the executive machinery of the state for implementation of the CT legislation. The final stage is to mop-up outstanding areas of the Resolution (CTC 2003)

The consequences of the regulatory pathway of GWoT in the context of fragile states can be inferred from several global surveys and periodic reports and assessments.<sup>194</sup> First, the regulatory pathway of GWoT works as a stimulus for states to elevate terrorism as a national security threat.<sup>195</sup> Such elevation can be problematic in fragile states where the notion of national security is often conflated with regime security – as discussed in chapter 4. National definitions of terrorism often exceed the scope by alleging to harm national security or constitutional order, without further elaboration. National strategies like zero-tolerance on terrorism may chime well with the demand of the external actors but contribute to a selective application and the diversion of much-needed resources from providing core state services that lie at the heart of state fragility. It exacerbates the already poor human rights conditions in fragile states in the name of fighting terrorism.

Second, the regulatory pathway encourages and assists states to introduce new CT legislation or amend the existing criminal code procedure with a focus on preventive actions.<sup>196</sup> According to the Human Rights Watch, before 9/11, there were approximately 51 countries that had CT laws. However, since 9/11, more than 140 governments have passed CT legislation and revised existing criminal codes (HRW, 2012). Such diffusions were either crisis-driven or in response to UNSC resolutions or pressure from countries such as the U.S. (HRW 2012:3).<sup>197</sup> More importantly, criminalising terrorist acts using a preventive framework allows the law enforcing agencies to go ‘fishing’ for offences without full respect for several criminal law principles<sup>198</sup> and fair treatment, resulting in human rights abuse. The regulatory pathway has encouraged

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<sup>194</sup> These includes reports like CTED Global survey of the implementation of Security Council resolution 1373 (2001) by Member States (CTED 2016), Human Rights Watch Report “In the name of security –Counter Terrorism Laws Worldwide since September 11” (HRW 2016), The European initiative for democracy and human rights report on “Terrorism, counterterrorism and torture international law in the fight against terrorism” published by The Redress Trust (EU 2004).

<sup>195</sup> The CTED Global Report observes such a shift of emphasis in CT strategy from ‘mitigating’ impact, assisting victims, and restoring public order to develop and pursue ‘preventive’ capacity and measure in light of threats to national security (CTED Global Report 2016: 114).

<sup>196</sup> UN has issued Technical guide to the implementation of Security Council resolution 1373 (2001).

<sup>197</sup> For example, Indonesia enacted its CT law within weeks of the Bali bombing in 2002 that killed more than 200 people. However, attempt to apply the law retroactively to the Bali incident was declared unconstitutional by Indonesia’s Constitutional Court (Roach 2010:10). EU’s counter-terrorism agenda has been to a large extent ‘crisis-driven’ - influenced by several major attacks: 9/11, Madrid and London bombings, the rise of the ISIS, terrorist attacks in France of 2015 etc.

<sup>198</sup> The particular principles mentioned includes the principle of legality that entails the principle of certainty (i.e., that the law is reasonably foreseeable in its application and consequences). CTED concludes that state’s compliance to the preventive provisions of CT regulatory pathway are ‘partial’ (CTED Report 2016: 111).

many fragile states to introduce regulations for cyberspace to counter violent extremism or stem recruitment by a terrorist organization that is often selectively used against the journalist, opinion holders and media houses to stifle free speech.<sup>199</sup> In sum, the regulatory pathway can create conditions that help to expand the power of the security forces and selectively apply that power to ‘conduct warrantless arrests, searches, surveillance, and property seizures, and detain suspects incommunicado and without charge; as well as restrictions on challenging wrongful detention or seeking accountability for police abuses’ undermining basic rights (Human Rights Watch, 2012, Global Network Initiative, 2016).

Third, despite the call for increasing cooperation, international judicial cooperation for extraditing and prosecuting terrorism-related offences to allow due process has been slow (CTED 2016). The CTED’s research reveals that 43.8 per cent of states has not designated any specific central agency for this – the necessary first step for judicial coordination amongst states. The absence of such a formal mechanism partly contribute to the ad-hoc practices like extraordinary renditions and opening up the black site as discussed. Similarly, the anti-money laundering and terrorism financing (AML/TF) regulatory regimes pioneered by FATA have also *not* yielded the desired outcome as evident from the Global Financial Integrity (GFI) report on illicit financial flow (IFF) from developing countries (GFI, 2016; Kar and Spanjers 2014). The ‘illicit money’ as defined by the GFI considerably overlaps FATF’s AML/TF recommendations and includes terrorist financing.<sup>200</sup> Table 5.14 plots the trends of IFF from 149 developing countries and 55 fragile states for the period 2004-2013. Despite stricter rules and monitoring the IFF from fragile states has increased. According to GFI’s highly conservative estimates, US\$ 1.1 trillion illicit money left the developing world in 2013. The IFF from these states amounts to 5 - 41 per cent of their respective GDPs excluding three

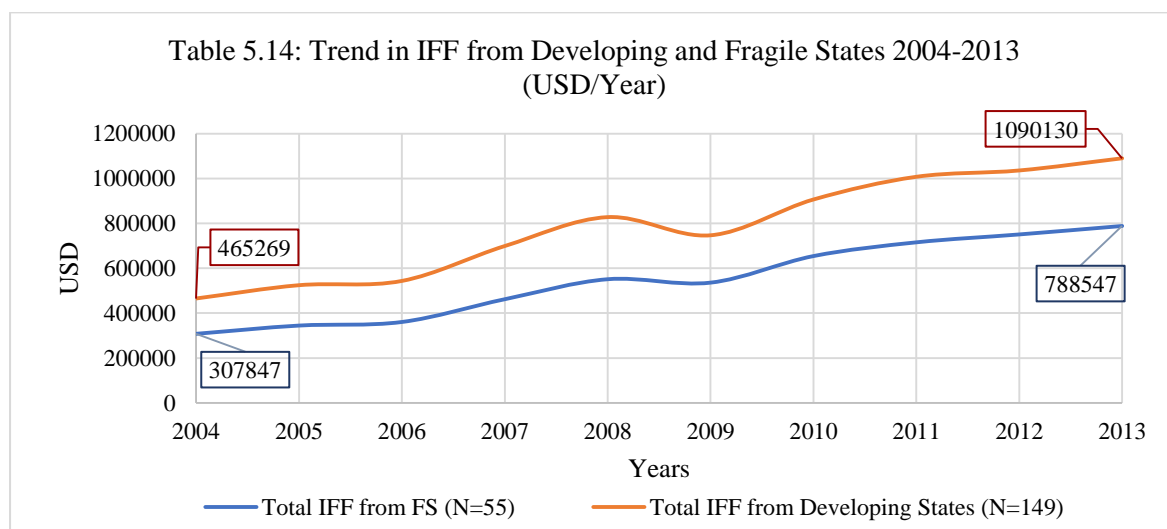
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<sup>199</sup> According to the policy brief by the Global Network Initiative (2016) several countries have introduced laws and policies that may have ‘serious consequences for human rights without necessarily providing effective strategies to counter violent extremism or stem recruitment by terrorist organizations.’ State parties have also established new mechanisms to use the content policies of ICT companies to request the removal of content through the companies’ own mechanisms for alleged violation of companies’ terms of reference. Such type of government referrals ‘could set precedents for extra-judicial government censorship’ without adequate access to remedy, accountability, or transparency for users and the public.

<sup>200</sup> Other sources of illicit money include the drug cartel’s trade-based money, mis-invoicing to evade customs duties, corruption and human trafficking money. According to the FATA’s recommendation 3 on AML offences, countries should criminalise money laundering on the basis of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, (the 1988 Vienna Convention) and the UN Convention against Transnational Organized Crime, (the 2000 Palermo Convention). It also suggests ‘including the widest range of predicate offences’ (FATF 2016: 34).



outliers.<sup>201</sup> The AML/TF measures have also affected the delivery of humanitarian assistance in some fragile and conflict-affected areas as some states considered the provisions of shelter, food, education, and medical assistance to areas under the control of terrorist organisations as a form of financial support to terrorism (CTED 2015). Such overzealous regulations by state actors and the failure of the AML/ TF measures to control IFF raises questions about the legitimacy and effectiveness of these measures.

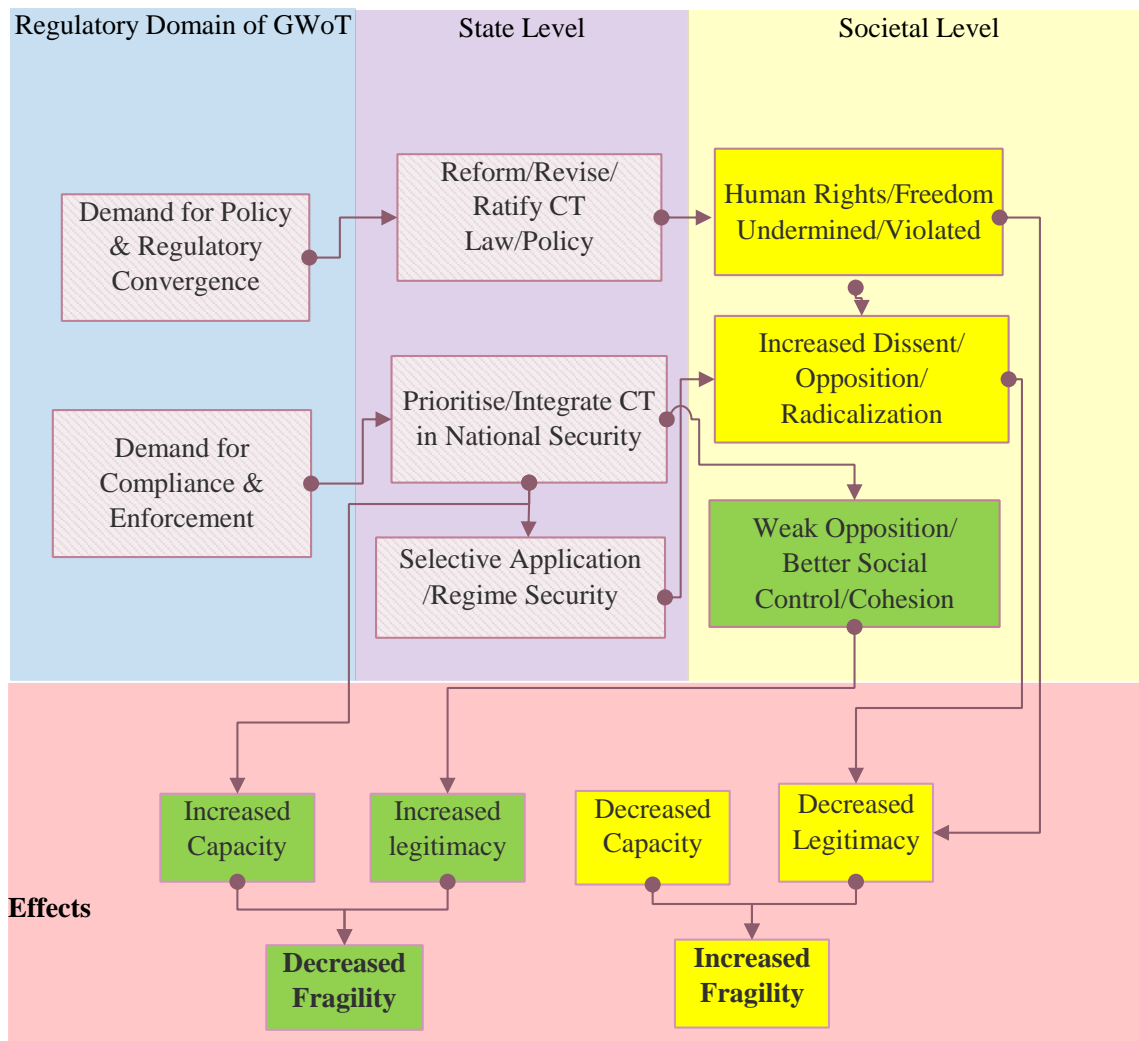


Source: Author’s compilation from GFI data

In summary, although the GWoT was a response by the U.S. following the 9/11 attack, the discourse was quickly universalised through the U.N. creating binding obligations and voluntary implementation for the member states. The regulatory pathway of the GWoT can empower states to enact laws, adopt strategies, implement measures and selectively apply those that can undermine human rights, ignore due process, and prioritise regime security over national security – all of which contribute to the heightened state of fragility and fragmenting social cohesion. It can gravitate states to pursue a coercive approach in the name of security, chiming the discourse of the GWoT. The lack of normative integration and mainstreaming of the closely related issues like human rights, civil liberties, conflict resolution and the rule of law, provided a permissive environment to use the regulative pathway of the GWoT as a tool to serve regime security instead of national security.

<sup>201</sup> Three outlier countries where IFF in terms of their GDP percentage exceeds above 70 percent are Aruba (404 percent), Liberia, (82 percent) and Togo (73 percent). GFI (2016)

Figure 5.15: The Regulatory Pathway of GWOt Affecting the Fragile States



The discussion and analysis of evidence lead us to arrive at the causal pathways of the regulatory domain of GWOt as depicted in figure 5.15. There are two principal drivers at the global level. First, the emphasis on ratifying U.N. based conventions, and resolution contributes towards creating a demand for fragile states not only to ratify those instruments but also to reform/revise their laws. This, in turn, can mutate in fragile states to curb human rights, leading to increasing dissent, opposition, and radicalisation resulting in more fragility. Second, the global demand for compliance and enforcement encourages states to prioritise and elevate terrorism legislation as a national security threat, declaring zero-tolerance policy. This, in turn, could be applied selectively for regime security and thereby contributing to increased dissent, opposition and radicalisation in the society leading to decrease legitimacy of the regime and increased state fragility. However, if the opposition is weak, the state can achieve better social control and may not slip into more fragility. The regulatory domain of GWOt sets out the broad areas for material assistance for capacity building -- which we examine next.

## 7. Theorising the Effects of the Capability Pathways of GWoT

As alluded to before, the implementation of ideas and regulations cannot happen in a material vacuum. Material factors constitute the capability pathways contributing to states' coercive ability guiding its interest and action in the fight against terrorism. The manifestation of the capability pathways could be through the exercise of coercion or threat of coercive actions (i.e. full-scale intervention to selective/surgical strikes using drones/Special Forces, sanctions and proscriptions of groups, individuals and entities), and capacity building assistance (i.e. security sector reform, aid, technical assistance, intelligence sharing, and building new CT institutions). Most fragile states are situated at the receiving end of such manifestations of the capability pathways, either as a willing or as an unwilling and unable partner of the GWoT.

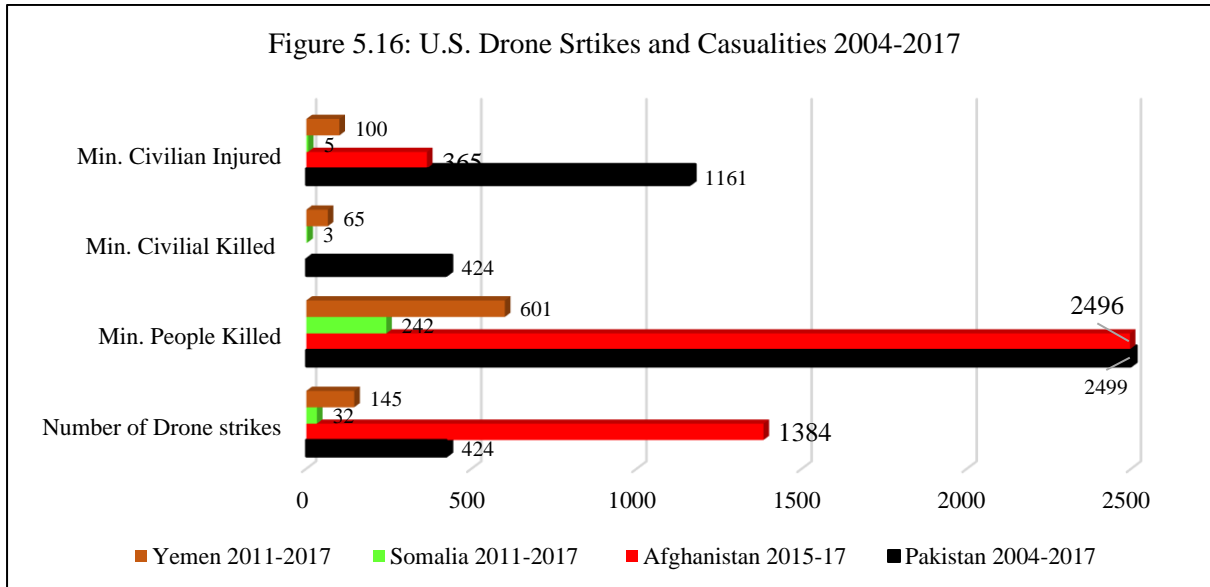
Front line fragile states that are *unable and unwilling* to participate in the GWoT may be subjected to direct coercive actions, often disregarding the sovereignty norms.<sup>202</sup> The inability of a fragile state is defined as 'loss or abandoning effective control over the portion of its territory where the armed group is operating' while the 'unwillingness' implies the fragile states' collusion with the terrorist entity operating from within its territory and refusal to address the threat posed by the entity.'<sup>203</sup> Following the declaration for 'bounding' the GWoT, the scope and nature of coercive action against unable and unwilling fragile states has gradually shifted from full-fledged invasion (such as in Afghanistan in 2001, Iraq in 2003) to surgical strikes using drone, Special Forces, and private security forces (Mazzetti, et.al. 2016, The White House, 2013). Apart from Iraq and Afghanistan, unable and unwilling countries like Pakistan, Yemen, Libya, Somalia and Gaza has been at the receiving end of such coercive actions. For example, by January 2013, the U.S. drones accounted for 1 in 4 of all air weapon releases by the International Security Assistance Force (ISAF) in Afghanistan while the Reapers operated by the UK flew more than 46,000 hours, averaging three sorties per day and

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<sup>202</sup> The sovereignty principle is addressed in the U.S. Report on the legal and policy frameworks guiding the use of military force and related national security operations. It outlines the 'standards' for U.S. military to conduct such interventions to "ensures respect for the sovereignty of other States" (The White House 2016:10). However, the UN human rights commission notes that such (national) standards, may lack international legitimacy, transparency and accountability (A/HRC/34/61, p. 12).

<sup>203</sup> The danger of 'ungoverned' regions, providing 'safe heaven' to terrorist took an increased urgency after 9/11. A RAND study (Rabasa, et.al. 2007) identifies such territories in the Arabian Peninsula, Pakistani-Afghan Border, Sulawesi-Mindanao Arc, West Africa, East Africa, Caucasus Region, Colombia-Venezuela Border, and Guatemala-Mexico Border. The 2016 policy document further defines procedures guiding the use of military force in such ungoverned territories by the U.S. military. (The White House 2016:10)

firing 405 weapons. (A/68/389, p. 7-10). Figure 5.16 documents the trend of U.S. drone strikes and associated casualties in Afghanistan, Pakistan, Somalia and Yemen between 2004-2017. These strikes were conducted with or without the consent of the host nations (Serle and Purkiss 2016, Mueller et al. 2006).



Source: The Bureau of Investigative Journalism (2017a)

Apart from the U.S., Israel, India, Kenya and Syria have also used coercive force in the name of fighting terrorism against states that they considered as ‘unwilling’. The Israeli security forces conducted *Operation Pillar of Defence* (14-21 November 2012) using remotely piloted aircraft in Gaza, some of which caused civilian casualties and destruction (A/HRC/22/35/Add.1). In 2016 the Indian military claimed to conduct a surgical strike inside Pakistan territory in response to the terrorist attack, allegedly linked to a group based in Pakistan in one of its military bases in Uri.<sup>204</sup> Similar attacks against alleged insurgents were also carried out by India inside Myanmar in 2015, raising regional tension (Iyengar, 2015; Majumdar 2015).

The increasing use of drones and Special Forces to fight terrorism reflects the quest for adopting a ‘lesser evil’ doctrine enshrined in the consequentialist approach as mentioned. The ability to provide near-real-time video feeds, loiter and gather intelligence for long periods

<sup>204</sup> The Indian Director General of Military Operations claimed that India conducted an overnight ‘surgical strike’ along the Line of Control in Pakistan on 29 September 2016 against ‘seven terror launch pads’ inflicting ‘significant casualties’ on terrorists (The Indian Express, 2016). In June 2015, India also claimed to have launched a rare cross-border strike against ‘insurgents’ just over the border with Myanmar, “inflicting significant casualties.” However, both claims were contested by the respective governments and very little about the operation has been confirmed. Parameswaran (2015).

before a strike and the use of precision-guided munitions, is often cited as the positive advantage of drone strikes from a humanitarian law perspective (A/68/389, p.7).<sup>205</sup> However, the legal ground for using drones,<sup>206</sup> the processes of obtaining a states' consent,<sup>207</sup> transparency about the targeting and the civilian casualties due to drone attack remains contested. Such coercive actions against 'associated' or 'co-belligerents' forces in non-consenting states may prompt protests from the local population creating social friction, straining domestic legitimacy and exacerbating state fragility. According to the 2014 Pew Research Centre survey (p.11) in Pakistan, 67 per cent of respondents opposed drone attacks.<sup>208</sup> Several UN HRC Reports have also concluded that the use of a drone in extraterritorial lethal CT operations violates international laws demanding to limit their use (A/HRC/34/61, A/68/389, A/HRC/25/29). In sum, the lack of transparency and accountability of drone strikes and the reality of being subjected to such coercive actions reverberate in the mind of the fragile states and societies.

For the *willing* participants of the GWoT, the capability pathway involves domestic resource mobilisation, and external assistance focused on the coercive capacity building. Figure 5.17 plots the trend of global and fragile states' military expenditure for the period 1990-2015<sup>209</sup> and the U.S. military assistance<sup>210</sup> for the same period. It indicates that, despite a gradual decrease after 1990, both domestic and external resource mobilisation towards coercive capacity building by all states in general and the fragile states in particular, started increasing after 2001. The annual growth rate<sup>211</sup> of military expenditure by the fragile states increased

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<sup>205</sup> According to the International Committee of the Red Cross (ICRC 2013), 'any weapon that makes it possible to carry out more precise attacks and helps avoid or minimise incidental loss of civilian life, injury to civilians, or damage to civilian objects, should be given preference over weapons that do not'.

<sup>206</sup> The thematic areas for legal contestation include the 'consent' of host nation, purview of drone attack in 'self-defence' against a 'unable or unwilling' state and defining the 'imminence' of the treat.

<sup>207</sup> Host nation's consent for drone strikes often bypass the legitimate channel. There are 'strong evidence' to suggest that the Pakistan military and some government officials were "quietly acquiesced' about the U.S. drone strikes in Federally Administered Tribal Areas between 2004 -2008. Amidst such revelations, Pakistan's parliament unanimously adopted revised terms of engagement with the U.S. NATO and ISAF regarding drone strikes in 2012. It restricted the Government or any of its component entities to lawfully enter into *verbal agreements* with any foreign Government or authority allowing such strikes inside Pakistani territory and also declared that any such agreements previously entered into should forthwith cease to have effect. (BBC, 2013; The Dawn 2016, A/68/389, p.15).

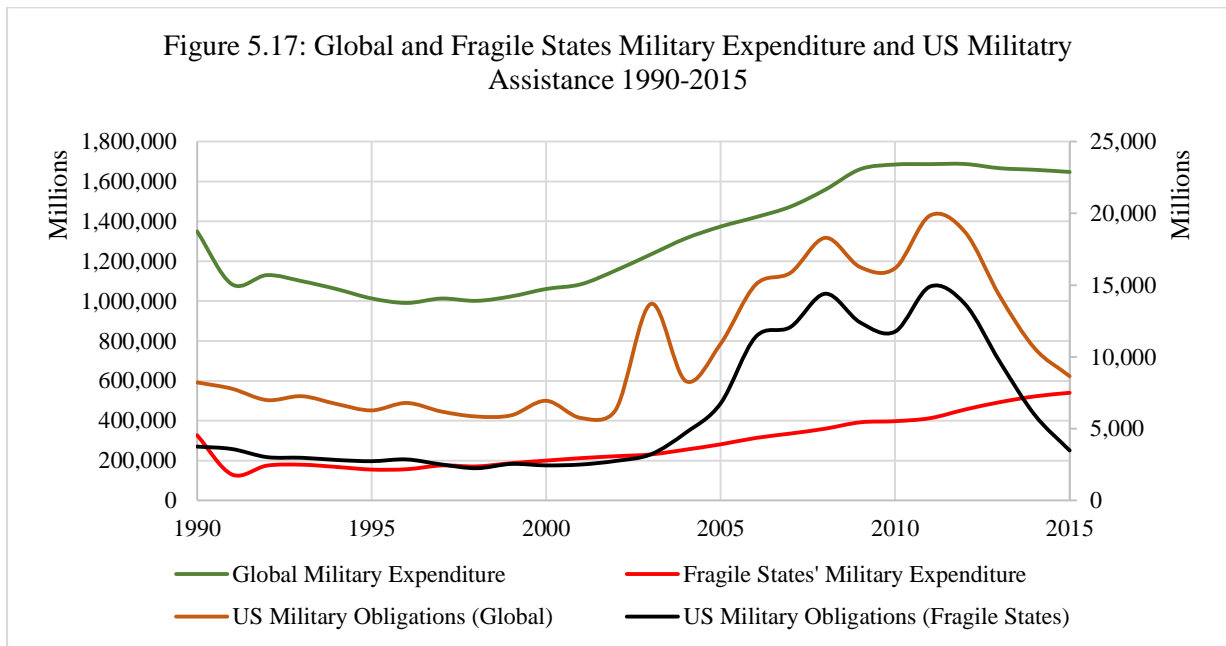
<sup>208</sup> The respondents opined that drone attack kills too many innocent people. Some however suggests that the 'drone blowback in Pakistan is a myth.' (Shah, 2016).

<sup>209</sup> The data is from SIPRI (2017) Military expenditure database expressed in constant (2014) US\$ m and has several missing data on fragile states.

<sup>210</sup> The data is from US Overseas Loans & Grants 2016 in terms of 'obligations' (Constant 2015 \$US).

<sup>211</sup> The formula for the Compound Annual Growth Rate is  $((\text{End Value}/\text{Start Value})^{1/\text{Periods}} - 1)$ .

from - 4 per cent between 1990 -2001 to +7 per cent in the era of GWoT (2002-2015). A similar trend is evident in U.S. military assistance to the fragile states as it increased by six percentage point for the same period of observation. Such an emphasis on the coercive capacity building in fragile states often comes at the expense of dispensing the provisions of other core services by the state resulting its capacity deficits.



Source: Author’s compilation from SIPRI 2017 and US Overseas Loans & Grants (Green Book).

However, the increased military spending and the scope of security cooperation did not alter the global balance of power but created unique regional and sub-regional polarisation and alignments. Leveraging the new capabilities and the demand created by the regulative and cognitive pathways of GWoT, fragile states’ approach to addressing its own (in) security dilemmas mutates in seeking and building unique bi-lateral and multi-lateral alliance and cooperation. Three such examples of alliance building and cooperation amongst the willing participants of GWoT in the ME, South Asia and Central Asia are worth analysing.

In 2015, Saudi Arabia - a leading member of the Gulf Cooperation Council (GCC) ventured beyond the region to form the Islamic Military Alliance (IMA) to ‘protect Muslim countries from all terrorist groups and terrorist organizations irrespective of their sect and name’ (Shah

and Stancati 2017).<sup>212</sup> However, regional states like Iraq and Syria who are at the forefront of the CT fight were not invited to join the IMA, presumably due to their alliance with the Shia dominated Iran.<sup>213</sup> Thus, the IMA is seen as a move to isolate Iran (Fitch and Stancati 2016). Despite the U.S. and the UK's support (White House 2016, UK Foreign Office, 2016), the alliance remains susceptible to the sectarian and regional rivalries, reducing the IMA as an exercise to draw legitimacy and isolate Iran. Following the 2017 IMA summit – that added greater legitimacy to the kingdom, Saudi Arabia, along with Egypt, Bahrain and the UAE imposed a blockade on Qatar accusing her of supporting terrorist entities in the region and made a 13-point demand. Unsurprisingly, the number one demand was to scale down Qatar's diplomatic ties with Iran by closing down the Iranian diplomatic missions in Qatar (Al Jazeera, 2017). Notwithstanding Qatar's alleged flirting with the terrorist groups, the Saudi action signified how the alliance building technique could be used to address own insecurity under the rubric of the GWoT triggering regional polarisation and potential de-stabilising situations.

The second example relates to the well-touted arrival of Russian troops (a traditional ally of India) in Pakistan (an arch rival of India), for the first time in September 2016 for a 'regular' exercise with an anti-terror focus.<sup>214</sup> However, the arrival of the Russian troops in Pakistan coincided with heightened Indo-Pak tension where India accused Pakistan of the recent terrorist attack in Uri and was in a diplomatic offensive to isolate Pakistan including a refusal to attend the SAARC summit scheduled to be held in Islamabad that was later postponed (Mohan 2016, Karim 2016). Even if one accepts that the exercise was planned a year before – as claimed by the authorities, it is hard to justify why the Russians did not reschedule it and avoid being played into the regional power game. The ability to get the Russian troops in its soil at a time of their choosing reflects how a state can exploit the CT cooperation framework secured through the capability pathway of GWoT that can contribute to amplifying the regional enmity instead of resolving it – feeding state fragility.

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<sup>212</sup> The 34 nation Islamic counter terrorism coalition includes Saudi Arabia, Bahrain, Bangladesh, Benin, Chad, Comoros, Djibouti, Egypt, Gabon, Guinea, Ivory Coast, Jordan, Kuwait, Lebanon, Libya, Malaysia, Maldives, Mali, Morocco, Mauritania, Niger, Nigeria, Pakistan, the Palestinians, Qatar, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Turkey, United Arab Emirates and Yemen.

<sup>213</sup> Saudi Arabia has long expressed concern over the Iranian influence in the region. these are evidenced by the mention of the 'occupation' of the three islands: the Greater and the Lesser Tunbs and Abu Musa belonging to United Arab Emirates by Iran in several GCC Final Communiqué (GCC, 1998, 2009).

<sup>214</sup> The exercise was arranged under the 2014 Military Cooperation Pact. The Russian president stated that 'it[the exercise] is good for India because of their anti-terror focus (The Dawn, 2016a, 2016b).

Third, the Organisation for Security and Cooperation in Europe (OSCE) undertook SSR programmes for combating terrorism in several authoritarian states in Central Asia (OSCE 2001).<sup>215</sup> However, most SSR initiatives have failed to achieve their objectives and in certain cases ‘may have had a negative impact on the OSCE's credibility’ (Lewis 2011: 103). Interestingly, the regime in Uzbekistan signed the MoU with OSCE to train its police force at a time when the country was under external pressure for an international investigation into the killings of protesters by the security forces in Andijan in 2005. The MoU also did not have any mention of human rights training, issues of democratic oversight or any reference to the involvement of civil society (Lewis 2011: 109).<sup>216</sup> It reflects that the framework of cooperation under the capability pathway of GWoT can be exploited by the fragile state to deflect external pressure. More controversially, some OSCE members were alleged to have been selling small arms and light weapons (SALW) destined for ISIS. According to the reports, at least 68 cargo flights from four OSCE member states<sup>217</sup> have carried SALW to Saudi Arabia, the UAE and Jordan, destined for the Syrian rebels (The Guardian, 2016, BIRN and OCCRP 2016). Thus, it was no surprise to see that the OSCE 2016 Ministerial Declaration emphasised renewed determination ‘to prevent, combat and eradicate the use of SALW and conventional ammunition for terrorism and transnational organised crime’ (OSCE 2017: 55).

The evidence hints at several consequences of the capability pathway of GWoT. First, the capability pathway of the GWoT feeds into the dynamics of regional amity/enmity allowing the fragile states to use the demand for joining and cooperating in the fight against terrorism to isolate the (regional) rival. External support in such context amplifies and (re)transmit the rivalry instead of solving or containing it. Second, the juxtaposed actions by the OSCE at the individual and collective levels, and the legacy of OSCE's SSR programmes in the authoritarian regimes tend to suggest that the CT cooperation can also be used by fragile states to deflect external pressure. Third, it demonstrates that the position of the fragile states in the lower spectrum of the international hierarchy does not deter them to leverage from the capability pathway of the GWoT. The external actors often remain happy with the willingness of the regime to cooperate in the GWoT, viewing it as a ‘breakthrough’ and ignoring that fragile

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<sup>215</sup> The Bishkek declaration in December 2001 triggered the SSR initiatives by the OSCE. The countries included Kyrgyzstan, Kazakhstan, Uzbekistan, Turkmenistan, and Tajikistan.

<sup>216</sup> David Lewis contends that OSCE's assistance for SSR in authoritarian regimes was particularly difficult in absence of any “parallel process of political democratisation”. The complex relationship between state security forces and organised crime also pose additional challenge (Lewis 2011: 103-05).

<sup>217</sup> Countries include Serbia, Slovakia, Bulgaria and Czech Republic.



states true transformation depends on the development of in-country state capacity (Lewis 2011:117).<sup>218</sup> Viewed this way, fragile states' willingness to join the GWoT can be a mere tactical concession to address internal insecurity dilemmas, deflecting external pressure, reducing such external assistance for capacity building to a mere instrument for survival.

The growing number of global, regional and state institutions aimed at CT capacity building is also part of the capability pathway of GWoT. Considering the large numbers of such entities a brief description of the major institutions together with their role and programs for fragile states' capacity building, merits mentioning to emphasise the immensity of this post 9/11 global governance architecture of the GWoT.

In 2001, the UNSC established the CTC signalling a new approach to fight international terrorism. The CTC operates through its Executive Directorate (CTED) and is tasked to implement the policy decisions, conduct expert assessments of each member state and facilitate CT technical assistance in light of the relevant resolutions. The CTC also has several partner organisations<sup>219</sup> and working relations with regional and sub-regional organisations.<sup>220</sup> The Counter-Terrorism Implementation Task Force (CTITF) (established in 2005) and the UN Counter-Terrorism Centre (UNCCT) (established in 2011 within the CTITF) assist to meet member states capacity-building needs and to strengthen their CT expertise.<sup>221</sup> CTITF consists of 38 entities and 12 thematic working groups,<sup>222</sup> covering all major aspect of the CT. The

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<sup>218</sup> Lewis (2011) conclusion is based on Tajikistan, Uzbekistan and Kyrgyzstan. However, a 'narrow' definition for external aid/assistance delivery may also originate from the donor end. For example, UK's overseas aid through Conflict, Stability and Security Fund (CSSF) and the Prosperity Fund is led by the National Security Council (NSC) instead of DfID. This has raised doubts whether NSC will prioritise poverty reduction over a narrow definition of the national interest, making its accountability and transparency a matter of particular concern. (House of Commons 2016: 16)

<sup>219</sup> CTC's partner organization includes Financial Action Task Force (FATF), the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), the International Criminal Police Organization (INTERPOL), International Organization for Migration (IOM); the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), World Customs Organization (WCO), World Bank.

<sup>220</sup> CTC maintains working relations with African Union (AU), the Association of Southeast Asian Nations (ASEAN), the European Union, the League of Arab States (LAS), the Organization of Islamic Cooperation (OIC), the North Atlantic Treaty Organization (NATO), the Organization of American States (OAS), and the Pacific Islands Forum (PIF)

<sup>221</sup> The CTITF Office/UNCCT is tasked by the General Assembly.

<sup>222</sup> Twelve thematic working group of CTITF includes: Border Management and Law Enforcement relating to Counter-Terrorism, Countering the Financing of Terrorism, Foreign Terrorist Fighters (FTF), National and Regional Counter-Terrorism Strategies, Preventing and Responding to WMD Terrorist Attacks, Preventing Violent Extremism and Conditions Conducive to the Spread of Terrorism,

working groups develop best practices and capacity-building projects in areas where cooperation among states can add value to the implementation of the global CT strategy adopted by the UNGA. The establishment and functioning of these UN agencies signify that the post 9/11 approach to international terrorism has moved from norm socialisation to norm implementation – strengthening the capability pathway of the GWoT.

The U.S. has also established and introduced programmes and commissioned CT institutions after the 9/11, strengthening the capability pathway of GWoT (Lum, 2006, 2008; Vaughn, 2010; Patrick and Brown, 2009). The U.S. Department of States (DoS) initiated several programmes relating to counter international terrorism, violent extremism, terrorism financing, screening and interdiction.<sup>223</sup> The Antiterrorism Assistance program (ATA), alone delivered CT training to more than 90,000 law enforcement personnel from 154 countries since its inception.<sup>224</sup> The increasing emphasis on CT capacity building is also evidenced by request for Counter-Terrorism Partnership Fund (CTPF) – an initiative by the US President that kicked off in 2014. The 2016 request for CTPF amounts to \$2.1 billion to facilitate the U.S. to respond to ‘evolving terrorist threats’ most notably from the Levant, Yemen, Lake Chad basin, East Africa region, populated by fragile states.<sup>225</sup> The US military is also actively engaged in the CT capacity building. The objectives of the U.S. military's African Command (AFRICOM), established in 2007, includes the ‘prevention of terrorist attacks against U.S. interests, security of the global economic system, and protection of our citizens abroad’ (AFCOM 2015:1). It also provides various CT training to the regional forces.

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Promoting and Protecting Human Rights and the Rule of Law While Countering Terrorism, Protection of Critical Infrastructure Including Internet, Vulnerable Targets and Tourism Security, Supporting and Highlighting Victims of Terrorism, Legal and Criminal Justice Responses to Terrorism, Gender Sensitive Approach to Preventing and Countering Terrorism (in formation), Working Group on Communications (in formation).

<sup>223</sup> The US DoS programmes include: Antiterrorism Assistance (ATA), Countering Violent Extremism (CVE), Countering the Financing of Terrorism Finance (CFT), Counterterrorism Partnerships Fund (CTPF), Foreign Emergency Support Team (FEST), Global Counterterrorism Forum (GCTF), International Security Events Group (ISEG) Regional Strategic Initiative (RSI), Technical Support Working Group (TSWG), Terrorist Screening and Interdiction Programs (TSI), Trans-Sahara Counterterrorism Partnership (TSCTP), Partnership for Regional East African Counterterrorism (PRACT). Mentionable that some of these initiatives, such as ATA predates the event of 9/11.

<sup>224</sup> ‘‘Anti-Terrorism Assistance 2012’’, U.S. Department of States, Bureau of Diplomatic Security.

<sup>225</sup> The objective of the partnership fund is to support a transition to a more sustainable and partnership-focused approach to counterterrorism with a flexible mechanism allowing U.S. DoD to respond more nimbly to evolving terrorist threats from South Asia to the Sahel. Office of the Under Secretary of Defense (Comptroller) (2016).

Similarly, NATO, as a key player in the GWoT, has introduced CT policy guidelines and established several platforms for cooperation with non-member states including fragile states. These include the NATO/Russia Council (NRC),<sup>226</sup> the Partnership Action Plans against Terrorism (PAP-T)<sup>227</sup>, the Mediterranean Dialogue<sup>228</sup> and the Istanbul Cooperation Initiative (ICI)<sup>229</sup> for ‘practical cooperation including efforts to build capacity, enhance resilience, and support the fight against terrorism’ (NATO 2017: 54). NATO’s Defence Against Terrorism Program of Work (DAT POW), introduced in 2004 is its primary programme for CT capacity building efforts in non-NATO countries. It includes providing expertise across a range of topics including military engineering for route clearance, countering Improvised Explosive Devices (C-IED), explosives ordnance disposal (EOD), Non-Lethal Capabilities (NLC), cultural familiarisation, network analysis and modelling (NATO 2012, 2017).<sup>230</sup> NATO troops are also deployed in Afghanistan<sup>231</sup> and Kosovo<sup>232</sup>, while NATO ships are deployed at sea conducting CT, counter-piracy, the proliferation of weapons of mass destruction operation and tackling illegal migrants and human trafficking.<sup>233</sup>

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<sup>226</sup> NATO’s involvement in CT has expanded since it first (and only time) invoked the ‘collective defence clause’ (Article 5) after 9/11. Key priorities of NRC include: regular exchanges of information, consultation, joint threat assessments, civil emergency planning for terrorist attacks, and efforts to explore the role of the military in combating terrorism. This was reinforced in 2004 by adopting an Action Plan against Terrorism to coordinate practical cooperation aimed at enhancing NATO and Russian capabilities to act individually or jointly in preventing terrorism, combating terrorist activities, and managing the consequences of terrorist acts.

<sup>227</sup> PAP-T is an element of NATO’s Partnership for Peace (PfP) programme, later expanded to include NATO’s Mediterranean Dialogue partners and other interested countries, on a case-by-case basis.

<sup>228</sup> Dialogue countries include Algeria, Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia.

<sup>229</sup> ICI countries includes Bahrain, Kuwait, Qatar and the United Arab Emirates.

<sup>230</sup> Though primarily oriented towards Allied priorities, several DAT POW such as C-IED, EOD and NLC training are open to non-NATO members. According to NATO secretary General’s 2016 Annual Report, 29 percent of capacity building training were EOD/C-IEDs/ Military Engineering followed by Joint Intelligence Surveillance and Reconnaissance (JISR) (NATO 2017: 56)

<sup>231</sup> Around 13,000 NATO troops were deployed in Afghanistan in 2016 as part of operation ‘Resolute Support’. Operation Enduring Partnership is NATO’s ongoing capacity building programme including professional military education for Afghan military (NATO 2017: 52).

<sup>232</sup> The NATO led Kosovo Force (KFOR) was deployed in 1999 under UNSC Resolution 1244. In 2016, approximately 4,500 NATO troops were in KFOR to uphold a safe and secure environment in Kosovo, and to maintain freedom of movement for all its citizens and communities.

<sup>233</sup> NATO’s maritime operation in the Mediterranean was initiated following the 9/11 starting with Operation Active Endeavour. It was followed by Operation Sea Guardian launched in 2016. Tasks included ‘‘maritime situational awareness, freedom of navigation, maritime interdiction, countering the proliferation of weapons of mass destruction, protecting critical infrastructure, countering terrorism at sea, and maritime security capacity building’’. However, Operation Sea Guardian is now increasingly engaged in tackling illegal migrants and human trafficking in the Aegean Sea. NATO’s counter-piracy operation ‘Ocean Shield’, ended on Dec 2016.

OSCE's CT strategy focuses on addressing the 'conditions' that fosters and sustains terrorism and pledges to strengthen states' capacities to prevent and combat terrorism (OSCE 2012: 3).<sup>234</sup> The programmes include SSR, criminal justice, law enforcement, border security and management, within a framework based on the 'rule of law and respect for human rights' (2012:4). The Department for Addressing Transnational Threats/Action against Terrorism Unit (TNTD/ ATU) is OSCE's focal point and works as a primary interface with the UN. The human rights dimension is addressed through the Office for Democratic Institutions and Human Rights (ODIHR). As highlighted, OSCE has undertaken SSR programmes in fragile states in Central Asia.

INTERPOL is one of the most important non-military entities, integral to combat terrorism. INTERPOL's 'notices and diffusion' program circulates alerts on terrorists, dangerous criminals and weapons threats while its 'Special Notice' alerts on individuals and entities associated with the U.N. Al-Qaida and the Taliban sanction list helping member countries to implement the asset freeze, travel bans and arms embargoes. Its databases on personal criminal history data, stolen/lost travel documents and associated notices are crucial for the border management efforts. In the event of a terrorist attack, INTERPOL also provides a deployable Incident Response Team (IRT) for a range of investigative and analytical support services (INTERPOL 2015, 2017).

Following the GWoT, several regional bodies like Asia-Pacific Economic Cooperation (APEC), Association of Southeast Asian Nations (ASEAN)<sup>235</sup>, ASEAN Regional Forum (ARF), Shanghai Cooperation Organization (SCO), South Asian Association for Regional Cooperation (SAARC)<sup>236</sup> have developed and implemented CT capacity building strategies. These organisations routinely conduct joint CT exercises involving their security forces, conferences, workshops on preventive and management of major terrorist attacks, counter-

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<sup>234</sup> The OSCE has 57 participating States from Europe, Central Asia and North America. Its CT efforts dates back to the Bucharest Plan of Action adopted in December 2001 followed by the 2002 Charter, revised time to time and reflected in many OSCE Ministerial Council Declarations. The 2012 document decision no. 1063, provides OSCE's consolidated framework for the fight against terrorism.

<sup>235</sup> ASEAN adopted the declaration on transnational crime to combat terrorism in 1997. It was reinforced by an action plan in 1999. However, the 9/11 event added new impetus to ASEAN's CT drive resulting in the 2007 formulation of the ASEAN Convention on CT (ACCT) that came into force in May 2011 and has been ratified by all members.

<sup>236</sup> SAARC States signed a Convention on Mutual Legal Assistance in 2008, the Convention is not yet in effect because it has not been ratified by all members.

radicalisation and cyber terrorism. ASEAN has also developed a CT Action Plan (CTAPs) checklist –a self-assessment measure by states regarding their CT capabilities facilitating external assistance.<sup>237</sup> However, success within the SAARC countries on CT cooperation has remained limited mainly due to India-Pakistan rivalry.

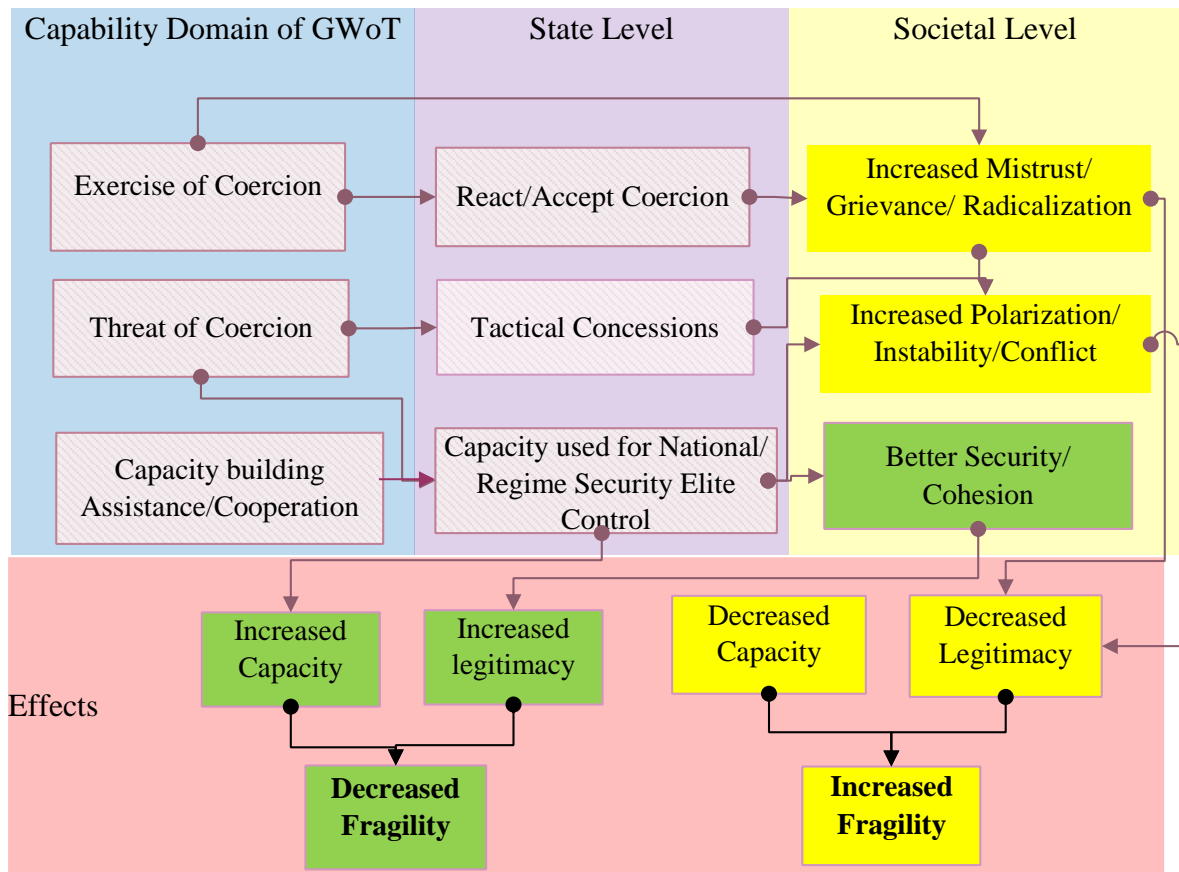


Figure 5.18: Capability Pathway of GWoT affecting State Fragility

In sum, the proliferation of post-9/11 CT institutions and their functioning signifies the capability pathway. The pathway manifests itself through the exercise of coercion, the threat of coercion and physical assistance to fight international terrorism affecting fragile states and its societies as depicted in figure 5.18. The manifestation of the capability pathway results in subjecting the unable and unwilling fragile states to coercive actions such as drone/surgical strikes by external actors, often in violation of the sovereignty norms. Such actions affect the domestic power structure, feeding resentments, creating group grievances, mistrust of the government that may spiral into questioning the legitimacy of the ruling regime and increase

<sup>237</sup> The stated objective of CTAP is to “self-assess progress against APEC Leaders’ and Ministers’ counter-terrorism commitments, and to identify capacity building needs to assist the CTTF to identify priority areas for future cooperation.”

fragility. It also sets precedence for sovereignty norm violation feeding regional instability and lack of trust, leading to militarisation and arms race that drains out fragile states' resources from providing core services.

The willingness of fragile states to join the GWoT could also mean a mere tactical concession to *deflect* the external pressure and to *secure* external assistance and legitimacy. Faced with its own unique (in) security dilemma, the regimes in fragile states often embark on optimising the capability pathway of the GWoT to make new alliances and prioritise coercive capacity building. Such alliance building is often aimed at isolating the rival states while within fragile states the coercive capacity is often used as a tool to strengthened regime security and elite control of the society. The discourse of the GWoT accord relative ease to the regime to divert the much-needed material resources, sidelining more pressing issues. Externally, the demand for joining the GWoT backed by material assistance feeds into the regional polarisation that continues to amplify the dynamics of (regional) enmity. Thus, the structure of the GWoT in such a condition becomes a necessary evil, and the coercive capability pathway becomes an instrument to furthering regimes interest and agendas.

Although a comparative analysis of the cognitive, regulatory and capability pathways as theorised above, is beyond the scope of this research, a brief discussion about their interactions and relative importance (if any) could be illuminating to explore avenues for future research.

## **8. Comparative Analysis of Cognitive, Regulatory and Capability Pathways**

We have argued (in chapter 4) that the elements of a global structure have their own emergent causal power, and together they become one *irreducible whole* affecting the change in fragile states. To become one irreducible whole, the emergent causal power of the cognitive, regulatory and capability pathways should interact with each other. As can be seen from the schematic diagrams (figure 5.10, 5.15, and 5.18), there are differences in the origins and channels of operations of the three pathways. However, they all lead to the same outcome – an increase or decrease in state fragility. The impact of all three pathways can empower the state and contribute to increased authoritarianism, elite control and capture of the state. At the societal level, all three pathways can affect social cohesion that may or may not lead to increased fragility depending on the strength of the opposition and the measures taken by the state. But what are their differences and how can we characterise the relationship and the relative importance of the three pathways?

The cognitive pathway is distinct from the regulatory pathway as the latter needs the state institutions to operate while the former can directly interact with society. It is intersubjective in nature, highly contextual and involves defining the ‘us’ and ‘them’. An increasing trend in the regulatory and capability pathways (such as a large number of countries conforming global CT rules and increasing CT capacity building) can only become meaningful when viewed through the cognitive pathways – i.e. who is the ‘other’ in a particular context? The cognitive pathway can mutate, to include, not only those who are globally proscribed as a terrorist, but also those whom the regime wants to label as terrorist such as the opposition, minorities or groups in variance with the regime’s ideology. Thus, one could argue that the cognitive pathway holds greater significance. However, it also reflects the interdependence of the three pathways and how they become one irreducible whole.

Although the incubation process for policy formulation, institutions and capacity building starts at the cognitive domain, the action against terrorism cannot happen in a material vacuum – i.e. the capability domain. The motive of taking actions originates in the cognitive domain, and the boundaries within which it will be performed is defined by the regulatory domain. This, however, does not make the latter two pathways subordinate to the cognitive domain. For example, in 1972 the UNSG recognised that the ‘scope of terrorist activity had become increasingly international’, creating a ‘climate of fear from which no one is immune’ and required collective action (A/879I/Add.1). However, the idea for collective action remained dormant for over three decades. After the 9/11, it took only a few years for the member states to converge on the UN-based CT instruments, devise plans, strategies, technical guidance and, more importantly, provide financial and material assistance to fight terrorism – theorised as the regulatory and capability pathways. It suggests that the three pathways are interdependent and the interaction and relationship amongst the pathways remain contextual and relational.

The interdependence among the agents of cognitive, regulatory and the capability pathways and their actions, as well as the positions they occupy in the system suggest two layers of relationship. The first layer involves the agents in fragile states and the global actor (s) demanding the state to act and cooperate in a certain way to fight terrorism. As argued, fragile states cannot ignore the global normative culture and practices of fighting terrorism. Thus, the functioning of the three pathways in this layer is largely informed by the global discourse on terrorism, professed by the powerful actors at the loci of the international system. States are required to take punitive actions, send reports, monitor the proscribed terrorist groups and their

associates as identified by international institutions or powerful actors such as the U.S. or face coercive action.

The second layer of the relationship is between the state and the society within which the capacity building and action against terrorism take place. At this layer, the influence of the wider normative culture and practices are far from being in full agreement with the global norms.<sup>238</sup> In an environment where the legitimacy of the government is low, and the internal process of decision making is not accountable and transparent, the global echo chamber and ‘othering’ (i.e. the cognitive pathway) may easily prompt regimes to reform and revise its CT policy to earn external legitimacy and allure more resources for coercive capacity building.<sup>239</sup> In other words, there can be a mismatch in the thinking, interpreting and reasoning process (cognitive pathway) creating frictions. Endorsing the global CT regulations and norms, in such context, could simply be a part of the CT diplomacy and material help. Conversely, in an environment where the government is legitimate, transparent and accountable, the frictions created by the cognitive, regulatory and capability pathways of the GWoT can be resolved through a rule-governed, participatory and evidence-based mechanism. It tends to suggest that internal legitimacy deficit reinforces the cognitive, regulatory and capability pathways of the GWoT. In sum, there is a complex web of causal inter-relationships and interdependence amongst the three pathways. The relationship is highly contextual and selecting cases based on diverse context could be useful to reveal their impact better.

## **9. Chapter Summary**

In sum, the theorisation of the cognitive, regulatory and the capability pathways of the GWoT signifies that state fragility is as much a matter of the structure of the GWoT as it is of the state actors and its societies. The cognitive pathway creates a condition to (re)ignite and reinforce identity-based politics shaping the mind of the state and the societies in terms of ‘us’ versus ‘them’. It also creates a global echo chamber that empowers fragile states to fight not only terrorism but also selectively use the state’s coercive power to achieve regime security instead

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<sup>238</sup> The need for evidence-based research on terrorist trends and CT policies to inform UN based policy responses and to tailor technical assistance and capacity-building projects has been stressed by many including the current Assistant Secretary General of the UNCTED. See CTED (2018:15).

<sup>239</sup> As Elder-Vass (2015: 166) highlights, organisation may draw on wider social culture by adopting practices and values such as honesty, working hard, punctuality and politeness; yet in cultures that encourage nepotism or corruption, the same organisation may well undermine the purposes or functioning of the organisation



of national security. The regulatory pathway of the GWoT creates demands to legislate, cooperate and coordinate actions against terrorism to achieve rule consistent behaviour. It induces the fragile state to elevate CT as a national security threat. In the process of containing the threat of terrorism and conforming to the demand of rule consistent behaviour, fragile states often adopt broad and vague CT regulations that could be used not only against terrorism but also against political opponents, insurgency, non-violent actions considered as a threat to the regime and not national security. Finally, the capability pathway of the GWoT involves the exercise of coercion, the threat of coercion and physical assistance for CT capacity building. The increased cooperation and assistance primarily contribute to increasing fragile state's coercive capability which in turn can produce a mixture of outcomes depending on the motive for cooperation. It can lead to increased/ decreased fragility, feed and amplify regional enmity and polarisation. Thus, the process of arriving at fragility originates and survives due to the structure of the GWoT. The cognitive, regulatory and capability pathways of this global structure involve a criss-cross process that originates in the international dimension and mediates through the states and its societies. While the intensity of the effects of these pathways of the GWoT is highly contextual, it is aptly evident that all of them can affect fragile states' capacity and legitimacy dimension. In the subsequent chapters, we will trace the cognitive, regulatory and capability pathways using individual case studies to validate or reject our theory, starting with the Bangladesh case.

#### Annexes:

Annexe 5A: List of UN CT Conventions and Protocols

Annexe 5B: List of CT Related Resolutions Adopted in the UNSC 2001-2017

Annexe 5C: List of CT Related Resolutions Adopted in the UNGA 1972-2017

## CHAPTER 6: TRACING THE EFFECTS OF THE GWOt IN BANGLADESH

*“If the role of the West, mainly the USA, in the international politics reinforces the sense of Muslim victimhood, then the appeal of violent extremism to the common people in Bangladesh is likely to intensify.”* Parvez (2016:435)

### 1. Introduction

This chapter examines the Bangladesh case through the lenses of state fragility as conceptualised in chapter 3 and traces the impact of the cognitive, regulatory and capability pathways of the GWOt as theorised in chapter 5. As deliberated in chapter 4, Bangladesh is an illuminating case study. Bangladesh’s continued growth in the capacity dimension despite lingering governance and legitimacy deficiency, the ‘mainstream’ nature of its political system and external engagement in the fight against terrorism despite being a front-line state in the war on terror, can offer rich insights. Bangladesh is a type-2 fragile state, defined as having high state capacity but low legitimacy. Bangladesh has demonstrated remarkable achievements in the capacity dimension, particularly in the last two decades. Challenging the conventional wisdom and predictions,<sup>240</sup> Bangladesh’s impressive record in macroeconomic stability, socio-economic and human development indicators, growth conditions and potentials, placed her amongst the ‘Next-Eleven’ countries that could ‘potentially have a BRIC-like impact in rivalling the G-7.’<sup>241</sup> Country’s continued growth has puzzled many scholars dubbed as Bangladesh Paradox in the development circles (Independent Evaluation Group, 2010: xxix). Amidst such typical contrasts, this chapter seeks to find out whether and how the GWOt contributed to its fragility by tracing the cognitive, regulatory and capability pathways as theorised. The chapter is *not* an account of the political history of Bangladesh but examines the historicity<sup>242</sup> of Bangladesh through the lenses of state fragility. Consequently, the chronology of major political events, narratives on political parties, their leadership, ideology and support base are relegated in the annexes as a ready reference to support the analysis in this chapter.

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<sup>240</sup> Bangladesh, once described by the 16<sup>th</sup> century French traveller François Bernier as an ‘unparalleled rich country’ abound with ‘every necessity of life’ (Constable (trans.) 1891: 438-39), has been called by different names including ‘bottomless basket’ by Henry Kissinger, ‘test case of development’ (Faaland and Parkinson, 1976), ‘laboratory for innovative solution in developing world’ (Belt, 2011), ‘fragile’ state (FSI, 2009, OECD, 2012), and ‘bottomless political basket’ (Bayes 2013).

<sup>241</sup> The ‘Next Eleven (N-11)’ was introduced by the Goldman Sachs in 2005 based on their growth potentials. The N-11 included Bangladesh, Egypt, Indonesia, Iran, Korea, Mexico, Nigeria, Pakistan, Philippines, Turkey and Vietnam (Wilson and Stupnytska, 2007).

<sup>242</sup> Historicity is the idea or fact that something has a historical origin and developed through history such as concepts, practices, values. It is an act of producing a work that attempts ‘to depict an accurate representation of the real past’ (Rockmore and Margolis 2006: 95).

The chapter is structured as follows: *first*, it unpacks the nature of Bangladesh's fragility through the lenses of capacity and legitimacy dimensions. Exploring the nature of the political settlement and identity politics in the Bangladesh context, it explains why a high degree of state capacity did not compensate for the legitimacy deficit. *Third*, comparing the nature of identity politics, regulatory reforms/practices and capacity building efforts by the regimes in Bangladesh in the era of GWoT, the chapter demonstrates how the GWoT contributed to destabilise and alter the sense of security at the state and societal level, naturalise violence as a political act and facilitated infiltration of extremist elements accentuating fragility.

## **2. The Nature of State Fragility in Bangladesh**

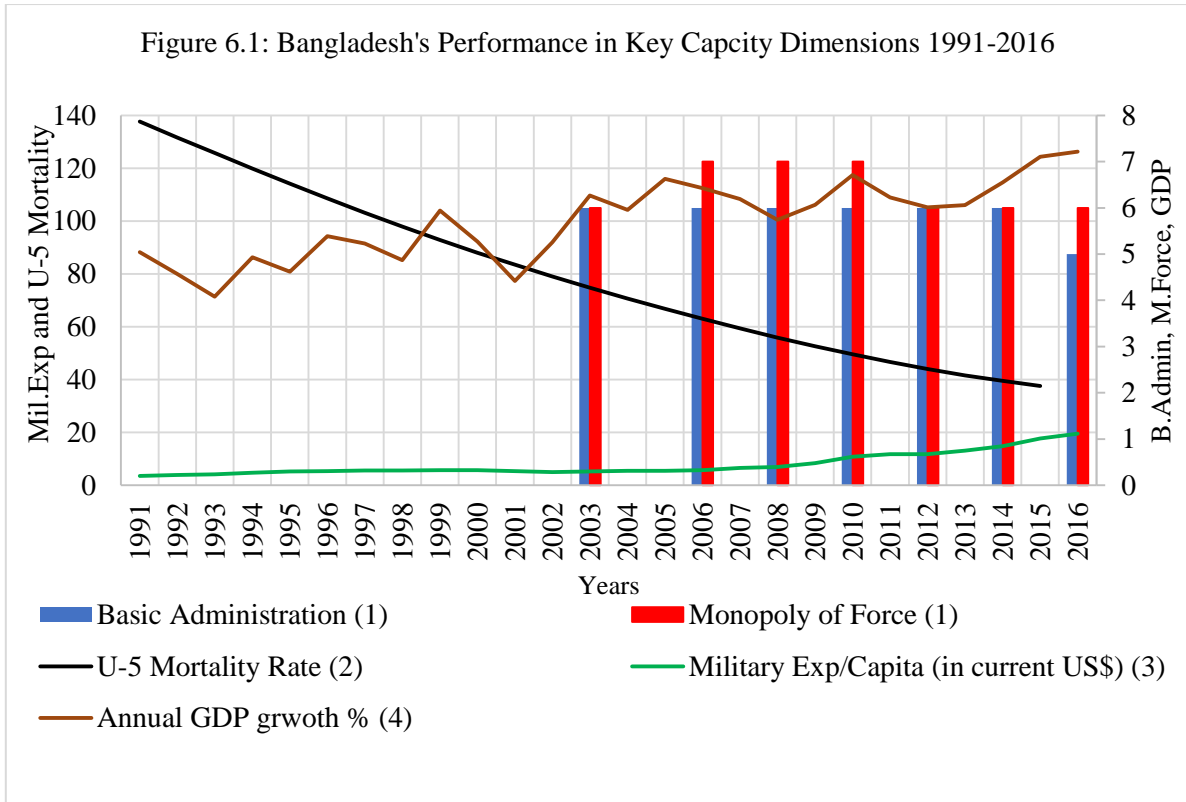
As conceptualised, type-2 fragile states are most sensitive to political threats questioning the regime's legitimacy to rule. Through the lenses of capacity and legitimacy dimensions, this section explores how such type-2 fragility is manifested in Bangladesh context.

### **2.1 Bangladesh's Fragility through the Capacity Lens.**

Viewed through the lenses of the state capacity, Bangladesh *does not* appear to be a fragile state. Bangladesh's performance (1990-2016) in some key capacity indicators is in figure 6.1.<sup>243</sup> It reflects impressive socio-economic and human development records, the testimony of high state capacity to mobilise and employ its material and human resources towards productive ends. Within four decades, Bangladesh had a fourfold increase in per capita income, a steady economic growth of 5-6 per cent over last two decades, reduced poverty by more than half and achieved several MDGs ahead of many others in the region (Bangladesh Bank, 2017, World Bank 2017).

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<sup>243</sup> (1) The Monopoly of Force (M. Force) and Basic Administration (B. Admin) data is from the BTI 2003, 2006, 2008,2010,2012,2014 and 2016. (2) U5MR data is the 'median' estimates (3) Military Expenditure/capita (Mil. Exp) data is from 2017 SIPRI database and includes estimates for paramilitary forces. (4) The annual GDP growth data are based on constant market price from Bangladesh Bank.



Source: Author's compilation from Bangladesh Bank (2017), World Bank (2017), SIPRI (2017), IGMEA (2015) and Bangladesh Bureau of Statistic (BBS, 2016, 2017) data.

Regarding basic security and administration, Bangladesh has continuously ranked above the specified fragility thresholds in all BTI indices since 2003. A massive bureaucracy and expanding size of the Law Enforcement Agencies (LEAs) is the backbone of the government's capacity dimension. The military is experienced in wide-ranging peacekeeping and peacebuilding role. However, the use of the military for internal security and stabilisation role has remained minimal particularly since 2006 (GMI 2016). The military budget has remained within 1.5 per cent of the GDP for a few decades while the per capita military expenditure has increased from US\$4 in 1991 to US\$20 in 2016. Country's large pool of LEAs includes police, Rapid Action Battalion (RAB), specialised units, border guards, coast guard, and other paramilitary forces under the Ministry of Home Affairs. The size of the police force has doubled over the past 30 years (IEP 2016:33). A declining trend in population growth and under-five mortality rate together with an increase in life expectancy by 13 years between 1991 to 2015 indicates the state's increasing ability to provide its citizens with necessary life chances.<sup>244</sup>

<sup>244</sup> The neo-natal mortality and infant mortality rates have also declined significantly from 39 years to 20 and 56 years to 29 years respectively between 2001 -2015 (BBS 2015: 57)

Country's economic performance also reflects sustained growth and macroeconomic stability. Despite the global financial crisis and a vulnerable ecology, the annual GDP growth rate has consistently moved upwards from 4-5 per cent in the 1990s to over 5 -7 per cent in the current decade (with the exception in 2002 due to faltering political stability). The GNI per capita (2011 PPP\$) has increased from US\$1,286 (in 1990) to US\$3,341(in 2015). The growth in the recent past has been job-friendly, and the country did well in containing the inflation leveraging the favourable international commodity price movements and sound macroeconomic management. The remittance earning has grown from \$115 million in the mid-1970s to over 15 billion US\$ in 2015. The remittance flow has boosted foreign exchange reserves, macroeconomic stability, and strengthened household level liquidity in the villages and small towns contributing to the demand boost and expansion of small businesses (Bangladesh Bank 2017, Bangladesh Bureau of Statistics 2017).

Bangladesh's records in poverty reduction and social and human development are impressive. Since 1991 the poverty headcount ratio (based on \$1.90 a day of 2011 PPP) has reduced from 44 per cent of the population to 18.52 per cent in 2015.<sup>245</sup> The burden of seasonal poverty, prevalent in many parts of the country, has also reduced significantly. There is an increasing participation of women in education and economic activities. The NGOs in many cases were instrumental in achieving these socio-economic, healthcare and educational goals (UNDP 2016:109).<sup>246</sup> The country graduated to the medium human development group in the UNDP's ranking in 2011<sup>247</sup> and was classified as a lower middle-income country (MIC) by the World Bank in 2014.<sup>248</sup> However, high state capacity, particularly the *coercive capacity* of the state, does not automatically translate into increased legitimacy. An analysis of the political economy of the capacity building efforts provides a more nuanced understanding of why and how such efforts may fail to strengthen the idea of state and contribute towards increased fragility.

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<sup>245</sup> The poverty incidence is found to be significantly less for female-headed households (at 26.6 percent) than that for male-headed ones (at 32.1 percent) (BBS 2010: xxvi).

<sup>246</sup> As of 24 February 2016, there were 2,457 NGOs in Bangladesh expanding their activities around 85 percent of the country's village and covering over 55 million people as beneficiaries. Bangladesh Rural Advancement Committee (BRAC) founded by Sir Fazle Hasan Abed is the world's largest NGO. Country also house Grameen Bank, founded by noble peace laureate Professor Muhammad Yunus (NGO affairs Bureau, 2017, Khan, 2014:44).

<sup>247</sup> Bangladesh's score in UNDP's Human Development Index (HDI) in 1991 was 0.386. In 2011, it crossed the threshold of medium HDI score and reached a HDI score of 0.579 in 2015 reflecting a high life expectancy, schooling and per capita gross national income. (UNDP2016:200)

<sup>248</sup> Countries with GNI per capita between US\$ 1,046 - 4,125 are Lower MIC's (UNDP2016)

### 3.4 Political Economy of Capacity Building

The efficacy of capacity building is often shaped by the underlying political settlement – the social order that combines the power and institutions. A political settlement is ‘the collective understanding between elites about how power should be organised and exercised, and resources should be allocated’ (DfID, 2010; Khan 2010). Several studies including the 2016 study on Internal Security & Police of 127 countries by the Institute for Economics and Peace (IEP) (2016: 9-15) provides important insights about the efficacy of capacity building in the security sector. Focusing on the four domains of (*internal*) *security* the study demonstrates that the capacity domain (defined as the level and adequacy of the resources devoted to internal security) has the weakest correlation with the legitimacy domain defined as ‘whether the police and security forces act in the best interest of the country and its citizens.’<sup>249</sup> Between the early 1980s to 2012, both Bangladesh and Singapore had at least doubled the size of their police force; however, Singapore ranks in the top in all four domains of internal security while Bangladesh is placed amongst the lowest as it continues to suffer from a ‘weak processes, average legitimacy, and above average outcomes’ (IEP 2017:15 and 48). The fact that the police in Bangladesh are unable or reluctant to bring the party activists to book reflects that, despite the increased capacity building efforts, the security apparatus is not working in the best interest of the country and its citizens, contributing to the legitimacy deficit.<sup>250</sup>

Focusing on the state’s *economic capacity*, the study by the Effective State and Inclusive Development (ESID, 2017) explains the Bangladesh Paradox, through the lens of political settlements. It observes that Bangladesh’s economic sector in general runs on ‘ordered deals’ defined as ‘de facto credible commitment of the state and transactional certainty’, as opposed to the rule of law. The ‘dealmakers’ are generally people with political power and connections.

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<sup>249</sup> The four domains are: capacity, processes, legitimacy, and outcome domains. The capacity domain is operationalised using data on number of police and internal security, armed forces and private security /100,000 citizens and prison capacity. The legitimacy domain is operationalised through expert assessment and perception data on ‘due process’, ‘confidence in police’, ‘public use, private gain’, and the PTS data. The process domain reflects ‘how well police and criminal justice capacity is used’; it uses data on corruption, criminal justice effectiveness, bribes to police and underreporting. The outcome domain measure ‘the size of existing threats to internal security’ and involves data on homicide, violent crime, terrorism and public safety perceptions. The correlation between the capacity and legitimacy domain is the lowest ( $r = 0.36$ ), followed by the process domain ( $r = 0.41$ ) (See IEP 2016:6-15).

<sup>250</sup> The reports (along with picture) of pro-regime activist operating alongside the police is most common in Bangladesh. In Bangladesh, the police often come across conflicting situations when they find that ‘they have to enforce directives which are not strictly legal and which the public wishes that the police would discreetly ignore’ (Huda, 2011). Also see Huda (2008, 2009) and The Daily Star (2012).

They honour the deals despite many policy and institutional constraints. As a result, the growth and economic development continue, undeterred by bad governance. Traditionally, the local Member of Parliament (MPs) assumes a stronger role as gatekeepers of resources in such a deal-driven growth culture (Lewis and Hossain 2017:89). However, out of 300 MPs, 154 were ‘elected’ uncontested in the 2014 general election boycotted by the major opposing parties (BEC 2015). Thus, the ‘gatekeepers’ themselves enjoy questionable legitimacy promoting a divisive political settlement at the local level.

The existence of such a ‘deal-driven’ process, as opposed to the rule-driven process for capacity building, undermines the horizontal legitimacy in many ways. First, ‘deals’ are not universal. It only strengthens the resource-based patron-client structure benefiting individuals or groups – mostly the supporters of the party in power. The hierarchical nature of such transactional culture, in principle, serves the *party* as the ‘deal’ making power is limited to the party elites and people with connections. Notwithstanding the benefits of such practices of informal ordered-deals for economic and business development, such a dysfunctional state-society relationship can also contribute to state fragility as it tends to polarise the groups within the society on economic entitlement and opportunities.<sup>251</sup>

Second, the informal deal-driven process is often tainted with corruption allegations adding a very little legitimacy to the regime. It forms the basis of criticism, fragmenting state-society relations. During the rule of the Bangladesh Nationalist Party (BNP) (2001-2005), the ‘Hawa Bhaban’ allegedly became the alternative powerhouse and was accused of being behind many shady deals flouting prescribed rules. The Hawa Bhaban, run by people close to Tarek Zia – the son of BNP chairperson Khaleda Zia, was also believed to be a ‘den of corruption which greatly undermined the party's position in the public eye’ (The Daily Star, 2008, 2009a, 2013). Again, during the Awami League (AL) rule, in 2017, it came to light that several unscrupulous contractors who secured government contracts to build schools, bridges, roads, and hospitals, often through party connections, have used bamboo sticks instead of iron rods and low-quality mud instead of concrete in their projects (Dulal 2017, Topu 2017, The Daily Star 2017a, b). Pictures of such bizarre practice went viral in the social media undermining the regime’s efforts to build developmental legitimacy. The strategy of building developmental legitimacy through

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<sup>251</sup> Highlight the links between the societal dynamics and fragility Marc et. al. (2013:13) contends that fragility can be understood as a problem not only of state capacity, but also of dysfunctional relationships across groups in society, including the relationships of diverse groups with the state.

a flawed culture of ordered-deals did not work as the party in power was voted out in *all* national elections since 1991 (with the except exception in 2014).

Third, the culture of goods and services being exchanged for political support in Bangladesh, encouraged the party in power to consolidate and extended control over local institutions factionalising communities. Until 2015, candidates in the local city corporation/municipality, Upazila, Union Parishad (UP) elections used to be *informally* divided along the party lines and were not allowed to use party symbols. A change in the local election laws in October 2015 formalised the informal culture allowing the local election to be held on a partisan basis (Bangladesh Gazette, 2016, 2016a). As a result, major political parties were able to extend and consolidate their grass root support, only at the expense of undermining the value system cherished so long at the local level. The politicisation of local bodies implies that the goods and services that are exchanged for political support are now on a relatively short-term basis, over electoral cycles. Contestation for rent generation and distribution has become more intense at the local level (Nath 2015, Lewis and Hossain 2017:91). As a result, it has become more challenging to address politically-difficult quality reforms based on local needs.

### **3.2 Bangladesh's Fragility through the Legitimacy Lens**

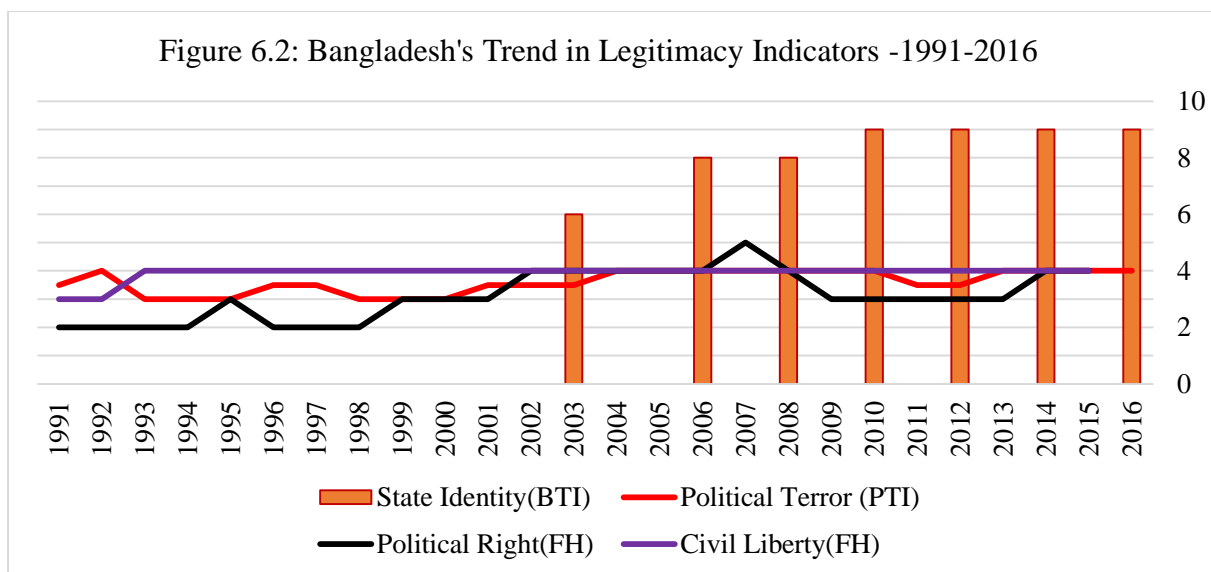
Bangladesh is one of the most ethnically and linguistically homogenous countries in the world.<sup>252</sup> There is no territorial contestation.<sup>253</sup> Despite the remarkable homogeneity and the democratic practice for several decades, the lingering political fractionalisation and violence continue to beset the legitimacy of successive regimes to rule. The broad observable manifestations of such legitimacy deficits include contestation about state's identity, increased political repressions, restricted civil liberties and freedom of speech by the state and political violence within the society and between groups contributing to the state fragility.

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<sup>252</sup> The ethnic, linguistic and religious fractionalisation in Bangladeshi population is 0.0454, 0.0925 and 0.2090 respectively (Alesina et al. 2002: 21).

<sup>253</sup> The *Shanti Bahini* (peace force) - armed wing of the Parbattya Chottogram Jono Shonghoti Shomiti (United People's Party of the Chittagong Hill Tracts) was disarmed through a treaty in 1997.





Source: Author's compilation from BTI, PTI and Freedom House data.

Note: \*Higher score in political rights (FH), civil liberty (FH) and political terror (PTS) indicates a deteriorating condition while the opposite is true in case of BTI

Figure 6.2 plots Bangladesh's trend in four proxy indicators of legitimacy for the period 1991-2016. The data on state identity reflects that there is a strong agreement about the citizenship and legitimacy of the state.<sup>254</sup> However, the PTS score depicts an increasing authoritarian tendency. The political terror started rising since 2001 averaging 3.5 – 4, reflecting that the political rights violation has expanded 'to large numbers of the population' in Bangladesh during this period. Similarly, according to the freedom house political rights scores between 1991-2011, the people of Bangladesh have moved from a state of enjoying a 'slightly weaker wide-ranging political rights' (score 2) to a *deteriorating condition* where 'all or some of their political rights were moderately protected' (score 4 and 5) in 2001. However, the civil liberty in Bangladesh has remained the same (score 4) since 1993 reflecting a condition where 'all or some specific civil liberties are moderately protected.'

Notwithstanding the limitations of the proxy indicator, it is perhaps reasonable to suggest that Bangladesh's journey to define its democratic institutions, processes and mechanisms, to create a more stable and cohesive state-society relation has remained unfulfilled. The increasing trends of political terror, restrictive civil and political freedom reflects that the successive regimes have failed to ensure accountability on the use of force, protecting human rights and

<sup>254</sup> The score on state identity in BTI is based on the question: 'to what extent do all relevant groups in society agree about citizenship and accept the nation-state as legitimate?' (BTI Codebook, 126).

physical integrity rights. The myopic politicisation and the mentality of annihilating the opposition infected the political culture of Bangladesh, contributing to subvert procedural fairness, undermining the process legitimacy – particularly while exercising the state’s coercive power and making decisions. The democratic practice has been reduced to mere holding of elections amidst allegations of politicising the key state institutions such as the police, anti-corruption commission and election commission, and drifting away from becoming the ‘repository of public confidence’- and hence suffering from a deficit of structural legitimacy. A culture of identity politics and a fragmented power structure remains the defining feature of Bangladeshi polity contributing to its legitimacy deficit. Despite achieving impressive economic growth, the idea of a Bangladeshi state – in particular, its national identity, a political settlement and the difference between national and regime security, remains blurred and contested.

### **3.4 Changing Nature of Identity Politics**

The culture of identity politics in Bangladesh began in earnest following the military coup on 15 August 1975 that killed *Bangabandhu* Sheikh Mujibur Rahman.<sup>255</sup> The post-1975 regimes and their parties embarked on drawing new boundaries of national identity, most notably by abandoning secularism and embracing Islam.<sup>256</sup> The Constitutional amendments (see table 6.3) between 1977-1988 redefined citizenship from Bangalees to Bangladeshi and introduced Islam as the state religion. More importantly, it allowed religion-based politics that profoundly impacted the politics in Bangladesh facilitating identity-based politics. The country’s shift from the initial secularist-socialist orientation gradually started affecting the state-society relationship (Huq 1984, Murshid 1997, 2001).

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<sup>255</sup> Sheikh Mujibur Rahman was a leading political figure in erstwhile east Pakistan and eventually became the leader of the AL, the party that steered Bangladesh to independence in 1971. He is regarded as the *Jatir Jonok* (the father of the nation) and widely called as *Bangabandhu* (friend of Bengal). The Pakistani regime imprisoned Mujib in West Pakistan during the liberation war. He was freed and returned to Bangladesh only after independence. He along with all members of this family were brutally killed by disgruntled mutineers on 15 August 1975. His daughter Sheikh Hasina, who survived the attack as she was in abroad, is the current PM of Bangladesh and heads the AL.

<sup>256</sup> Zia launched the Bangladesh Nationalist Party (BNP) in 1978 and Ershad, during his rule launched Jatiya Party (JP) in 1986, to solidify and prolong their stay in power (Riaz 2016).

Table 6.3: Constitutional Changes /Amendments in Bangladesh on Citizenship and Religion

	<b>Citizenship</b>	<b>State Religion</b>
The 1972 Constitution	Article 6: Citizens of Bangladesh shall be known as <i>Bangalees</i> .	No mention of ‘state religion’. Secularism stated as one of the ‘high ideals’ in the preamble along with nationalism, socialism and democracy.
The 5 <sup>th</sup> Amendment (1977)	Article 6(2) amended as ‘The citizens of Bangladesh shall be known as <i>Bangladeshis</i> .	Inserted “Bismillah-Arrahman-Arrahim (In the name of Allah, the Beneficent, the Merciful)” at the beginning of the Constitution, above the Preamble. The word ‘secularism’ deleted. Article 38 amended allowing religion-based politics.
The 8 <sup>th</sup> Amendment (1988)		Inserted Article 2A as The State religion of the Republic is Islam, but other religions may be practised in peace and harmony in the Republic.
The 15 <sup>th</sup> Amendment (2011)	Article 6(2) amended as: The people of Bangladesh shall be known as <i>Bangalees</i> as a nation and the citizens of Bangladesh shall be known as <i>Bangladeshis</i> .	Amended the preamble as [Bismillah-Arrahman-Arrahim (In the name of Allah, the Beneficent, the Merciful)/In the name of the Creator, the Merciful.] Article 2A amended as: ‘The State religion of the Republic is Islam, but the state shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions. ‘Secularism’ returned and article 38 revived banning religion-based politics.

Source: Author’s compilation from the Constitution of Bangladesh.

The Bengali versus Bangladeshi nationalism was the first post-1975 national identity debate espoused by the AL and the BNP - the two major political parties in Bangladesh. The Bengali identity prioritises secularism, ethnicity and language while the Bangladeshi identity prioritises Islam as the dominant religion of the people and territoriality. Although the Bengali identity by itself did not imply disavowing the Muslim identity – the religion of around 90 percent of the people in Bangladesh, its combination with the secularism as state principle and the banning of religion-based parties (for their anti-liberation role), provided an opportunity to interpret it as a disapproval of the Muslim identity (Riaz, 2016:203). The prioritisation of the religion to (re)define a national identity initiated the fractionalising of the society.

The ideological orientations of the political parties as reflected in their party constitutions also echo the Bengali versus Bangladeshi nationalism.<sup>257</sup> Such division on the national identity

<sup>257</sup> The AL party constitution defines Bengali nationalism in terms of secularism, democracy and socialism; it endorses *limited role* of religion in politics. In contrast, BNP and JP’s constitution defines

issue espoused by the AL and BNP is crucial as they command the lion share of popular votes and remain the main protagonists in defining the boundaries of national identity. According to their party constitutions, the AL and other left-leaning parties like Jatoyo Shomajtantrik Dal (Jashod) and Communist Parties of Bangladesh profess the Bengali-secularist identity, seeking the limited role of religion in politics. On the other hand, Bangladeshi nationalism is at the core of the party constitution of the BNP and other right-to-centre leaning parties including JP. These parties endorse Islam as the central element of social and political life but do not profess for introducing sharia law. A list of the registered political parties in Bangladesh, their ideological orientation and support base and the percentage of the popular vote secured by parties in 1996, 2001, 2008 and 2014 general election are in annexe A and B and C.

The provision permitting the religion-based politics allowed the banned Jamaat-e-Islami (JI), labelled as *Razakars*<sup>258</sup> for its anti-liberation stand and activities, to return to politics. Since 2001 the JI generally mastered only 3-4 per cent popular votes but became a crucial player in the identity politics through their alliance with major parties (Riaz 2007:48-49BEC, 2017, 2008, 2001).<sup>259</sup> All these resulted in further polarisations. Dressing their party enmity in the garb of ideological differences over collective identity, the two variants of national identity was associated with competing narratives, empowered and promoted by the political parties, dividing the Bangladeshi society. Many anti-AL politicians and repatriated elites with a controversial role in the liberation war, flocked to serve General Zia (1976-1981) under the banner of the BNP. Despite being a freedom fighter himself, Zia mostly relied on Pakistan-returned officers and assigned them the 'helmsmen's posts at the top of the services' (Khan

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Bangladeshi nationalism in terms of territoriality and religion, endorsing Islam as the *central element* of social and political life. However, they do not profess for introducing sharia law. (AL, 2017, BNP, 2017, JP, 2017). The JI's party Constitutions (chapter 1, page2) states that all men 'shall ...reject all rules-regulations and ways-methods which are against the Sharia.' This view of implementing Sharia law is reinforced in the description of the 'duties and responsibilities' of any JI member (*Rukon*) which states '[the *Rukon*] to discern Islam from *Jahiliat* (anything outside the ambit of Islam) and he shall be aware of the periphery of Sharia determined by Allah'.

<sup>258</sup> The *Razakar*, *Al Badar* and *Al- Shams*, were the collaborators of the Pakistani military in East Pakistan during the 1971 liberation war. They are accused of killing, aiding to kill, rape and torture of many – particularly the intelligentsia and the minority Hindus. The word *Razakar* is widely implied in Bangladesh to indicate 'betrayers'. In 2008, the AL government established an International Crime Tribunal - Bangladesh (ICT-B) by for the trial of the collaborators. Amidst criticisms of the ICT-B, most Bangladeshi supports the trial.

<sup>259</sup> The JI's share of votes in national election was highest in 1991 (12.13%) followed by 8.62% in 1996 national election. However, in 2001, it came down to 4.1 percent. (BEC 1991,1996,2001)

2018) to navigate through a challenging time.<sup>260</sup> A similar trend followed during Ershad's regime (1983-1990) and his political platform, the Jatiyo Party (JP) was a mixture of defectors. To inflame the bitter rivalry between the AL and BNP, opposing supporters also label AL as a pro-Indian party with a Bengali bent and the BNP as receptive to Islamists and a pro-Pakistani force. Bangladeshi nationalism is also seen as a revival of the Jinnah's two-nation theory - based on the view that the Hindus and Muslims constitute distinct communities, that supposedly had its obituary at the creation of Bangladesh (Akhand 2015: 389-392, Van Schendel 2001, Vaughan, 2007, Billah 2013, Riaz 2016). Despite such polarisation of the Bangladeshi polity during the military rule, the efficacy of the religion-based identity politics was never fully tested until 1991 due to the absence of democratic practices. Both Zia and Ershad continued to win 'elections' irrespective of playing the religion card.

The anti-autocratic movement in 1991 was the heyday of political integration in Bangladesh – often described as the 'second chance' for the country to consolidate the idea of the state (Sobhan 2017; Riaz 2016). All major political forces in the country were united to bring back democracy and to give the required course correction for the nation. The election under an interim government in 1991 brought the BNP to power. Amidst the remarkable similarities in their election manifestoes on economic issues, the AL and BNP significantly differed on the role of religion in defining national identity. BNP pledged to retain Islam as a state religion and associated provisions in the Constitution. The AL on its part promised to bring back the socialist policies and secularism as the party was against the principle of integrating religion into politics (Islam, 2001: 162).

Bangladesh's return to democracy in 1991 offered a space to create a political structure where ideologically-oriented parties of both left and right, could gradually *learn* to compete and cooperate on issues that were vital for the national interest. Indeed, between 1991 -2001, several incidences of such competition and cooperation happened where the political polarisation and the religion card appeared marginal. For example, all parties supported the Constitutional amendment to (re) introduce parliamentary democracy despite the BNP's initial

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<sup>260</sup> The political and professional background of the 76-founding convening committee member of BNP under Zia is a clear testimony to this. For example, Justice Abdus Sattar (later became president after Zia), was expatriated in 1973 and was serving as Chief Election Commissioner of Pakistan till 1972. Shah Azizur Rahman, (served as Prime Minister under Zia) was the General Secretary of East Pakistan Muslim League (1952-1958) and was also accused of collaboration with the Pakistan Army in 1971. Within the military, Zia mostly relied on Pakistan-returned officers (Bertocci, 1982: 996).

stand for the continuity of the presidential system. Again, during the run-up to the 1996 election, the AL formed a *troika* with the JP and the JI compelling the ruling BNP to introduce the caretaker government (CTG) provisions – a crucial constitutional amendment.<sup>261</sup> According to this provision, the country is to be ruled by a nonelected and nonpartisan CTG for an interim period during the transition from one elected government to another. The immediate past retired Chief Justice is to head the CTG as Chief Advisor along with advisers who were not allowed to contest the election. The primary objective was to create a level playing field to hold a free and fair election. Since 1996, the CTGs have managed the three elections and transitions. However, the fact that AL did not hesitate to be in a political grouping with the JI to demand the CTG provisions was indicative that cooperation was possible between ideologically opposite and rival parties on critical national issues. These events hinted at the possibility that, if the successive ruling regime(s) could desist from being authoritarian and a monopolist user of state power, the polarisation of the polity around Bengali nationalism-secularism and Bangladeshi-Muslim nationalism had the potential to produce, over time, a stable, political order under the banner of two major parties (Hossain 2012: 165).<sup>262</sup>

However, in 2011, leveraging a selective interpretation of the Supreme Court judgement on the 13<sup>th</sup> amendment,<sup>263</sup> the critical CTG provision was annulled through the 15<sup>th</sup> amendment by the AL government. It is worth noting that, in keeping with the global concern for terrorism, the same amendment also banned religion-based politics and the right to form associations or unions for organising ‘terrorist acts or militant activities against the State or the citizens or any other country’. The scrapping of the CTG provision dimmed the prospect of holding a free and fair national election. Accordingly, the major political parties boycotted the 2014 national

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<sup>261</sup> The opposition alliance nominated the Chief Justice to head the first interim CTG in Bangladesh after General Ershad was forced to resign in 1991. Later in 1996, the 13th amendment was passed, following an intense pressure from the *troika*, formalising the CTG provision. Although the provision itself emerged under pressure and due to the lack of trust amongst the political parties, it was able to hold three national elections that were largely considered as free and fair by local and international observers.

<sup>262</sup> It is argued that, if most voters are massed in one relatively narrow band on the left-right scale then the government can choose all its policies from within this band. Hence government’s policies would form a fairly cohesive set embodying the ideological viewpoint associated with that narrow band. This outcome is typical of a two-party system (Downs 1957:144). This suggests that in a democracy, the number of political parties and their ideological positions dictates the equilibrium in a political system and a system having two major parties/coalition tends to offer better stability.

<sup>263</sup> The judgement that declared the provisions of CTG as ‘void’ and ‘unconstitutional’ also held that the national election to the 10<sup>th</sup> and 11<sup>th</sup> parliament may be held under the CTG barring the provision of making the Chief Justice or the judges of the appellate division as the head of the CTG.

election, and a total of 154 MPs (out of 300) were ‘elected’ uncontested for the first time in the history of Bangladesh.<sup>264</sup> By 2016 the spectre of a dominant one-party rule in Bangladesh loomed largely. Attaching the ban on religion-based politics, while retaining Islam as the state religion in the 15<sup>th</sup> amendment, together with the increasing authoritarian tendency by the state begs the question whether the discourse of GWoT has diminished possibilities of creating a stable political order in Bangladesh?

In sum, the nature of Bangladesh’s fragility is rooted in its legitimacy deficit originating from the identity politics and the absence of a transparent and accountable democratic process. It is also rooted in the desire of the ruling parties to annihilate the opposition. Despite their demonstrated ability to compete and cooperate, that helped to bring back democracy in Bangladesh in 1991 and to introduce the CTG provisions, the parties have since reinforced the practice of identity politics and consolidating power when elected to rule. Such practice facilitated to create divisions between the state and the society and amongst the groups in the society. The regimes in power have often resorted to substituting state machinery through the party activists and the abuse of state institutions, particularly the coercive tools. However, how much of the legitimacy deficit is contributed by the GWoT, is what we examine next by tracing its cognitive, regulatory and capability pathways. Has the GWoT transformed the use of religious identity from mere political *expediency* into a political *necessity* sealing the prospect of creating an inclusive, tolerant and secular society in Bangladesh?

### **3. Tracing the Cognitive Pathway: Impact on Thinking-Interpreting and Reasoning**

The theorised pathway in Chapter 5 translates into four channels of operation of the cognitive domain (see box 6.4) out of which three leads to increased fragility and one to decreased fragility. The manifestation of state’s authoritarianism can be political repression, violation of physical integrity rights, enforced disappearance, torture, killing, curbing political and civil liberty, freedom of speech and so on. The incidences of terrorism and fatalities, violence against civilians, fractionalizations are some direct measure of the prevalence of violence and insecurity due to identity politics. Thus, we first trace the broad trends in terrorism and the manifestations of authoritarianism. Second, we examine the events and actors showing whether

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<sup>264</sup> The parliament of Bangladesh contains 350 seats, including 50 seats reserved for women, which are apportioned on elected party position in the parliament.

and how the cognitive pathways of GWoT have contributed to the identity politics by these actors leading to increased fragility in Bangladesh.

#### **Box 6.4: Channels of Operation of the Cognitive Pathway of the GWoT**

Channel 1: **Culture of fear/othering** (GWoT) > strengthening *identity-based politics* (society) > increased intra-group conflict/violence/instability (society) > decrease legitimacy > increased fragility

Channel 2: **Culture of fear/othering** (GWOt) > consequentialist approach by (state) > strengthening *identity-based politics* (society) > increased intra-group conflict/violence/instability (society) > decrease legitimacy > increased fragility

Channel 3: **New strategic norms/practices** (GWoT) > (state) empowered > (state) become *authoritarian* > (coercive) capacity increased (state) > better social control due no effective opposition (society) > increased 'legitimacy' and capacity > decreased fragility.

Channel 4: **New strategic norms/practices** (GWoT) > (state) empowered > (state) become *authoritarian* > (coercive) capacity increased (state) > increased intra-group conflict/ violence/ instability (society) > capacity and legitimacy eroded through fighting instability/violence> increased fragility

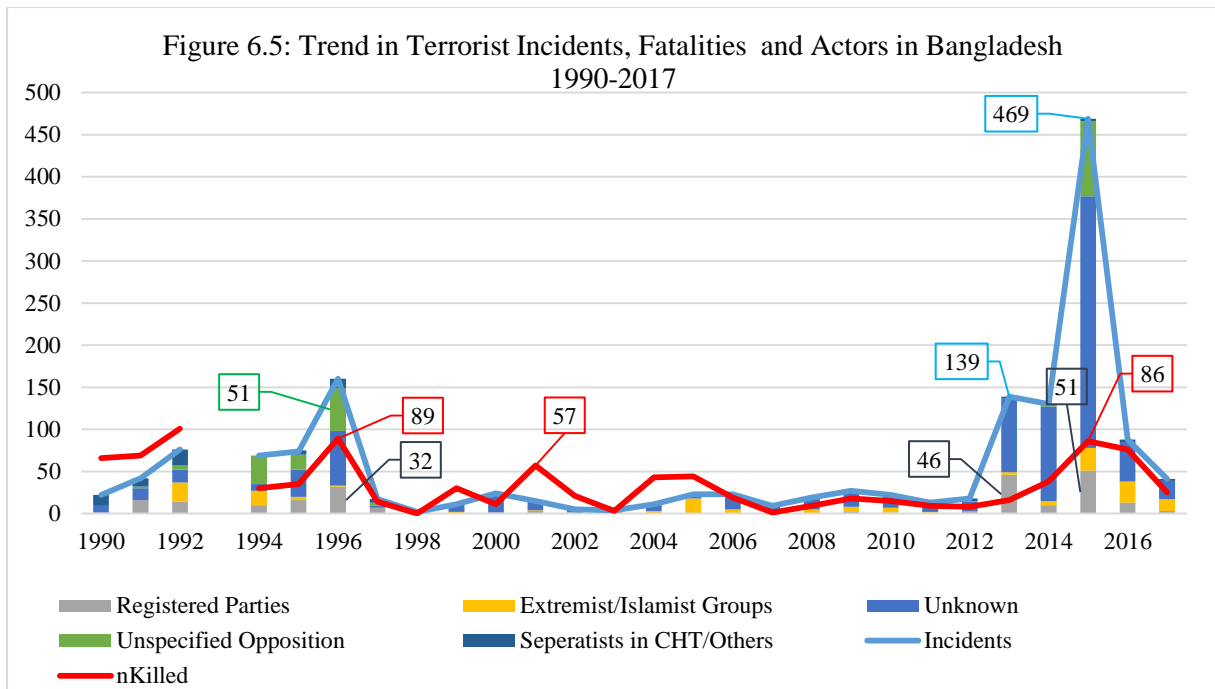
### **4.1 Broad Trends of Terrorism and State Authoritarianism**

Figure 6.5 shows the terrorism-related incidents, fatalities and the non-state actors who perpetrated these terrorist acts<sup>265</sup> in Bangladesh for the period 1991-2017.<sup>266</sup> The data indicate a relatively low and sporadic change in terrorist incidents and fatalities until 2013. The year 2015 was particularly fatal. The mainstream political parties and their front organisations remain responsible for most of the terrorist incidents. The extremist groups such as the banned Jamaatul-Mujahedin Bangladesh (JMB), Ansarullah Bangla Team (ABT), Harkat-Ul-Jihad al-Islam – Bangladesh (HuJI-B), al-Qaida and ISIS affiliates and the leftist extremist groups like the Purba Bangla Communist Party (PBCP), *Shorbohara*, *Gono Bahini* have also carried out terrorist attacks. The increase in terrorism incidents mostly coincides with the national elections in Bangladesh.

<sup>265</sup> The GTD Codebook (2017:9) defines a terrorist attack as 'the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation.' The database does not include acts of state terrorism.

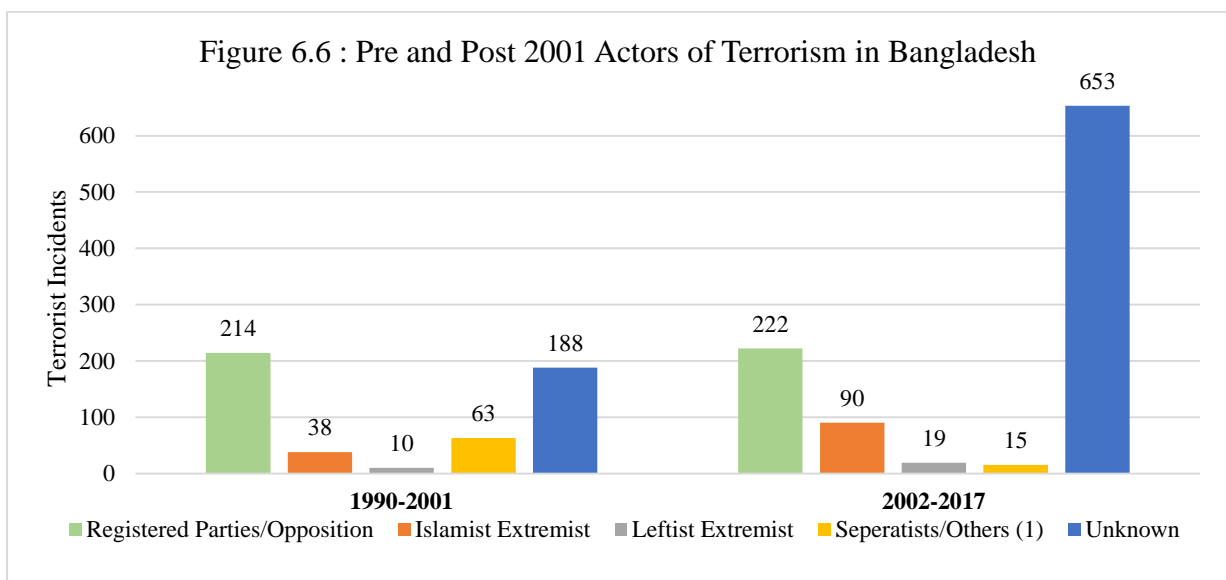
<sup>266</sup>The 'Unspecified Opposition' includes data on groups coded as pro-strike (hartal) activists, Opposition Group, strikers, Strike Enforcers, Students, Rival Activists in the GTD. The Separatists in the CHT/Others includes data on Shanti Bahini, Parbatya Chattagram Jana Sanghati Samity (PCJSS), Rohingya extremists, Hill Students Council, Chakma tribal group and United People's Democratic Front (UPDF) operating in the Chittagong Hill Tracts (CHT). The 1993 data is not available in the GTD.





Source: Author’s compilation from GTD (2017).

Figure 6.6 compares the pre and post-2001 era actors of the terrorist incidents in Bangladesh. Within the known cases of terrorism incidents,<sup>267</sup> the mainstream political parties and their front organisations have committed around 65 per cent incidents. The attribution of terrorist incidents to the Islamist extremist groups increased from around 12 per cent to 26 per cent in the post-2001 era.<sup>268</sup> The data is indicative of increased penetration by the groups like the JMB, ABT, HuJI-B and the al-Qaida and ISIS affiliates in Bangladesh in the post-2001 era.

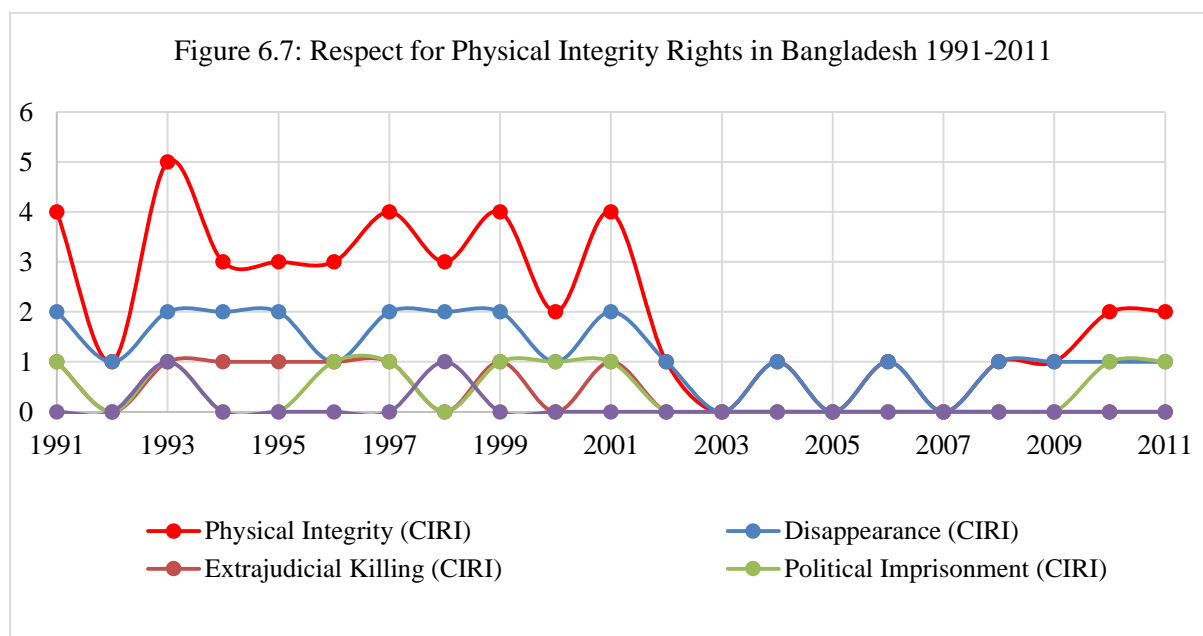


<sup>267</sup> According to the GTD, the perpetrators of around 36 per cent pre-2001 incidents (188) and over 65 per cent of post-2001 terrorist incidents (653) in Bangladesh remains ‘unknown’.

<sup>268</sup> The calculation is based on the ‘known’ pre-2001 and post-2001 incidents.

Source: Author's compilation from GTD (2017)

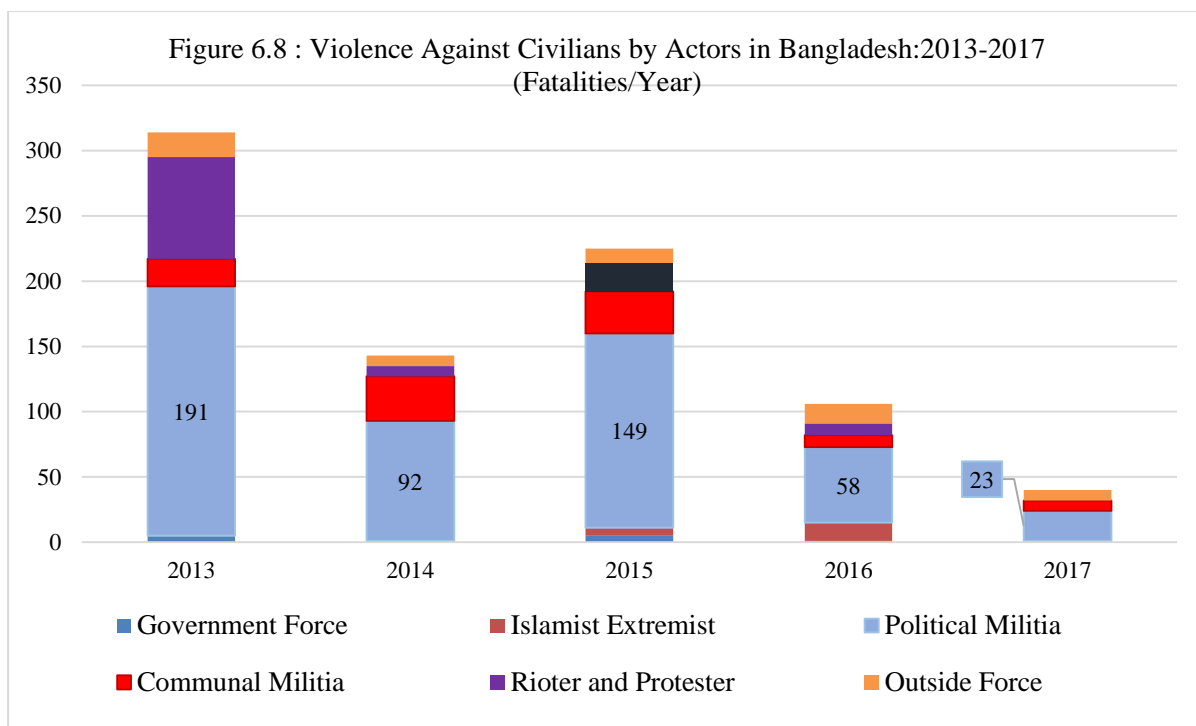
Figure 6.7 plots the CIRI human rights data (1991-2011) on the government's respect for the physical integrity rights and the incidences of torture, enforced disappearance, extrajudicial killing, and political imprisonment.



Source: Author's compilation from PTS, FH and CIRI data

It shows that that the incidences of abduction, extrajudicial killing, and political imprisonment had increased since the beginning of the GWoT, except in 2010-11, when the government demonstrated a 'partial respect' on this issue. As highlighted before (figure 6.2), the post-2001 PTS score also reflects that the rights violations have expanded during this period. The ACLED data on the violence against *unarmed civilians* in Bangladesh (see figure 6.8) further documents the lack of government's respect and the political nature of the violence. Between 2013-17, out of every 100 fatalities of civilians, 62 were attributed to the political militias- many of whom are the supporters of the main political party in power and operate in collusion with the police.<sup>269</sup> The police in Bangladesh remains highly politicised and are often used for political expediency rather the law enforcement.

<sup>269</sup> The ACLED data on Bangladesh is available for 2013-2017. Almost all these militias are the activists of the AL and BNP) and their front organisations. The communal militias, rioters and protesters in most instances are also the party affiliates – mostly the rival student fronts.



Source: Author's compilation from ACLED data.<sup>270</sup>

The data on these long-term trends provide useful insights. *First*, compared to the proscribed militant groups the mainstream political parties are mostly responsible for the terrorism incidences and fatalities in Bangladesh. As a result, there exists a possibility of *conflating terrorism* with a genuine political struggle and using the CT tools against the political opponents. *Second*, the state's authoritarian tendency has *increased* since 2001. Successive post-2001 regimes in Bangladesh have continued the practice of curbing political rights, violation of physical integrity rights and political terror. These findings conform to the theorisation of type-2 fragility in which we contended that regimes in type-2 fragile states are more sensitive to the political threats. *Third*, although the frequency and intensity of terrorism-related incidences and fatalities were sporadic, the government's respect for protecting the physical integrity rights continued to decline since the onset of the GWoT. Living in a more authoritarian state became the new 'normal'.<sup>271</sup> Such authoritarian tendency is indicative that the regime's decision to use (or not to use) force when necessary, is not entirely related to the fight against terrorism or to ensuring security, but perhaps to serve the regime interest.

<sup>270</sup> The Ansar al-Islam, Islamic State (Bangladesh) and the Al Qaeda in the Indian Subcontinent are coded as 'rebels' in the ACLED, as such they are shown as Islamist Extremist. 'Outside force' include violence carried out by Indian Border Security Forces on Bengali civilians.

<sup>271</sup> According to a Bangladeshi rights body *Ain o Salish Kendra* (ASK), as many as 519 people have allegedly fallen victim to forced disappearances between 2010 and July 2017 in Bangladesh and an astonishing 329 of them were still missing (Islam and Islam 2017).

However, these insights are not enough to claim that the cognitive pathway of the GWoT has caused this. To establish the causal links, we need to trace the process of how the cognitive pathway of the GWoT shaped the identity politics and the authoritarian practice by exploring the actors and their activities through specific events. Thus, it may be useful to examine how the oppositions are framed in Bangladesh, particularly during the elections and also during the specific events that trigger the identity politics and the cognitive dislocation of the polity.

#### **4.2 Cognitive Dislocation and Insecurity**

In Bangladesh, the politics of identity shifted from being mere expediency to a necessity in the era of GWoT. However, was this shift *caused* by the cognitive pathway of GWoT contributing to state fragility and if so, how that has happened? This entails comparing the nature of the thinking-interpreting-reasoning process of identity politics that existed before the GWoT and contrast it with the post-2001 conditions. If we find that the narratives, symbols, texts, and rationales espoused by the GWoT convincingly influenced the thinking-interpreting-reasoning process of the state and the society, then only we can make the causal claim.

Bangladesh's emergence as an independent state in 1971 established the primacy of its secular Bengali identity that subsumed (but not rejected) its Muslim identity (Riaz 2016, Hashmi 2004). However, as indicated before, the Bengali-secularist identity enshrined in its 1972 Constitution shifted over time as successive military regimes scrapped secularism from the Constitution and introduced Islam as a state religion (Huq 1984, Murshid 1997, 2001; Vaughan, 2007). So, what thinking-interpreting-reasoning process triggered to redefine the national identity with an Islamic bent in Bangladesh?

In the pre-9/11 era, the most vexing issues in the Muslim world were centred on the Palestinian struggle against the Israeli occupation and supporting the Afghan Mujahideen fighting against the Soviets with the help of the U.S. There was no clear and compelling 'us' versus 'them' narratives. Aligning Bangladesh with the Muslim world was a *natural* choice. There was no overwhelming sense of insecurity, Islamophobia or global 'jihadi' movement that significantly infiltrated the Bangladeshi society to influence the cognitive domain. A handful Bangladeshis reportedly joined the Palestinian struggle during the late 1970s and early 1980s while several thousand also joined the U.S. backed Mujahideen in Afghanistan in the 1980s.<sup>272</sup> The major

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<sup>272</sup> Many of them returned to Bangladesh and formed militant groups, including Huji-B and the JMB.

benefits of declaring Islam as the state religion was to draw external legitimacy by the military regimes in Bangladesh based on the notion of Islamic solidarity,<sup>273</sup> secure the much-needed supplies of oil from the Muslim countries and expand the opportunities for the migrant workers boosting remittance inflow.<sup>274</sup>

Domestically, the regimes of Zia and Ershad did not need the religion card to win ‘election’ as they were otherwise winning ‘landslides’.<sup>275</sup> Except for the JI, none of the mainstream political parties suggested sharia law but held a varying degree of acceptance and endorsement about the role of Islam in politics. Thus, the most plausible explanation of redefining the national identity is rooted in *political expediency*. Domestically it was aimed at contrasting with the secularist parties that dominated the political landscape, drawing legitimacy for Zia and later on, Ershad’s military regimes. The actors and parties who were in the driving seat of redefining the identity (such as Zia, Ershad and their parties) did not ever suggest the idea of introducing sharia law or turning Bangladesh into an Islamic state.

The return to democracy in 1990, saw a renewed use of religion for political advantage by all parties. The AL – a staunch proponent of Bengali-secularism and a limited role of religion in politics, started using Islamic symbols, idioms and images for winning the election. The party posters inscribed ‘*Allah Shorboshoktiman* (Allah is the most powerful)’, for the first time, and the party leadership reached out to Islamist groups to oust its arch-rival BNP. In 1994, the AL was in alliance with its ‘tooth and nail opposition’ the JI along with the JP, protesting in the street to pass the CTG bill (Riaz, 2016: 179). Before the scheduled 2007 parliamentary election, the AL signed an agreement with the Islamist party, Khilafat Majlis drawing much criticism from its secular support base (Hashmi 2011:35; Riaz 2004:38-9). This, however, does not imply that there was overwhelming support for transforming the country into an Islamic state or introduce sharia law. Indeed, the meagre percentage of the vote (3-4 per cent) obtained by the Islamist political parties such as JI in post-military era evidence that the Bangladeshi polity is largely indifferent with the idea of religion being part of politics. Successive democratic regimes, thus, did not amend the constitutional provisions related to citizenship and state

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<sup>273</sup> The Constitution was also amended to declare that: ‘State shall endeavour to consolidate, preserve and strengthen fraternal relations among *Muslim countries* based on Islamic solidarity.’

<sup>274</sup> The 95 per cent of the petroleum need of Bangladesh is met by imports (crude or refined oils) from the middle east, most notably from the Saudi Arabia and Dubai based oil companies. Around 60 percent (US\$7.04 billion) of country’s remittance comes from the MENA countries (Bangladesh Bank 2017).

<sup>275</sup> In the 1979 election, Zia’s party BNP secured 44 per cent vote winning 207 seats. In the 1986 election, Ershad’s JP won 153 seats securing 42.3 per cent votes (Khan and Zafarullah 1979:1030).

religion to cope with the religious sentiment and showed varying degree of attachment towards the Muslim identity, particularly during the elections.

In sum, redefining the national identity with an Islamic bent was neither a *compelling* domestic necessity nor out of external pressure. It was a tool to *create and consolidate* support bases of the regime-sponsored political parties. It was more of *political expediency* and not an absolute necessity. For military rulers, it allowed them to gain a political foothold and legitimise their rule. For the ‘democratic’ regimes, it was pitched to make an alliance for winning elections. Viewed this way, it appears that the statist Muslim identity introduced by the military regimes and subsequently practised by the democratic regimes till 2001, was not fundamental and game-changing, rather cosmetic and rhetorical. As a result, cognitive dislocation was not profound. This however changed in the era of GWOt– which we examine next.

### **4.3 Identity Politics in the Era of GWOt**

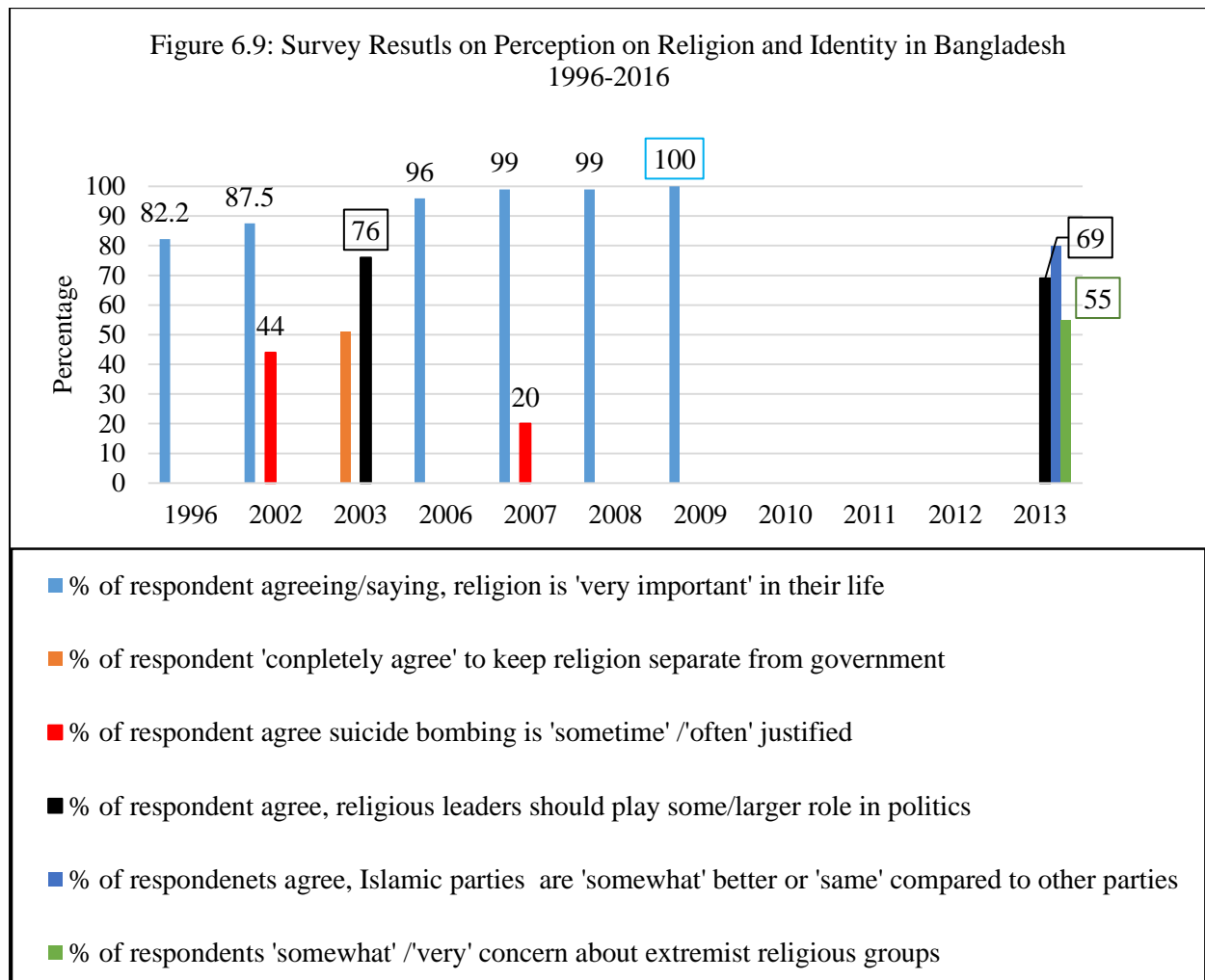
There is a general sense of grievance and victimhood amongst the Muslim population in Bangladesh seeing the ongoing conflicts and humanitarian crises in large tracts of the Muslim world, as well as the ‘palpable trends of Islamophobia and xenophobia’ in parts of the world (Ambassador Momen 2017: 6, Pervez 2016: 435, Riaz 2016). Such feelings created a general sympathy to the ordinary Muslims in Bangladesh towards their Muslim identity and an enabling condition to promote religious extremism. Nevertheless, Bangladesh condemned the 9/11 attack and expressed sympathy toward the victims (S/2002/42). A shift towards a religiously informed identity is visible from the array of public opinion surveys conducted by Pew Research Centre, World Value Survey (WVS) and Gallup Poll in the pre and post-2001 periods (see figure 6.9).<sup>276</sup> The percentage of respondent agreeing on the importance of religion in daily life reached 100 in 2009. The acceptance for the religious leaders to play a more significant role in politics declined from 76 per cent in 2003 to 69 in 2013.<sup>277</sup> At the same time, the opinion about the justification of suicide bombing reduced from 44 per cent to 21 per cent. In 2016, Bangladesh was the only country to join the category of the state experiencing the

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<sup>276</sup> The data is based on the World Value Survey of 1996 and 2002 (Inglehart et.al., 2014), the Gallup Poll Data (Naurath 2009), and the Pew Research Centre surveys in 2003, 2007 and 2013.

<sup>277</sup> The 2003 Pew Research Centre survey (p.35) question was ‘religious leaders should play a larger role in politics: agree/disagree’. Data includes percentage of respondent agree. The 2013 survey question was, ‘in your opinion, how much influence should religious leaders have in political matters? A large influence, some influence, not too much influence or no influence at all?’ the data includes percentage of ‘large’ and ‘some’ influence (25+44).

most extensive social hostilities involving religion (Pew Research Centre, 2018: 19).<sup>278</sup> A rejection of extremism paralleled the palpable support for the Muslim identity and a higher endorsement of religion in public life. However, what contributed to the pervasive religiosity in Bangladesh and what impact did it have on fragility?



Source: Author's compilation

First, the GWoT created space for the political parties in Bangladesh to associate Bengali versus Bangladesh nationalism with the 'our type' of Muslim (i.e. moderate) as opposed to 'their type' of Muslims (i.e. extremists) respectively. The powerful 'us' versus 'them' narrative of the GWoT became useful, particularly for the two major political parties and their front organisations during the election campaigns. Insertion of this global category of Muslim

<sup>278</sup> A score of 7.2 or higher in the 10-point Social Hostilities Index is considered as 'very high'. Other countries placed in this category in 2016 were Egypt, India, Iraq, Israel, Nigeria, Palestinian Territory, Russia and Syria. (Pew Research Centre 2018:19)

identity (i.e. moderate vs extremists) created new opportunities for the rival political groups to brand the opposition as extremists and associate them with the transnational terrorist groups. This was evident in the formation of the electoral alliances, election posters and campaigning. For example, in October 2001 national election, the proponents of Bengali nationalism (with a secularist bent) started projecting the proponents of the Bangladeshi nationalism (the electoral alliance of BNP, JI and Islami Oikka Jote (IOJ)) as the followers of Taleban and Bin Laden in Bangladesh alongside their previous labels as ‘Razakars’ and ‘anti-liberation force.’

Box 6.10: An Election Poster in 2001 National Assembly(Jatiya Shangshod) Election in

**Translation**

Followers of international terrorist and fundamentalist Osama Bin Laden have carried out suicide attack in the U.S. and killed a few thousands innocent people including Bangladeshis.

In Bangladesh, Khaleda Zia [read BNP] has made electoral alliance with the followers of Bin Laden and Taleban, the terrorist, fundamentalist [Read JI and Islamist parties]. If they go to power, they will turn Bangladesh into Afghanistan and Pakistan.

Don't vote for the alliance of fundamentalist Taliban & Razakars [Read 4 party Alliance]

Vote for the candidate who supports the spirit of the liberation war [Read AL]

Source: IISH, (2017)

Political posters (see box 6.10) emerged showing the twin tower and Bin Laden at the top, and the leadership of BNP led four-party alliance underneath, urging people ‘don't vote for the alliance of fundamentalist Taliban & Razakars.’ Sajeeb Wazed, the current government’s ICT advisor and the son of PM in an article in *The Washington Times* claimed that JI – previously allied to the AL and a key current ally of the BNP, is as ‘violent extremist party’ that ‘continues to collaborate with al-Qaida’, urging the U.S. to put JI in the designated list of FTOs (Wazed 2015). Such projections continue to reverberate in the speeches and write-ups of the leaders and allied intelligentsia creating new meaning and interpretation of identity.

*Second*, the branding of political oppositions as terrorists using the characters and symbols of the GWOt did not happen in a vacuum. Leveraging the resurgence of Islam as a marker of the



national identity, violent extremist and radical parties, having links or inspired by the transnational Islamist terrorist groups emerged in Bangladesh in the late 1990s. A details account of the origin, activities, ideology, funding, and state actions against these terrorist groups are in annexe D. Appropriating the language, nature of violence and the target selection preferences of the global jihadists, these groups embarked on providing new interpretations and meaning of Bengali identity. For example, the HUJI-B<sup>279</sup> – regarded as the fountainhead of militant Islam in Bangladesh, labelled the country as the ‘land of infidels (*Dar-ul-Harb*)’ and wanted to turn it a ‘land of Islam (*Dar-ul-Islam*)’ using terrorism as a means (Riaz 2016:168; Manik 2007). The group is staunchly opposed to some key Bengali culture, festivals and traditions and have attacked such events.<sup>280</sup> Drawing inspiration from Bin Laden and the Taliban, the party infamously used the slogan ‘*Amra Sobai hobo Taliban, Bangla Hobe Afghanistan*’ (We will all become Taliban and Turn Bangladesh into Afghanistan), in one of their processions, widely cited by the academia (Raman 2007).

Similarly, the JMB, which initially emerged as a reaction to the leftist extremists operating in the northern part of the country, capitalised on the globalised grievance and sufferings of the Muslim and framed it around the failure of Western-style democracy, calling for the sharia law (The Daily Star 2006,2009). The radicalisation process of the Neo-JMB members, who carried out the Holey Artisan attack in the affluent diplomatic zone of Dhaka, dubbed as ‘the Bangladesh's 9/11’, reflects the scale of the victimhood and grievance-based narrative (Comerford, 2017; The Daily Star 2016b). It busted the myth that terrorists’ support base and radicalisation was limited to the relatively poor and poverty-stricken madrasa students as the perpetrators of the Holey Artisan attack were from well-to-do families and had studied in English medium school and foreign universities (PMO, BD 2016).

Analysing the Shahbag movement in 2013 – in particular how the identity of the bloggers who initiated the protest, impacted the movement, provides a more nuanced understanding of the identity politics in Bangladesh. The 2013 youth protest at the capital’s Shahbag Square and its

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<sup>279</sup> The HuJI-B, established in 1992 by the returning Bangladeshi mujahedeen. Estimates of strength widely vary from 15,000 to 700 fighters. The HUJI-B, JMB, Hijbut Tahrir and ABT are responsible for the maximum number of terrorist incidents in Bangladesh (GTD, 2017, Riaz 2016:168).

<sup>280</sup> Such as the celebration of the Bengali new year and the *mongol shovajatra*, a mass colourful procession that takes place at dawn on the first day of the Bengali New Year and recognised by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as an ‘intangible cultural heritage’ of Bangladesh in 2016 (). The HUJI-B was

aftermath can be broadly viewed as an *open proxy war* of the nation's decades-long identity-based polarisation.<sup>281</sup> A few not-so-known bloggers initiated the protest<sup>282</sup> when the International War Crime Tribunal of Bangladesh (ICT-B) established by the AL government awarded life imprisonment to Abdul Quader Mollah – a JI leader convicted for war crimes during the 1971 liberation war. The bloggers viewed the verdict as lenient and demanded capital punishment.<sup>283</sup> With the support from secular and left-leaning groups, the protest soon became organised under the *Gono Jagorn Mancha* (platform for popular uprising) holding regular demonstrations and expanding their demand to ban religion-based politics – in particular, the JI and its student front the Chatra Shibir.<sup>284</sup> A few mainstream parties including the government initially 'blessed' the Shahbag movement but later withdrew their support.<sup>285</sup>

The movement took a surprise turn when it was revealed that some leading bloggers of the Movement were self-confessed atheists and had insulted the Prophet Muhammad (PBUH) and Islam in their blogs using extremely vulgar language. In the absence of any robust protest by the mainstream political parties, a non-political Quomi-Madrasah-based Islamist group, Hefazat-e-Islam (Protectors of Islam), emerged, demanding immediate dismantling of the *Gonojagoron Mancha* and capital punishment of the bloggers for insulting the Prophet and hurting religious sentiment.<sup>286</sup> In a show of strength, madrasa students from across the country were mobilised and assembled twice in Dhaka. The Hefazat's second protest on 5 May 2013 took a dangerous turn when the protesters decided to stay overnight. Massive security forces

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<sup>281</sup> There are several accounts of the Shahbag movement and its interpretations (Riaz, 2017, Hossain, 2015). The focus here is to explain how the GWOt emboldened the local extremist groups, such the Ansarullah Bangla Team who exploited the situation and contributing to instability and more fragility.

<sup>282</sup> The Bloggers and Online Activists Network (BOAN) group cited as the initiator of the Shahbag Movement (Immigration and Refugee Board of Canada 2014).

<sup>283</sup> The image of Kader Molla flashing a victory sign following the verdict was interpreted by many that the ruling AL has struck a deal with the JI, affronting the spirit of the liberation war (Sanchari 2015).

<sup>284</sup> Their demands also included keeping religion as a private matter, boycotting of businesses, banks, media outlets, social and cultural entities connected to the JI and investigating into the sources of JI's funding (Immigration and Refugee Board of Canada 2014:2)

<sup>285</sup> Both the AL and BNP members attended Shahbag during the early days of the movement. The lack of official response by the government, who were otherwise very sensitive to any political gathering, is also seen as "support" for the movement. However, allegations of manipulation of the movement have caused political parties to embrace, manipulate, exploit, and reject the movement

<sup>286</sup> Hefazat also made a 13-point demand to the government for implementation which included provisions for establishing Islamic values and cultural practices. Some demands were interpreted by critics as seeking the establishment of a blasphemy law, while some Western diplomats described the Hefazat-e-Islam's demands as fundamentalism. Regardless of these interpretations, the Hefazat-e-Islam's demands gained widespread support.

were employed to forcibly remove the protesters (Immigration and Refugee Board of Canada 2014).

Meanwhile, a hit list with names of 84 atheist bloggers surfaced, reportedly made by the militant Islamist group (Burke, 2015). Several bloggers were brutally murdered or injured by the members of the Ansarullah Bangla Team (ABT), a banned local terrorist outfit with alleged al-Qaida links (Hammadi 2015). The government also arrested some bloggers under the ICT law for ‘hurting the religious beliefs of the people.’ Senior law enforcement officials called bloggers to refrain from making derogatory posts (The Daily Star, 2014). The country’s PM, who promptly visited the family when the first blogger was killed, also made similar calls and refrained from showing any further support to the activities of Shahbagh movement, in particular, the bloggers (Mukherjee2015).

The Shahbag movement and the counter-movement by the Hefazat–e-Islam highlights how the discourse of GWoT can embolden the deeply rooted nature of identity politics. First, for the supporters of Hefazat-e-Islam, it was a (proxy) war to protect the (Muslim) identity, living in a Muslim majority country. The absence and inactions of the mainstream parties to ‘protect Islam’ propelled the Hefazat (with an Islamic bent) to become the most powerful representation of the rural middle class that politically overwhelmed the protesters at Shahbag, representing the urban middle class (with a secularist bent). Informed and embolden by the global reach and connectivity, the Hefazat activists projected themselves as being alienated in their own land of the (religious) values that they hold so dear. Second, for the proscribed terrorist groups, it was an opportunity to show their presence, and thereby earn prominence if not ‘legitimacy’ – particularly from their outside patrons. Third, the discourse of the GWoT, in this context, helped to unleash the religious identity, dividing the polity into atheist and believers that originated from a simple demand of imposing capital punishment to a convicted war criminal. The discourse of GWoT helped to elevate the primordial factor to a significance constraining rational thinking, inciting violence, and instability -- all contributing towards the state fragility.

#### **4.4 State Authoritarianism in the Era of the GWoT**

The Islamic militancy, a predictable outcome in a Muslim majority country like Bangladesh has been a transitory phenomenon that grew in frequency and intensity over time, allowing the state to become more authoritarian. Mirroring the global jihadist’s practice, terrorist groups in Bangladesh carried out suicide attacks – rarely supported in Bangladesh, slaughtered foreigners and the atheist Bangladeshi bloggers. The acts of violence committed by these groups are seen

by the Bangladeshi society as extra-normal, in the literal sense that they breach the social norms and cultural values, thus causing a sense of outrage. Despite their narrow support base and general abhorrence by most Bangladeshis, these extremist groups continue to exploit the social divide on the question of identity, in a bitterly contested political environment. However, their marginal relevance in mainstream politics does not diminish their role to pursue their nihilistic aim to establish 'Islamic hukumat' in Bangladesh and provide justifications for the authoritarian practice by the state.

The existence and activities of the terrorist groups are used to justify the consequentialist approach by the state. After the Holey Artisan attack, country's PM in her public address stressed the need of showing zero tolerance against the terrorist, explaining that the terrorists want to make Bangladesh a 'failed state' (BD PMO, 2016). Their very presence facilitates the regime to conflate the threat and associate the political opposition with terrorism. Several actions and statements justify such a tendency. First, the government has always maintained that the terrorism in Bangladesh is 'homegrown', despite alternative claims (Comeford, 2017). Such a position leverages the ruling regime to claim that the terrorist groups are proxies of the opposition political parties rather than of any transnational groups. It allows the regime to associate the opposition with the terrorists and also cite the threat of terrorism and deteriorating law and order conditions to curb political freedom and civil liberty. Indeed such restrictions imposed by the government has kept the opposition in Bangladesh to limit their activities within the immediate confines of their party office (Huda 2011, The Daily Star 2013a,b, 2014a, 2016a). Second, the denial is also related to the country's international credibility and the fear of giving a free hand to western intervention, either through soft or hard means under the rubric of the GWoT. Such political considerations dilute the real interests of the state and mix it up with the interest of the regime in power.<sup>287</sup> In an intolerant and confrontational political culture like Bangladesh, the extremist groups encourage the functional utility of violence in politics. Consequently, an empowered and authoritarian state claims the normative legitimacy of its actions in the name of fighting terrorism contributing to the fragmentation of social cohesion and increased fragility.

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<sup>287</sup> For example, Huda (2011) points out one such 'dilution and mix-up' stating that 'our intelligence agencies maintain files and shadow the leaders of pronouncedly constitutional politics-oriented parties belonging to the opposition who are recognised partners in the supposedly edifying act of politics.'

#### 4.5 Section Summary

In sum, the tracing of the cognitive pathway in the context of Bangladesh confirms the unsettling effects of the GWoT. The thinking, interpreting and reasoning process of the cognitive pathway has strengthened the identity politics by creating ‘our type’ and ‘their type’ of Muslims and destabilised the sense of security that the political actors and groups could potentially enjoy under an emerging and maturing political equilibrium. The pathway has also empowered the regimes in power to be more assertive and authoritarian evidenced by the increasing trends in violating physical integrity rights, political terror, enforced disappearance and political imprisonment. The combined cognitive inputs of the GWoT to the state and the society have resulted in the legitimacy deficit, breeding fragility as theorised.

#### 4. Tracing the Regulatory Pathways in Bangladesh

The regulatory pathway of the GWoT entails the demand for regulatory convergence and compliance (box 6.11). In this section, we first establish the nature and extent of Bangladesh’s convergence with the international and regional CT instruments and their manifestation in the domestic legislation. We investigate the U.N. documents, the reports by Bangladesh in the UN responding to the demand and the domestic anti-terrorism instruments. Second, we trace how the CT regulations are implemented in Bangladesh and what were their impacts on state and society.

##### **Box 6.11: Channels of Operation of the Regulatory Pathway of the GWoT**

Channel 1: **Demand for Policy & Regulatory Convergence** (GWoT) > Reform/Revise/ Ratify CT Law/Policy (state) > Human Rights/Freedom Undermined/ Violated (society) > decrease legitimacy > increased fragility

Channel 2: **Demand for Compliance & Enforcement** (GWoT) > Prioritize/Integrate CT in National Security (state) > Weak Opposition/ Better Social Control/ Cohesion (society) > increased legitimacy and capacity > decreased fragility.

Channel 3: **Demand for Compliance & Enforcement** (GWoT) > Prioritize/Integrate CT in National Security (state) > Selective Application /Regime Security (state) > Increased Dissent/ Opposition/ Radicalization (society) > decrease legitimacy > increased fragility

## 5.1 Nature and Extent of Regulatory Convergence

On the eve of the GWoT in 2001, Bangladesh was party to only three UN conventions on CT.<sup>288</sup> Responding to a query in 2002, the country's permanent representative to the UN stated that Bangladesh was actively examining the remaining international CT instruments for ratification (S/2002/42).<sup>289</sup> Following the adoption of the UNSC Resolution 1337 (2001), Bangladesh was under increasing pressure for the CT regulatory reform (S/2002/1137). In response, Bangladesh initially insisted on the adequacy of the existing laws, reflecting the country's reluctance to comply with the demand for regulatory convergence. In 2002, country's permanent representative to the UN stated that strict compliance and proper enforcement of the *existing laws and regulations* in Bangladesh 'is sufficient to prevent the commission of acts of terrorism and suppress terrorist acts or bring perpetrators of such acts to justice' (S/2002/1137, p.5).<sup>290</sup> However, by 2005, the country's position changed, and Bangladesh submitted the necessary instruments of accession for joining eight UN CT Instruments and expressed intentions for joining the remaining Conventions without making any commitment to change the domestic laws (S/2005/456, p.8). With the exception of agreeing to enact laws against terrorism financing, the BNP government (2001-2005) remained reluctant to enact new anti-terrorism laws. The country's report to the CTC till 2005 continued to cite existing domestic laws most notably the Special Powers Act, The Arms Act, Explosive Substance Act, Speedy Tribunal Act, Foreigner Entry Act, Penal Code (120A, 1208 and 1860), Narcotic Control Act, Passport Act, and the Money Laundering Act 2002. The combined power of these laws was described as sufficient to 'deny safe haven to those who finance, plan, support or commit terrorist acts or provide safe haven to terrorists' (S/2005/456, p. 6).

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<sup>288</sup> These were: 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention) and 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal Convention).

<sup>289</sup> In 2002, Bangladesh's permanent representative to the UN listed five UN CT instruments that were under active considerations for ratification/accession. In 2005, Bangladesh declared that the government is considering ratifying *all* the UN CT Conventions (S/2005/456, p. 8)

<sup>290</sup> Bangladesh's initial reluctance to meet the demand of the regulatory pathway is also evident from the arguments made by her Permanent Representative at U.N. between 2002-2005. Citing provisions of the Bangladesh Act no. LVIII of 1974 (relating to the extradition of fugitive offenders) Ambassador Chowdhury argued that this particular provision in domestic laws empowers and enables the Government 'to specify the offences in respect of each State and designate a non-treaty State to which the provisions of the Act will apply through a simple gazette notification.' Thus, implementing (new) legislation may not be necessary (2002b:6)

The military-backed CTG (2006-2008) was first to introduce the anti-terrorism legislation in Bangladesh in the form of an ordinance.<sup>291</sup> Following the election in 2008, there has been a significant scaling-up of actions and intentions in favour of domestic regulatory reforms on CT by the new AL government.<sup>292</sup> The government also declared a ‘zero tolerance’ policy towards militant terrorism and passed the Antiterrorism Act 2009 (ATA-2009) in the very first session of the 9<sup>th</sup> Parliament. The Act was extensively amended in 2012 and 2013 with expanded provisions and application.<sup>293</sup> The Treasury and Justice department of the U.S. government provided extensive technical support for drafting these amendments to ‘bring Bangladesh into greater compliance with international standards’ (USDOS, 2014:230, 2013:183). By 2013, Bangladesh became a party to *all fourteen* U.N. CT instruments (See annexe E). The country adopted a new Money Laundering Prevention Act (MLPA) in 2012 followed by the Money Laundering Prevention Rules (MLPR), in 2013 to comply with the UN convention of combatting terrorism financing. To provide a legal structure for inter-country cooperation facilitating enquiries, prosecutions and trial of criminal activities, Bangladesh also promulgated the Mutual Legal Assistance in Criminal Matters (MLACM) Rules, 2013. The domestic CT legislation also provides several mechanisms by which Bangladesh can implement the UNSC resolution 2178 (2014) related to addressing the foreign terrorist fighters. In sum, all CT rules and acts shadow the relevant UN Conventions and resolutions outlining focal points with explicit national provisions (such as provisions for proposing a name to the UNSC 1267 and 1988 Committee) for effectively implementing the UNSC resolutions.

Contrasting the BNP regime, the AL government showed greater interest in global CT regulations that enabled reforms in harmonising the domestic CT legislation. The government was also receptive to address the inconsistencies of domestic laws and justified its ‘zero tolerance’ policy towards the terrorists claiming that “they [militant terrorists] want to make the country known as a failed state by holding [and killing] innocent civilians in the face of

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<sup>291</sup> Since there was no Parliament, the CTG (2006-08) resorted to the constitutional provisions of governing through the Ordinances – a form of Executive Order issued by the President, most of which were endorsed later by the Parliament after the election.

<sup>292</sup> Prime Minister, Sheikh Hasina, in her speeches highlighted the zero-tolerance policy against militancy terrorism (PMO, BD: 2017). The link to a ‘strong domestic regulatory regime’ with the global CT Strategy and the Security Council Resolutions is also evidenced in the statement and replies by the Bangladeshi Ambassador in the U.N. from 2009-2017.

<sup>293</sup> The Schedule 1 of the Anti-Terrorism Act 2009 explicitly mentions all the U.N. conventions/protocols ratified (current and future). It also lists five proscribed terrorist outfits in schedule 2 (current and past).

arms’’ (PMO, BD: 2016). In sum, changes in Bangladesh’s CT related laws tend to confirm the regulatory pathways as theorised. However, whether or not Bangladesh’s regulatory convergence on CT issues resulted in strengthening her ability to avoid fragility granting greater legitimacy to the government is what we examine in the next section.

## 5.2 Efficacy of the CT Regulatory Convergence

Bangladesh’s regulatory convergence with the global CT instrument is paralleled by an increase in the incidents of human rights violations, undermining of political freedom and civil liberty, and occasional violence by the state and violent extremist groups (See figure 6.7). However, how is the regulatory convergence causally connected to the legitimacy deficit and decreased state fragility in the context of Bangladesh?

First, the change of approach by the government raises the question: was the old legislation inadequate to deal with the terrorist threat in Bangladesh? The evidence suggests that a majority of the cases are still filed, tried and prosecuted under the old laws under the Penal Code, Explosive Substances Act, 1908, Special Power Act 1974 and so on. For example, the trial of the seven JMB members accused of a terrorist attack, resulting in their sentencing for life by the country’s court in March 2009 was under the Explosive Substances Act, 1908 (The Daily Star 2009). Similarly, the cases filed against the JMB men for killing two judges in 2005, that resulted in their death sentence were under the existing Penal Code and Explosive Substances Act (The Daily Star 2006). Thus, the post-2008 CT legislation appears to be a duplication, and a political tool to show the domestic and international audience that Bangladesh takes a ‘tough on crime and strong anti-terrorist position’ (FIDH and Odhikar 2010: 33).

Second, convergence on CT legislation empowered the state with sweeping powers to arrest and detain citizens undermining their rights and privileges. This was possible due to the use of *broad and vague* terminology in the ATA-2009 to define a terrorist act. The punitive measure in the ATA-2009 includes the provision of the death penalty. The danger of conflating the definition of terrorism in the country’s CT legislation was highlighted in several reports including in the concluding observations on the initial report of Bangladesh by the UN Human Rights Committee (HRC) (CCPR/C/BGD/CO/1).<sup>294</sup> Highlighting the definition of the

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<sup>294</sup> Bangladesh acceded to the ICCPR in 2000 and is obliged to submit regular reports to its Human Rights Committee. However, Bangladesh submitted the Initial Report after 14 years on 19 June 2015 (CCPR/C/BGD/1). The concluding observations were made by the Committee in its 3363rd meeting,



‘prejudicial act’ (in the Special Powers Act, 1974) and the ‘terrorist act’ (in the ATA-2009) – two of the main domestic CT instruments in Bangladesh, the Committee observed that they were ‘unclear’, ‘vague’ and ‘broad.’ The Committee suggested to define acts of terrorism in a *precise and narrow* manner, and that legislation adopted in that context is limited to crimes that would qualify as acts of terrorism. The committee also suggested not to impose the death penalty for the terrorist financing offences, which does not constitute the ‘most serious crimes’ within the meaning of article 6 (2) of the 1966 Covenant ratified by Bangladesh. Regarding compliance, the Committee also asked the government to ensure that the CT measures are not used to restrict freedom of expression and opinion of journalists and human rights defenders (CCPR/C/BGD/CO/1,p.2). However, the Country Report on Terrorism by the US DOS *endorse* the broad language and lack of specificity in the ATA -2009. The report deems the broad language *useful*, enabling the government to act on the UNSC resolution 2178 (2014) for taking action against foreign terrorist fighters (FTF).<sup>295</sup>

Third, the demand for CT regulatory convergence and implementation gravitates states to prioritise CT legislation that may be used to ensure *regime security* instead of national security. The domestic legal instruments are often applied selectively. In Bangladesh, Article 57 and 63 of the Information and Communication Technology (ICT) Act is one such instrument that was introduced in 2006 (and amendment in 2013) for curbing online-speech offences. Many observers dubbed it a ‘de facto blasphemy’ law, to muzzle the voices of free thinkers, journalists, and political opponents (CCPR/C/BGD/CO/1, p.6, Liton 2017, Adhikary 2016). The law criminalises the publication of any online content that contains anything that can ‘causes to deteriorate or creates the possibility of *deteriorating law and order*, prejudicing the image of the State or person or causes to hurt or may hurt religious belief’ (ICT Act 2006). As a result, the law remains open to be applied selectively. The law enforcement agencies alongside the ruling party activists have regularly filed cases, mostly against political opponents, journalists and secularist using this law. In 2016, following the government’s change of heart on the Shahbagh movement, 35 journalists, secular bloggers, and human rights

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held on 22 March 2017 taking into consideration of the submission of Initial Report and oral presentations by Bangladesh high representative at its 3339th and 3340th meetings held on 6 and 7 March 2017 (CCPR/C/BGD/Q/1; CCPR/C/SR.3339; CCPR/C/SR.3340).

<sup>295</sup> The 2016 U.S. Country Report (p.242) notes ‘although there is no specific provisions’ outlawing recruitment and travel in furtherance of terrorism, the ‘broad language’ of the ATA provides ‘several mechanisms’ addressing the FTF threat.

defenders were arrested under the ICT Act. In 2017, 11 cases implicating 21 journalists were filed between Mar –Jul (The Daily Star, 2017).

The government scaled-up its CT legislation since 2008, while its legal framework on human rights, political and civil liberty and physical integrity rights remained mostly in the sidelines.<sup>296</sup> The ‘doctrine of incorporation’ with regards to the international human and political rights treaties signed/ratified by Bangladesh has not followed a similar trajectory like the CT regulatory reform. This was noted in several reports including the country’s own National Human Rights Commission (NHRC) to the ICCPR in 2017. The report states: ‘domestic legal framework of Bangladesh is not fully compatible with the norms of the ICCPR’ adding that that country’s key institutions such as the judiciary, law-enforcing agencies and prison system need reforms and ‘orientation towards realisation and respect for civil and political rights’. Indeed, an endemic reluctance to protect political and human rights and the efforts to muzzle criticism and political protest leveraging the GWoT inspired legal instruments has undermined the regimes legitimacy, leading to increased instability and political violence. According to the International Crisis Group (2016:4), between 2002 – 2013, Bangladesh have faced 14,000 incidents of political violence, 369 days of a general strike (*hartal*) in which more than 2,400 people died, and 126,300 were injured. More importantly, a quarter of the documented violence took place during the *hartal* while over 40 per cent of the incidents involved the activities of two major parties AL and BNP. It has also opened opportunities for the extremists to ‘push people apart’ and ‘cut off this welcoming society [of Bangladesh] from the outside world,’ as observed by the U.S. Secretary of State during his visit to Bangladesh in 2016. (US Embassy in Bangladesh 2016).

### 5.3 Section Summary

The government was initially (2001-2005) reluctant to harmonise domestic laws with global CT instruments. However, with the change of regime, the country’s position changed as it took a zero-tolerance policy towards terrorism. Several new domestic CT instruments were introduced. These new domestic anti-terrorism rules and acts reflect a detail and in-depth

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<sup>296</sup> Bangladesh has ratified eight out of nine core human rights treaties. However, unlike the speed and extent of translating the global CT Instruments into domestic laws, many human rights treaties are not adequately reflected in domestic laws. The 2016 Report by NHRC notes that, apart from the institutional barriers, the newly adopted CT laws such as the ATA 2009 is “in conflict with the ICCPR articles” and remains a “major stumbling block to fully implement the ICCPR.” More so, Bangladesh has not acceded to the First Optional Protocol to the Covenant, which establishes an individual complaint mechanism (ICCPR: 2).

integration of the global regulatory structure, mirroring the provisions enshrined in the UN based CT instruments for punishments, banning and reporting of terrorism-related issues. However, these new instruments are also wide-ranging and overlapping allowing broad and vague interpretations. As a result, they legally empowered the regime in power to use these laws for not only for taking coercive actions against the banned violent extremist groups but also for silencing the political oppositions through selective applications serving regime security instead of national security as theorised.

## 5. Tracing the Capability Pathway in Bangladesh

The theorised pathways of the capability domain can operate through five channels (see box 6.12), of which one channel can lead to decreased fragility while the remaining four leads to increased fragility. As Bangladesh did not face any coercive action to join the fight against terrorism, we focus on tracing channel 3, 4 and 5.

### Box 6.12: Channels of Operation of the Capability Pathway of the GWoT

Channel 1: ***Exercise of Coercion*** (GWoT) > Increased Mistrust/ Grievance/ Radicalization (society) > decrease legitimacy > increased fragility

Channel 2: ***Exercise of Coercion*** (GWoT) > React/Accept Coercion (state) > Increased Mistrust/ Grievance/ Radicalization (society) > decrease legitimacy > increased fragility

Channel 3: ***Threat of Coercion*** (GWOt) > *Tactical Concessions* (state) > *Increased Polarization/ Instability/Conflict* (society) > *decrease legitimacy > increased fragility*

Channel 4: ***Capacity building Assistance/Cooperation*** (GWOt) > *Capacity used for national security/ alliance building* > *Better Security/ Cohesion* (society) > *increased legitimacy and capacity > decreased fragility.*

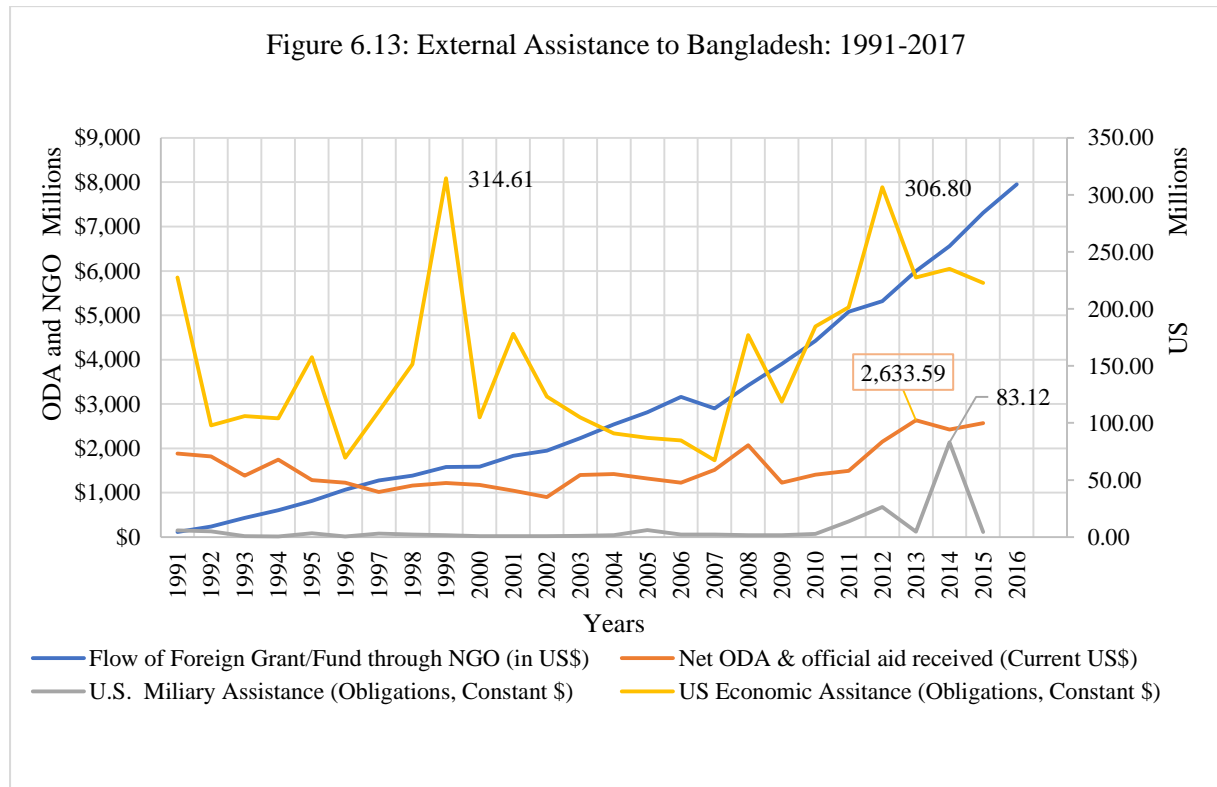
Channel 5: ***Capacity building Assistance/Cooperation*** (GWOt) > *Capacity used for regime security/ elite control of society* (state) > *Increased Polarization/ Instability/Conflict* (Society) > *decreased 'legitimacy' > increased fragility*

## 6.1 Resource Flow for Capacity Building

Despite an overall decline in Bangladesh's dependency on foreign aid,<sup>297</sup> external resource flows from different partners has increased manifold over time (figure 6.13). Since 1991, the net official development assistance (ODA) to Bangladesh remained roughly below US\$2 billion. It was only in 2013 when the ODA increased to US\$2.63 billion (OECD 2017).

<sup>297</sup> Bangladesh currently has one of the lowest external debt amongst the developing countries. Annual net bi-lateral aid flow to Bangladesh through the Development Assistance Committee (DAC) is generally 1 percent of Bangladesh's GDP. (BRAC 2012:02-05, OECD 2017)

However, the flow of foreign grant through the NGO channel kept on increasing since 1991 reaching a total of US\$ 8.6 billion in 2015. The US military assistance to Bangladesh between 1991 -2017 also remained quite low until a sharp increase from 2010 onwards. Bangladesh’s engagement with external partners involves both material and technical assistance for capacity building.



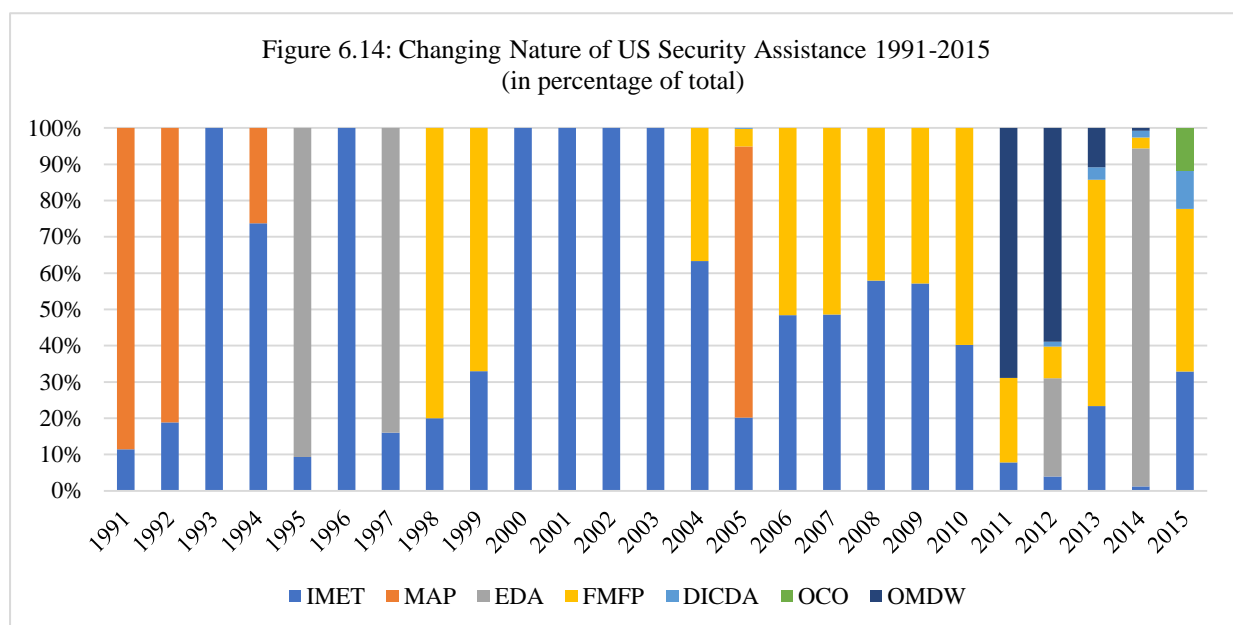
Sources: Author’s compilation from Green book (2017), NGO Affairs Bureau (2017), The World Bank (2017).

Soon after the declaration of the GWoT, the U.S. identified Bangladesh as a frontline nation<sup>298</sup> (US DOS, 2002: 141, 2003:147) and expanded its CT cooperation through various outreach programmes. The outreach programmes included training courses on the medical response to mass casualties, advanced police tactical intervention, physical security, border controls, and operations to deal with weapons of mass destruction such as mail security, customs/immigration inspection, disaster response, and urban search and rescue (USDOS 2007). The capacity building training were delivered by various US State agencies including the Special Operations Command Pacific (SOCPAC) to the police and military forces in Bangladesh such

<sup>298</sup> Other ‘frontier nations’ were Algeria, Armenia, Azerbaijan, Djibouti, Egypt, Ethiopia, Georgia, India, Indonesia, Jordan, Kazakhstan, Kenya, Kyrgyz Republic, Malaysia, Morocco, Oman, Pakistan, Philippines, Saudi Arabia, Tajikistan, Tunisia, Turkey, Turkmenistan, Uzbekistan, and Yemen.

as the Coast Guard, Navy’s Special Warfare and Diving Salvage unit, and the Army’s 1<sup>st</sup> Para Commando Battalion (USDOS 2015: 236).

The trend in US military assistance to Bangladesh (1991 -2015) according to their funding accounts, reveals the changing nature and emphasis of US assistance (See table 6.14). Until 2003, most of US funding was generic for International Military Education and Training (IMET), Military Assistance Program (MAP) and Foreign Military Financing (FMF). However, by 2004 the assistance expanded to include Drug Interdiction and Counter-Drug Activities (DICDA) and the Overseas Contingency Operations (OCO)<sup>299</sup> with no budget caps.



The country’s leading intelligence agency, the Director-General of Forces Intelligence (DGFI) and the National Security Intelligence (NSI) opened its CT units in 2002 and 2004 respectively.<sup>300</sup> The elite force Rapid Action Battalion (RAB) was formed in 2004 with an explicit and wide-ranging mandate to fight against the extremist religious doctrine and activities by the terrorists. RAB received training from the U.S. and U.K. agencies on various issues including human rights. In December 2015, a new Counter-Terrorism and Transnational

<sup>299</sup> OCO fund (also refer as war fund) is a separate pot of funding operated by the US DoD and DoS in addition to their regular peacetime budgets. OCO was originally used to finance the Afghanistan and Iraq wars. OCO funding is not restricted by the Budget Control Act (BCA) budget caps. Bangladesh for the first time had funding in this head in 2015.

<sup>300</sup> During inception in 1972, DGFI was primarily focused on military. However, in 1994, its organizational structure was reformed, and since then DGFI has transformed into the primary Intelligence agency in Bangladesh, alongside NSI.

Crime Unit (CTTCU) was formed. The 600-member strong CTTCU is headed by a Deputy Inspector General (DIG) of Police to combat terrorism, cybercrimes, and terrorism financing related crimes with a mandate to operate across the country. CTTU has been formed with members from Special Weapons and Tactics (SWAT), bomb disposal unit, and the dog squad. The U.S. Special Operations Command (Pacific) have also provided CT training to several elements of the Bangladesh military including the 1<sup>st</sup> Para Commando Battalion of Bangladesh Army, Special Warfare and Diving Salvage (SWADS) unit of Bangladesh Navy and the members of Bangladesh Coast Guard (US DOS 2014:240). However, the mandate of the Bangladesh military does not include fighting terrorism unless tasked by the government.

Bangladesh formed the National Committee for Intelligence Coordination (NCIC) headed by the Prime Minister in 2009. The primary objective of creating NCIC was to integrate intelligence on foreign, defence and internal security matters by bringing together the principal civilian and military intelligence organisations of the country. There is also a 17-member National Committee on Militancy Resistance and Prevention (NCMRP) headed by Home Minister. Amidst such a growth of new institutions, cooperation, and revised domestic legislation, the country that was once identified by the U.S. in 2002 as a ‘frontier nation’ and a ‘fertile ground for breeding terrorism’, transformed into an ‘influential counterterrorism partner’ with demonstrated ‘political will’ to combat domestic and transnational terrorism, by 2015 making it ‘more difficult’ for the terrorist to operate in or use Bangladeshi territory (USDOS 2015: 235, 2016:241, 2013).

## **6.2 Nature of the Threat of Coercion and Tactical Concessions**

Bangladesh did not face any explicit threat of coercion following the GWoT. Despite pressure and expectation that Bangladesh will join the U.S. led forces in Iraq and Afghanistan, the successive government maintained that any troop deployment would have to be under UN leadership.<sup>301</sup> However, the government was most concerned about its reputation and wanted to avoid being seen as a terrorist prone country.<sup>302</sup> This was particularly evident following

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<sup>301</sup> There were at least two occasions when Washington’s ‘pressure’ on Bangladesh for sending troops reportedly ‘intensified’ and was ‘visible’. First in June 2004, during the visit of U.S. Secretary of Defence to Bangladesh and second in 2010 following the visit by Ertharin Cousin, President Obama’s representative to the UN agencies in Rome (VOA, 2004; Hendren 2004, The Peninsula 2010). GoB maintained a similar position in both occasions.

<sup>302</sup> The primacy of ‘image’ had frequent mentions in the speeches of the prime minister to the nation. The opposition also blamed the regime for tarnishing country’s image as a moderate Muslim country.

several terrorist incidents by JMB in 2004-05, that prompted some to label Bangladesh as the ‘next Afghanistan’ and a ‘potential breeding ground’ of violent extremism, soon to become a ‘failed state.’ (Perry 2002; Griswoldjan 2005; Karlekar 2005, Vaughn 2007). However, over the period, the country’s image shifted considerably.

The Country Reports on Terrorism published by the U.S. DOS in the last 15 years<sup>303</sup> and the UN reports on Bangladesh provides an insight into the changing nature of characterisation.<sup>304</sup> Between 2001-2005, Bangladesh was regarded as the ‘frontline’ state located in the ‘central battle-ground’ of the GWoT that has ‘already’ become an ‘attractive breeding ground’ for violent extremism (U.S.DOS 2001;147; 2004:70-72). According to the reports, during this period, the GoB’s action in the GWoT was limited to ‘commitments’, ‘pledges’ and ‘intentions’ resulting ‘limited success’ in fighting terrorism due to ‘*serious institutional, resource, and political constraints*’ (2001, 2002: 147). The report also echoed India’s concern of harbouring anti-India insurgency in Bangladesh. However, such reporting started changing in 2007-08 during the CTG who introduced the ATA and the AML ordinance. The reports from 2009-16 depict Bangladesh as an ‘influential’ CT partner (2013:179) that has improved her efforts in combating terrorism by preventing their ‘unfettered operation to establish safe havens inside Bangladesh’ (2010). The Reports also note that Bangladesh has acted on its pledge for CT, demonstrated political will, and firm commitment resulting in a crackdown on domestic and transnational terrorist groups, and revised and adopted new domestic laws (2014:230, 2013: 183). It, nevertheless noted that the government often attributes an act of terrorism to the political opposition and local militants. Such positive portrayal of the GoB has happened amidst a *significant increase* in terrorist activity and an increasing claim of responsibility by both al-Qaida in the Indian Subcontinent (AQIS) and ISIS (US DOS 2016: 241). All these hints at the fact that the GoB’s changed approach to the GWoT was a tactical concession validating our theorisation of the effects of GWoT.

### **6.3 Effect of Coercive Capacity and Alliance Building**

Domestically, the politics in Bangladesh has entered a new phase since 2013 where Bangladesh’s duo-politics dominated by the AL and BNP have diminished giving rise to a

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<sup>303</sup> Between 2001-2004 these reports were known as ‘Patterns of Global Terrorism.’

<sup>304</sup> This was evident in the remarks by the Home Minister. While responding to a query on increasing incidences of ‘enforced disappearance’, he stated: “the UN had expressed no similar concerns” (The New York Times 2017).

*dominant one-party system* favouring the party in power (Lewis and Hossain 2017, Riaz 2015, ESID 2017).<sup>305</sup> The *backbone* of this emerging dominant one-party system, lies in the GoB's ability to monopolise violence, much of which has been acquired and applied with near impunity as an influential partner in the GWoT. Hossain Zillur Rahman, a former adviser in the CTG, explains how the government's emphasis on *coercive instruments* has altered the balance of administrative power in Bangladesh (Kar, 2017) and its corresponding impact on the political, social and economic spheres, contributing to state fragility:

'In order to understand it [i.e. a dominant one-party system in Bangladesh], we have to start looking at the realities of the governance structure. In some places, for example, law enforcement agencies within the structure of the district administration now have a much higher political capacity and power than the bureaucrats and other service agencies. You have an altered balance of administrative power. That is the *new normal*. And the second leg of this new normal is that the contested part is not only being eroded in the political sphere but also in the social and economic spheres.'

The 'new normal' facilitated a mutually beneficial alignment of the formal LEAs with the informal groups, particularly the ruling party supporters creating a 'lawless law enforcement culture', diluting interests of the State with that of the regime in power (Huda 2011, Shahjahan 2010). Second, it has facilitated creating informal administrative structures by the groups supporting the ruling party at the local levels and empowered those (informal) structures over the formal system of governance. Lewis and Hossain (2017: Box 10, 78) in their study on selected slums in Bangladesh provide evidence of such informal administrative structures. Revisiting the same slums in 2015, they find Unit Office – an ad hoc unofficial governance structure created by the ruling party men as a means of extending its control. Third, it has also resisted the agents of formal sectors such as the district/Upazila administrators for any system change for a more productive distribution of public services and resources, for fear of upsetting the informal power structures and play along with the party line (Rahman 2006). The tension between the formal and informal agents of administrative power holders is compounded by the authoritarian tendencies of the political power holders who often overreact owing to their sense

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<sup>305</sup> Noting the onset of such 'dominant one-party rule' in Bangladesh since 2013, Professor Rehman Sobhan contends that such 'incarnation' of the ruling party (i.e. AL) towards the path of single dominant party culture is "contradictory to its own historical tradition and experience" He also contends that "Bangladesh's story could almost be written as a Shakespearean tragedy. Everything has become contested where there is no basis for having any such contest" (Kar 2017, 2015).



of insecurity of losing social control using the enhanced legal and coercive instruments acquired under the capacity building efforts of the GWOt.<sup>306</sup>

Within the region, Bangladesh embarked on active CT diplomacy and signed several regional CT conventions.<sup>307</sup> (see annexe 6F). The hallmarks of Bangladesh's CT diplomacy include (i) adopting a zero-tolerance policy against terrorism and (ii) denying space to and prevent the unfettered operation of NSAG from establishing safe havens inside Bangladesh. In 2009, Bangladesh also championed in creating a South Asia CT Task Force that received a mixed response from the regional and global powers.<sup>308</sup> The GoB's CT diplomacy significantly improved the country's image and bilateral relations, most notably with India. Veena Sikri, the Indian High Commissioner to Bangladesh in an interview outlined that, in 2004-5, there were two vital issues between Bangladesh and India relations: 'one was the camps of Indian insurgency groups inside Bangladesh and operating from the territory of Bangladesh, and the other was Bangladesh's militants.' However, since 2009, India stopped complaining against Bangladesh for 'harbouring' anti-Indian insurgents. The dividend of the CT diplomacy resulting in strong bi-lateral CT cooperation with India also mutated in garnering crucial support for the ruling regime when they wanted to hold the 2014 general election, boycotted by all major parties. Before the 2014 election in Bangladesh, the Indian Secretary of External Affairs visited Bangladesh to meet several opposition political leaders persuading them not to boycott the election. As mentioned before, the election eventually took place, and 154 MPs were elected uncontested. It was marked by one of the lowest voter turnouts in the electoral history of Bangladesh. It appears that the CT diplomacy and cooperation facilitated Bangladesh in fostering greater external legitimacy and deeper relations with her friends and allies that mostly mutated into supporting the regime instead of the state.

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<sup>306</sup> This was reflected in an incident when a Upazila Executive officer (UNO) was arrested by the police following a case filed by a ruling party enthusiast alleging that he has published a distorted photo of the father of the nation, that was drawn by a 5<sup>th</sup> grader in a school competition. The UNO was subsequently jailed by the district magistrate. As the picture of the handcuffed UNO appeared in media, government ministers were infuriated and suspended the party enthusiast from the local AL committee. Bangladesh Administrative Service Association, a professional body of the civil servant also issued an unprecedented statement demanding action against all those involved with the incident of publicly harassing the UNO (The BDnew24, 2017, The Prothom Alo, 2017).

<sup>307</sup> For example, the pre-amble of the 2004 Supplementary Protocol, states "in order to meet the obligations devolving in terms of Security Council Resolution 1373 (2001)" evidencing such 'inspiration' of the regulatory structure of the GWOt to formulate regional instruments.

<sup>308</sup> Bangladesh's proposal of a South Asian CT Task force was strongly backed by the visiting US diplomat Richard Boucher while the Indian foreign minister Pranab Mukherjee "laid it to rest with as diplomatic a dismissal as it could get" preferring a bi-lateral framework (Haider 2009, Tasneem 2009).

## **6. Comparison of the Pathways and Chapter Summary**

Bangladesh case study highlights the complex interdependence of the three pathways and their contextual and relational nature. Three key aspects are illustrative of the criss-crossed nature of the cognitive, regulatory and capability pathways of GWOt in the context of Bangladesh. First, the ‘us’ versus ‘them’ narrative of the GWOt (cognitive pathway) became useful in the context of Bangladesh because of the pre-existing national identity debate, used by the two major political parties for political expediency. The cognitive pathway of the GWOt helped them to exploit the wedge between ‘Bengali’ and ‘Bangladeshi’ identity, historically linked with the distinction between the ‘pro’ and ‘anti’ liberation forces and define this identity as ‘our type’ of Muslim (i.e. moderate) versus ‘their type’ of Muslims (i.e. extremists), culminating into the ‘astik-nastik’ (believers in Allah versus atheist) debate. In a bitterly contested political environment, such construction national identity was both fundamental and frictional as there was palpable support for the Muslim identity and a higher endorsement of religion in public life in the post-9/11 Bangladesh.

Second, Bangladesh’s decision to harmonise domestic CT rules with global instruments, CT engagements and technical cooperation was initiated by the CTG and intensified under the AL government – in power since 2008. The government also adopted a zero-tolerance policy towards terrorism and assured neighbours of denying any sanctuary for groups engaged in terrorism. However, such intensified engagement is unrelated to the frequency and intensity of terrorism-related incidences. Instead, there has been a steady rise in the violence by the political militias and a decline in government’s respect for human rights, physical integrity rights, political freedom (table 6.7 and 6.8). Apparently, the regulatory and capability pathways empowered the regime to take coercive actions, not only against the proscribed groups but also to silence political oppositions through selective applications serving regime security instead of national security as theorised.

Third, the post-9/11 trajectory of the political system in Bangladesh shows a strong tendency of moving towards a one-party system abandoning the multiparty democracy. The potential to live under a multiparty political equilibrium that emerged after Bangladesh’s return to democracy in 1991 seems far and living in a more authoritarian, one-party state has become the new ‘normal’ in the era of GWOt. Such a condition tends to destabilise the sense of security and risks a lingering legitimacy deficit.

The fundamental nature of the post 9/11 identity politics and the divisions it created in the society tend to suggest that the cognitive pathway has been most effective in the context of Bangladesh. However, the analysis of the political economy of capacity building illustrates that such identity formation was not the function of the cognitive pathway alone. A bitter contestation for political power, control over resources and state capture, motivated the actors to co-opt regulatory and capability pathways to their advantage to achieve regime security instead of national security. The mismatch between the global and domestic thinking, interpreting and reasoning process of the war on terrorism (cognitive pathways) became useful for the ‘othering’ process and enjoyed more purchasing power, particularly during the elections. However, once the party was in power, the capability and regulatory pathways became more useful to consolidate the power and to achieve better social control leading to a potential one-party state.

The discourse of GWoT helped the political actors to elevate the debate on national identity to a significance, constraining rational thinking and compromising the long-term trajectory of the state. Using the broader discourse of the GWoT and the existence of the proscribed terrorist outfits the regime in power conflated the idea of terrorism to include political opponents and to justifying the coercive actions against them. The regulatory and capacity pathways of GWoT empowered the state and its capacity to apply coercive force against its opponents and become more authoritarian while the cognitive pathway complemented such action by constructing the opponents as groups associated with terrorism.

**Annexes:**

Annexe 6A: Registered Political Parties in Bangladesh (As 25 August 2017)

Annexe 6B: Cluster of Political Parties Based on their Ideological Orientation, Alliance & Support Base

Annexe 6C: Summary of the JS Election Results in Bangladesh (1996-2014)

Annexe 6D: Proscribed Terrorist Groups in Bangladesh: Origin, Ideology, Activities, State Actions, and Funding Sources.

Annexe 6E: Ratification of UN CT Instruments by Bangladesh

Annex 6F: Regional and Bi-lateral CT Conventions, Agreements, MoU’s: Bangladesh

## CHAPTER 7: TRACING THE EFFECTS OF GWOT IN MYANMAR

“...there is some truth in the claim that, since 2001, the Rangoon regime has sought to use the rubric of the global war against terrorism to cloak a renewed campaign of discrimination against Burma’s Muslim population.” – Selth (2004:120)

### 1. Introduction

This chapter aims to trace the causal pathways of state fragility using Myanmar (also known as Burma)<sup>309</sup> as a case study. As theorised, Myanmar is a type 3 fragile state, with both legitimacy and capacity deficits. It needs to be stressed that Myanmar’s fragility *pre-dates* the era of GWoT. It had long been regarded as a ‘pariah’ state, plagued by long-running conflicts along ethnic lines,<sup>310</sup> dysfunctional state-society relations, and prolonged military rule.<sup>311</sup> The political reforms initiated in 2010,<sup>312</sup> followed by the 2015 election in which Ms Suu Kyi’s National League of Democracy (NLD) came to power, mark the country’s transition to a ‘disciplined democracy’<sup>313</sup>, opening up external engagements. Myanmar’s permanent envoy to the UN summed up his country’s status as a ‘nascent and *fragile* democratic nation struggling to overcome daunting challenges many of which are chronic in nature, inherited from the successive administrations’ (Suan, 2017). As highlighted in chapter 4, the contrasting episodes of transformations and ethno-religious diversity under a Buddhist majority polity makes Myanmar a unique case to trace the theorised pathway of GWoT beyond the conventional lens.

The chapter proceeds as follows: first, it unpacks the nature of Myanmar’s fragility through the lenses of the capacity and legitimacy dimensions of statehood. Second, it explores Myanmar’s engagement in the GWoT. Third, outlining the broad trends between 1990-2016 and documenting the relevant actions/events, the chapter traces whether and how the cognitive,

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<sup>309</sup> In 1989, country’s name was changed as the Union of Myanmar (i.e. fast and strong people). The official name is the Republic of the Union of Myanmar (Constitution of Myanmar, 2008).

<sup>310</sup> The government recognises eight national races comprising 135 ethnic groups. These are: Kachin (12 ethnic groups), Kayah (9), Kayin (11), Chin (53), Bamar (9), Mon (1), Rakhine (7), and Shan (33). Rohingya is not recognised as an ethnic group. Ministry of Hotels and Tourism (2016).

<sup>311</sup> The initial military takeover (1958-60) was in the form of caretaker government followed by the military rule in different forms till 2011. A quasi-civilian government under Union Solidarity and Development Party (USDP), regarded as a military-proxy, ruled from 2011 till 2015. Thus, Myanmar has been under military rule for 56 out of the 69 years since independence from the colonial rule. (Yawngwe, 2001; Yi-Chinand and Jenn-Jaw 2016)

<sup>312</sup> Most scholars agree that the efforts by the USDP government that came into power after the 2010 election (a faction of the NLD also participated in the election) was the starting point of Myanmar’s political reforms (See Bünthe 2011:16-18; Lowrey 2012; Oo 2014:13, Steinberg, 2016; Zwa Moe, 2017).

<sup>313</sup> The term is coined in light of Myanmar’s 2008 Constitution. It states (Article 6 and 405), a ‘genuine, *disciplined* multi-party democratic system’ is one of the six objectives of the Union and political parties should ‘accept and practise a genuine and *discipline*-flourishing multi-party’ democracy (italic added).

regulatory and capability pathways of the GWoT affected the state and the society. Broadly, the actions and ‘mind’ of the state is traced by analysing Myanmar’s official reports to the UN CTC, Third Committee on Human Rights and ratification and adaptation/application trend of the CT instruments. The societal aspects are traced by exploring significant events and actors. A brief timeline of major political events, demography and list of Ethnic Armed Groups (EAGs) are in annexe 7A, 7B and 7C as quick references. The Rohingya crisis of 2017 and the associated allegations of atrocity crimes are not included in the analysis.

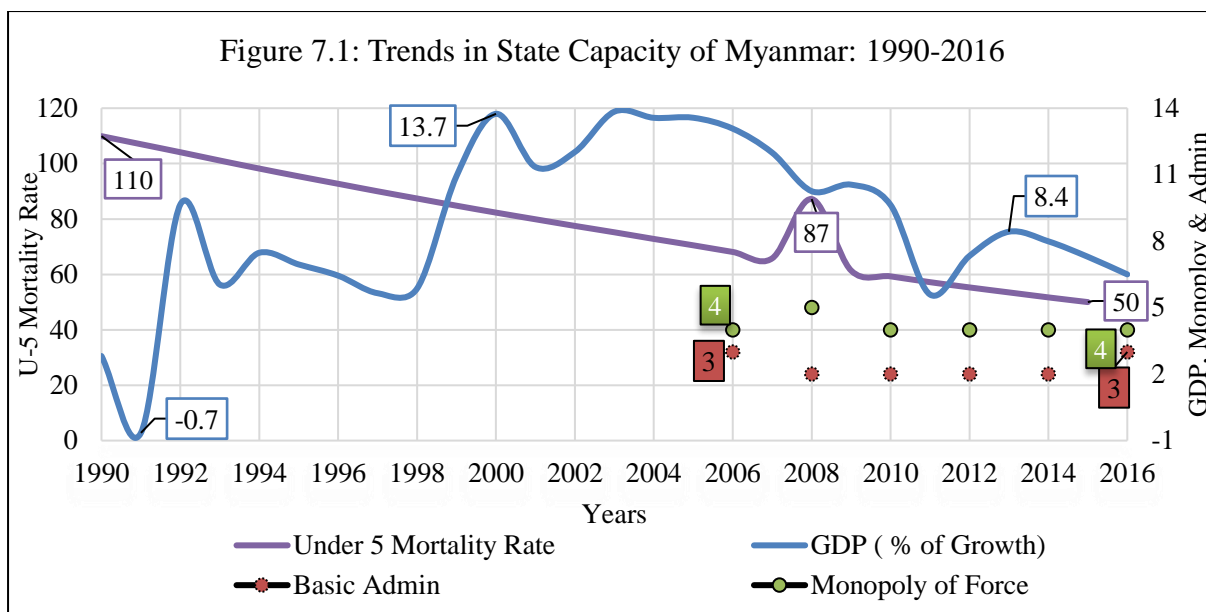
## **2. The Nature of State Fragility in Myanmar**

Figure 7.1 outlines the trends in core state capacity indicators for the period 1990-2016.<sup>314</sup> State’s monopoly to use force and the scope and effectivity of state administration were restricted throughout the period. Despite an improvement in life expectancy and under-five child mortality rates, it remained below the MDG-4 targets and the regional average (Saw et. al.2013: Table 1). The trend in GDP growth, reaching over 13 percentage point during the SPDC regime is contested.<sup>315</sup> The average growth rate for the period 1998 –2010 was reportedly 4.9 per cent, with two episodes (in 2003-4 and 2007-8) of negative growth (Nomura and Shirane 2016:4).

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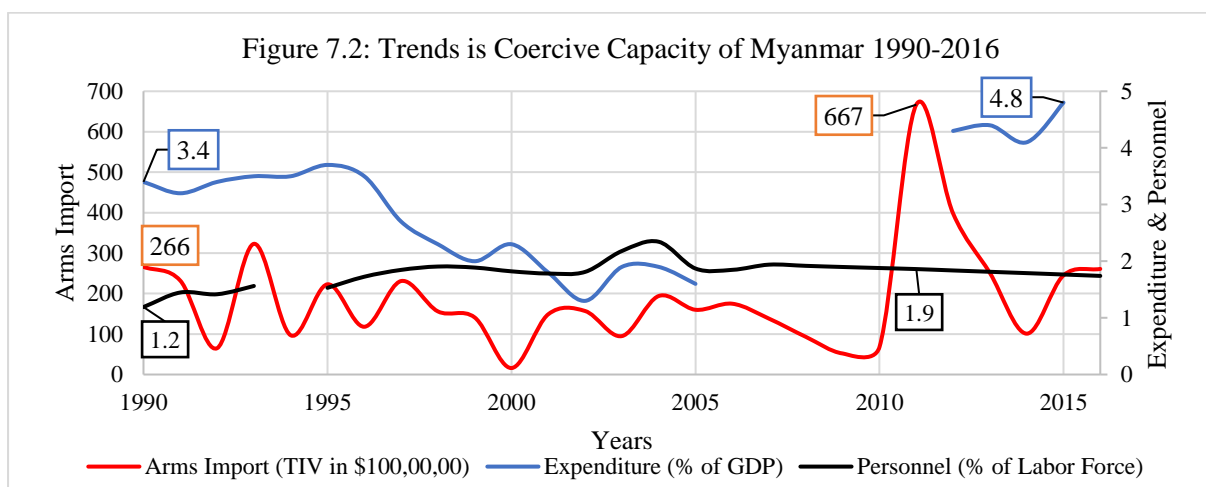
<sup>314</sup> The BTI data on Myanmar is available for 2006-2016. The UN IGME under-5 mortality rate/1,000 live births, and the GDP Growth (annual percentage) data from WDI covers the period for 1990-2016.

<sup>315</sup> It is contested because of extreme variation in the exchange rate and an apprehension that the official growth rates might have been ‘significantly overstated by the SPDC.’ (Nomura and Shirane 2016:2)



Sources: Author's compilation from BTI (2016), IGME (2015), WDI (2016)

Figure 7.2 outlines the trends in the coercive capacity building for the same period. It reflects an upward trend in military spending and arms acquisition, reaching well over 4 per cent of GDP under disciplined democracy and \$667million in 2011. The number of military personnel hovered around 2 per cent of total labour forces.

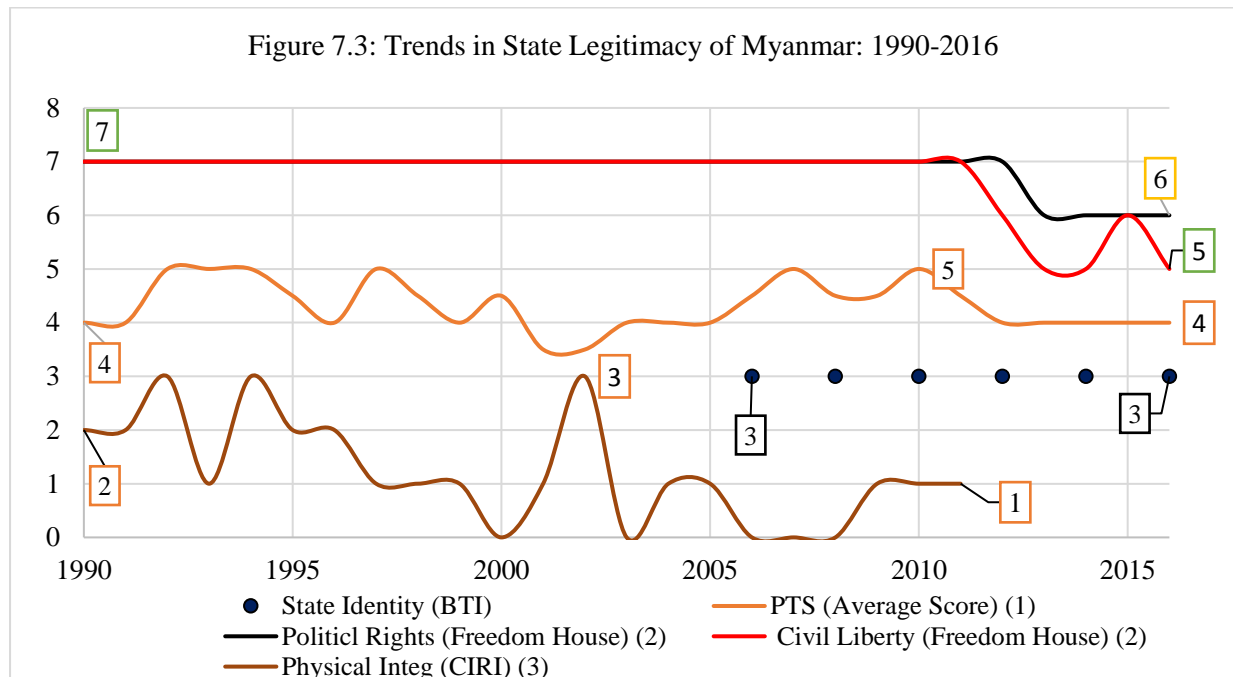


Sources: Author's compilation from WDI (2017) and SIPRI (2017)

Figure 7.3 reflects the trends in legitimacy indicators.<sup>316</sup> State's legitimacy has been frequently challenged, as significant aspects of citizenship rights remained unfulfilled. Suppression of political rights and civil liberty have continued albeit slight improvements after 2010. The state

<sup>316</sup> (1) PTS data is based on the average of the State Department and Amnesty/Human Rights Watch score on a scale of 1 (best) - 5 (Worst). (2) Political Rights and Civil Liberty data from Freedom House; scale 1 (best) 7 (worst). (3) Violation of physical integrity data is from CIRI; it is an aggregate reflection of enforced disappearance, torture, extrajudicial killing, and political imprisonment on a scale of 1-8 (0 indicate no government respect for these four rights and 8 indicates full government respect for these four rights). CIRI data is available up to 2011.

has shown partial or no respect to the physical integrity rights like torture, enforced disappearance, extrajudicial killing, and political imprisonment.



Sources: Author's compilation from PTS (2016), Freedom House (2017), CIRI (2016).

These trends hint at the broad nature of Myanmar's fragility but *do not* tell the full story. First, there is a gross imbalance in resource allocation between the coercive capacity building and core social services that had prevailed and exacerbated after 2010. For example, during the authoritarian rule, health expenditure remained stagnant at around 2 per cent of total government expenditure while the military expenditure was between 9-12 per cent (WDI 2017). External funding and out of pocket (OOP) payments<sup>317</sup> largely compensated the deficit in providing core health services. External funding in the health sector increased after 2010 reaching around 22 per cent in 2014 while the OOP payments remained above 90 per cent.<sup>318</sup> However, the government's health spending after 2010 had a little increase, reaching 3.59 per cent in 2014, while the military expenditure jumped to 15-18 per cent (WHO, 2017, SIPRI 2017). Thus, despite the reforms, the distributive injustices continued. Myanmar's new Constitution also emboldens the military and allows an unlimited 'Special Fund' for the Commander-In-Chief (C-in-C).<sup>319</sup> There is a fragile equilibrium between the political and the

<sup>317</sup> The OOPs are unregulated direct payments made by individuals to health care providers at the time of using the service. It is considered an 'access barrier' as it absorbs household's financial resources.

<sup>318</sup> The external resources for health as a percentage of total expenditure increased from 2.2 in 2002 to 9.42 percent in 2010 and to 21.81 in 2014 (Saw et al. 2013, WHO, 2017).

<sup>319</sup> According to the law No. 10/ 2011, 'no person or body shall inquire or cause to submit or audit' for the special fund. The C-in-C is required to explain the expenditure to the President at the end of financial year (Myanmar Law 2011:192).

military leadership, where the former, arguably, remains a prisoner of the disciplined democracy (Mathieson, 2011; Cagley 2016).

Second, the nature of the political settlement pursued over time also contributed to the capacity and legitimacy deficits. The Tatmadaw pursued a *unitary idea* of the Union; any form of federalism was considered a ‘taboo’ (Thazin Aung 2016:351; Thein, 2014; Oo 2014). Pursuant to a divide and rule policy, the Tatmadaw created government-backed militias<sup>320</sup> (*Tha Ka Sa Pha*) to counter-balance the EAGs and engaged in bilateral talks *only* with individual groups instead of any ethnic alliances. Some insurgent groups were also tolerated to ‘rule’ and perform a variety of governance roles. The strategy was inadequate to strengthen statehood but served to prolong the military rule and a semblance of social control and stability (Core, 2009, Oo 2014:14, Thiha 2017; Jolliffe 2015: 70-71; Green 2016). In contrast, the new Nationwide Ceasefire Agreement (NCA), initiated in 2011, is based on the idea of a ‘democratic *federal union*.’<sup>321</sup> It facilitated the inclusion of 16 EAGs into the NCA. However, the exclusion of some EAGs<sup>322</sup> continues to beset the NCA and the prospect of security re-integration,<sup>323</sup> power and resource sharing, undermining state capacity and legitimacy.

Third, under authoritarian rule, the state’s exclusionary practices were against politically active individuals and groups opposing the military. They were labelled as ‘terrorist’, ‘expatriate terrorists’ or ‘bogus monks’, accused of committing atrocities against Myanmar people and spreading false propaganda to discredit the government (A/C.3/62/7, p.5; A/C.3/58/6, p.2; A/C.3/57/5, p.5, *The New Light of Myanmar*, 2006:1 and 8-14). However, with the introduction of the NCA in 2011, such labelling was abandoned, only to be paralleled by the rise of Buddhist nationalism and exclusionary practice. The Buddhist nationalist enjoyed a

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<sup>320</sup> The Tatmadaw’s practice of using militias dates to Ne Win’s period (1962-1988). The militias are active mainly in non-Burman areas like Shan State and take many different forms in size, allegiances and modes of operation, but are highly influential actors in local context (Buchanan 2016).

<sup>321</sup> The idea of a federal union was agreed by the new government during the formulation of the NCA in March 2015. It outlines a 7-step roadmap for peace and national reconciliation. The government often uses the term ‘democratic federal union’ of Myanmar (Suu Kyi, 2017; Thein, 2014).

<sup>322</sup> The excluded EAGs includes bigger groups like Arakan Army (AA), Myanmar National Democracy Alliance Army (MNDAA), Ta’ang National Liberation Army (TNLA), and smaller groups like Arakan National Council (ANC), Lahu Democratic Union (LDU), Wa National Organization / Army (WNO). Some EAGs, like the UWSA did not sign the NCA as they had not engaged in active conflict with the government since 1989 following a bi-lateral agreement. UWSA and the excluded EAGs (i.e. Northern Alliance) are increasingly regarded as a ‘spoiler’ following their proposal for a parallel peace process.

<sup>323</sup> The contestation about security re-integration is about the model. The government side emphasized a Disarmament, Demobilization, and Reintegration (DDR) of EAGs into Border Guard Forces (BGF) and People’s Militia. The EAGs prefers a Security Sector Reform (SSR) that involves the formation of a ‘federal army’ comprising of ethnic combatants.



mutually legitimising relationship with the state and was able to promote exclusionary behaviours disenfranchising the Rohingyas Muslims (Smith 1992:182, ICG 2013:6).

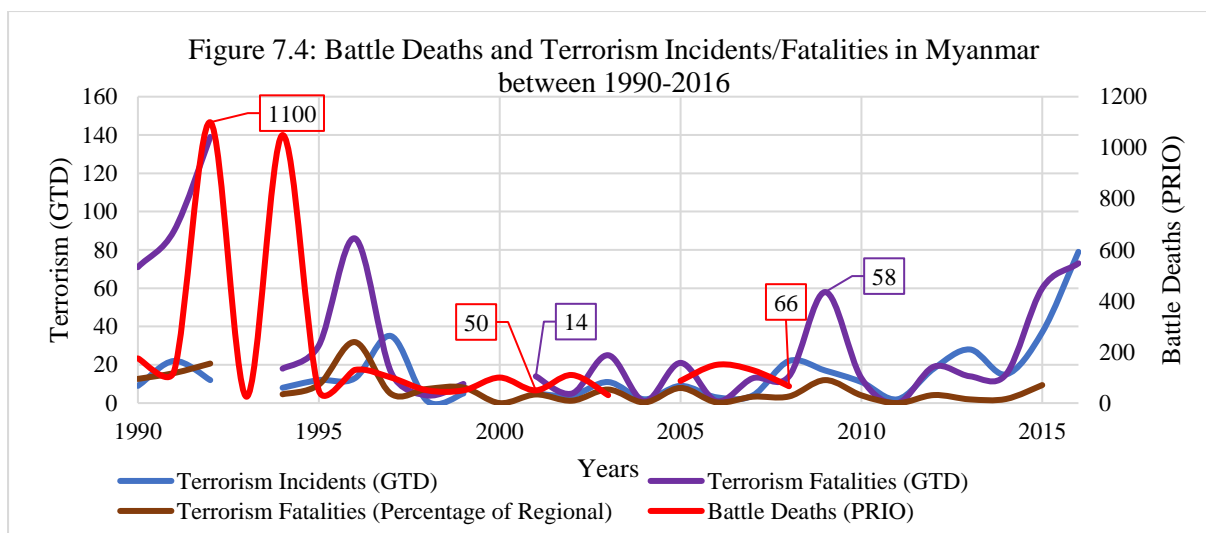
In sum, a combination of factors has contributed to the persistent capacity and legitimacy deficit in Myanmar. Internal contestations, distributive injustice, and a focus on coercive capacity building continue to beset the state's core service delivery capacity. A revisionist Buddhist nationalism, promoting exclusionary practices, affected societal cohesion. In such a context, we explore how the GWoT is linked to the nature of fragility in Myanmar.

### **3. Myanmar's Engagement in the GWoT**

Myanmar is *not* a front-line state in the GWoT. Myanmar was subjected to western sanctions *not because* of harbouring terrorism but for abandoning democracy, state repressions, human rights violations, drug trafficking and money laundering.<sup>324</sup> The global community, in general, viewed the regime as a tyrant, terrorising its people. However, the regime in Myanmar viewed the GWoT as an *opportunity* to deflect criticisms and hostile actions against the regime and to come out of its isolation. In its first report to the UN CTC in December 2001, Myanmar vowed for its 'resolute' support and 'firm stand' to deny its territory to any terrorist groups, stating that there were no terrorist groups in Myanmar (S/2001/1144, p.1). Such declaration, however, did not result in the lifting of the western sanction or flow of CT assistance. The political reform initiated in 2010 thawed Myanmar's frosty relation with the west and open areas for CT cooperation. The country's security personnel participated in INTERPOL-led training in ASEAN countries and shared information on terrorism-related issues (Selth 2008; Thuzar 2017). After 2010, the UNODC, IMF and WB also provided CT capacity building assistance for its police and AML efforts. In 2015, the U.S. allocated a fund of \$2 million for Myanmar under the Non-proliferation, Anti-Terrorism, Demining and Related (NADR) Programs, significantly less than the allotments to other South East Asian Countries (Haacke, 2015).

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<sup>324</sup> These are the typical issues highlighted in the country reports on Myanmar. Other concerns included risk of religious freedom and workers' rights. The state run and private banks (Mayflower and Asia Wealth) were tagged as money laundering concern under the U.S. Patriot Act (Martin 2012: 37-40).



Source: Author's complication from GTD 2017 and PRIO (2017) dataset.

However, the regime - long fearful of a U.S.-led invasion in the name of restoring democracy, remained apprehensive about the new U.S. strategy of unilateral pre-emption and regime change under the GWoT (Selth, 2004:117; Qingrun, 2010:6). Internally the territorial contestation by the EAGs remained the most pressing issue. The fatalities in government counter-insurgency operations against the EAGs were far higher compared to the terrorism-related fatalities (see figure 7.4).<sup>325</sup> The urgency for the regime was to discredit the EAGs as 'terrorist' to thwart internal contestation and to deflect international criticism. With these insights, we now trace the cognitive pathways of the GWoT in the Myanmar Context.

#### 4. Tracing the Cognitive Pathway of GWoT in Myanmar

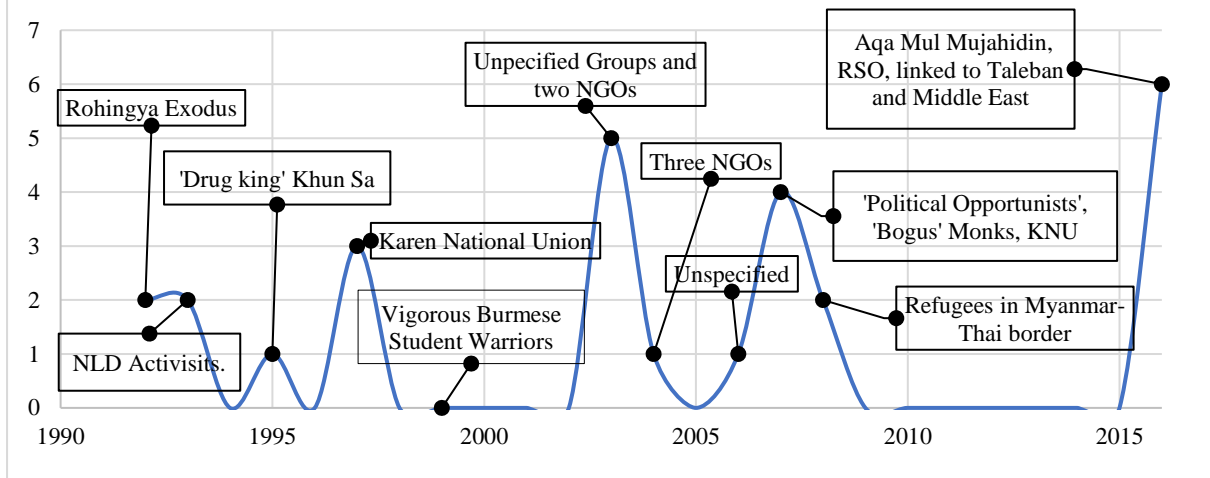
Myanmar's authoritarian tendency and the culture of fear and othering *pre-dates* the GWoT. So how did the culture of fear and othering was formed in the era of GWoT? Myanmar's reports (1990-2016) to the UNGA Third Committee for HR situations<sup>326</sup> bear evidence of how successive regimes framed terrorism and the terrorist. Figure 7.5 projects the context and number of mentions of terrorism and related terms<sup>327</sup> in these reports.

<sup>325</sup> The annual battle death data on Myanmar is available up to 2008. Some estimates are not specific to the conflict year. See Lacina and Nils Petter (2005) and the Code Book p. 5.

<sup>326</sup> The analysis is based on the reports by Myanmar to the UN Third Committee between 1992-2016 which includes A/47/651(1992), A/48/578 (1993), A/C.3/49/15 (1994); A/C.3/50/9 (1995); A/C.3/51/11 (1996); A/C.3/52/2, (1997); A/C.3/52/5, (1997); A/C.3/53/8, (1998); A/C.3/53/8, (1998); A/C.3/54/4, (1999); A/C.3/56/7, (2001); A/C.3/57/5 (2002); A/C.3/58/6 (2003); A/C.3/59/5 (2004); A/C.3/61/6; A/C.3/63/4.

<sup>327</sup> Related terms include: extremism, extremist, mujahedin, Taleban, ISIS, al-Qaida and terrorist.

Figure 7.5: Mentions of Terrorism & Related Terms -1992-2016  
(Myanmar's Report to UNGA Third Committee on HR Situation)



Source: Author's compilation from Myanmar's Report to UN Third Committee 1990-2016

Before 2001, specific groups/ individuals were labelled as a terrorist without linking them to any transnational terrorist groups. For example, in 1992, Myanmar blamed the 'terrorist insurgents' for threatening the Rohingya to flee to Bangladesh (p.16). In 1993, Myanmar's spy chief, General Khin Nyunt, during an interview with the UN Special Rapporteur of the Human Rights Commission (HRC) deflected the accusation of forced labour as disinformation disseminated by the *terrorist* people and groups.<sup>328</sup> The 1994 Report labelled the Khun Sa – a wanted drug lord in Shan state by the U.S., as a terrorist (p.4). In 1997 (p.6), the Karen National Union (KNU) was blamed for committing terrorist acts.<sup>329</sup> When Myanmar's embassy in Bangkok was attacked and sieged by the Vigorous Burmese Student Warriors, Myanmar labelled the group as 'expatriate terrorists.'<sup>330</sup>

After 2001, branding dissident EAGs, individuals and entities as terrorist *increased* and *expanded*. In 2003-04, the government alleged that some NGOs operating in the Shan state were linked to the 'remnants of former drug trafficking armed terrorist groups' after they published reports on rape and sexual violence by the Tatmadaw.<sup>331</sup> It also labelled the Shan

<sup>328</sup> He also stated that 'some released prisoners were having relations with the *minute terrorist groups*.' (See E/CN.4/1993/37, 7 February 1993, p.9)

<sup>329</sup> The two incidents mentioned in the Report were the bomb explosion at the Kaba Aye Pagoda in Yangon and mining of Yangon-Mandalay passenger train.

<sup>330</sup> The Vigorous Burmese Student Warriors claimed responsibility for the embassy siege.

<sup>331</sup> The NGOs were Shan Human Rights Foundation and Shan Women's Action Network. They published a report 'License to Rape' in 2002. In 2004, the Women's League of Burma (WLB) also published a report the 'System of impunity' (A/C.3/59/5: 8).

United Army as a ‘drug trafficking armed terrorist group’ claiming that the Tatmadaw’s counter-insurgency operations were conducted ‘only against those insurgents that are engaged in acts of terrorism’ (A/C.3/58/6; A/C.3/61/6). In his speech at the UNSC, after the draft resolution calling for sanction against Myanmar tabled by the US was defeated, Myanmar’s ambassador to the UN, that Myanmar does not pose a ‘transnational threat’ and its military ‘conducted counter-insurgency campaigns only against those KNU insurgents that were engaged in *acts of terrorism*’ (SC/8939, 12 January 2007). During the 2007 monk uprising, the government labelled them as ‘bogus’ monks, conspiring to commit ‘terrorist acts’ and involved in a ‘bombing attempt’ to justify coercive actions against them.<sup>332</sup> Regarding external links, the reports only mentioned ‘expatriate groups’, ‘cross-border terrorist’ operating in collusion with ‘western embassies’ or ‘neighbouring countries’ (A/C.3/62/7; A/C.3/59/5).

After 2010, Myanmar briefly stopped labelling anyone as a terrorist despite several incidents of violence attributed to the KIA, National Democratic Alliance Army (NDAA-ESSA), Democratic Karen Buddhist Army (DKBA) and Ta’ang National Liberation Army (TNLA) (GTD 2017). However, the 2016 report (p.13) departs from such practice and labels the Aqa Mul Mujahidin, an organisation linked to the Rohingya Solidarity Organization (RSO), a terrorist. The Report also alleged that the group’s leader had attended a six-month Taliban training course in Pakistan and received funding from some organisations based in the Middle East; this was the *first instance* of linking a domestic group with transnational terrorism by Myanmar in its reports to the UN Third Committee.

In sum, the regime’s practice of framing its opposition as ‘terrorist’ predates the era of GWoT. However, after 2001, the cognitive structure of the GWoT appeared to have facilitated an increase in the scope and frequency of such framing but remained limited regarding linking those with transnational terrorism in the early years. For example reports of Rohingya mujahideen fighting with the Taliban and the RSO’s link with al-Qaeda/HuJI were available in scholarly articles (Steinberg 2003: 184 Selth 2004:116). Yet the government report to the UN did not mention it;<sup>333</sup> this, however, changed in 2016 with regards to the RSO, who was *not the*

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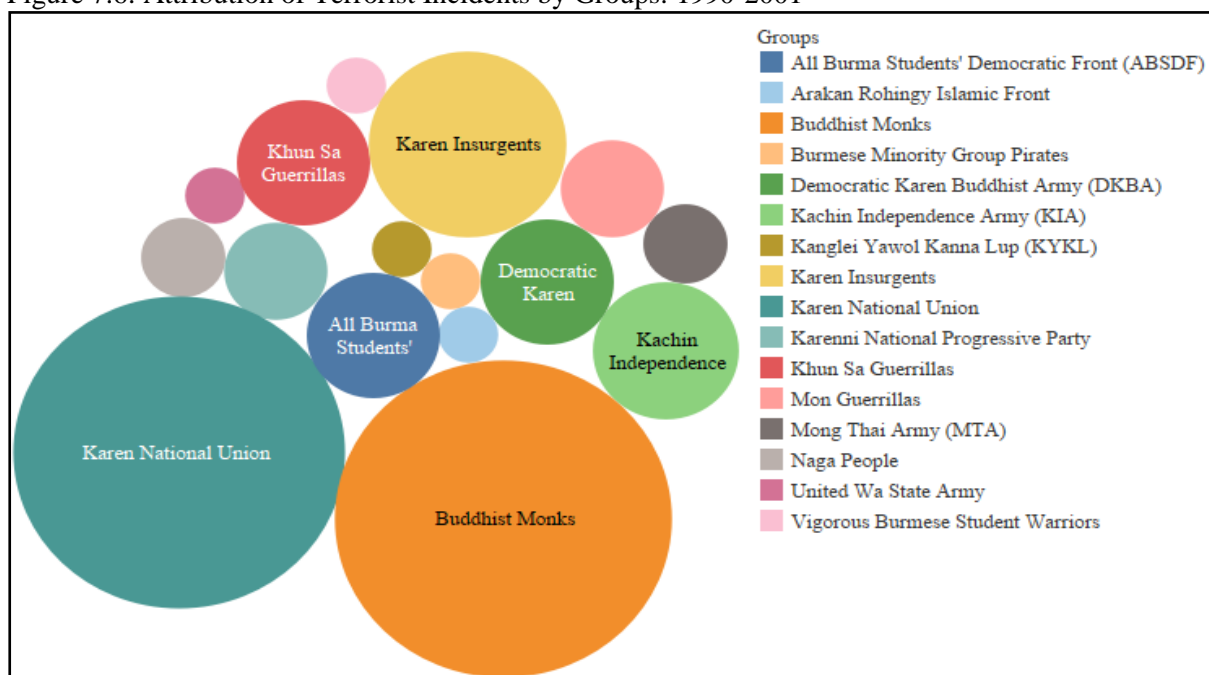
<sup>332</sup> Tens of thousands of monks led massive demonstrations in towns and cities in September 2007 calling for an end to military rule. The government also blamed the NLD for collusion with ‘certain western embassies’ to disseminated malicious news (A/C.3/62/7, p.7).

<sup>333</sup> Some media reports even suggested that two Pakistani nuclear scientists under investigation by the US for their links with Al Qaeda had sought refuge in Burma. These reports, however, were later proven to be incorrect (Selth 2004:116).

only ethnic group fighting the government. Such a framing reflects a consequentialist approach by the state to place the groups linked with transnational terrorists outside the realm of politics as theorised.

The effect of the cognitive structure in the *domestic political context* was more revealing reflecting the thinking, interpreting and reasoning of various actors. Figure 7.6, and 7.7 shows the attribution of terrorist incidents to the groups fighting during the military regime (1990-2001 and 2002-2010) according to the Global Terrorism Database (GTD).<sup>334</sup> The

Figure 7.6: Attribution of Terrorist Incidents by Groups: 1990-2001



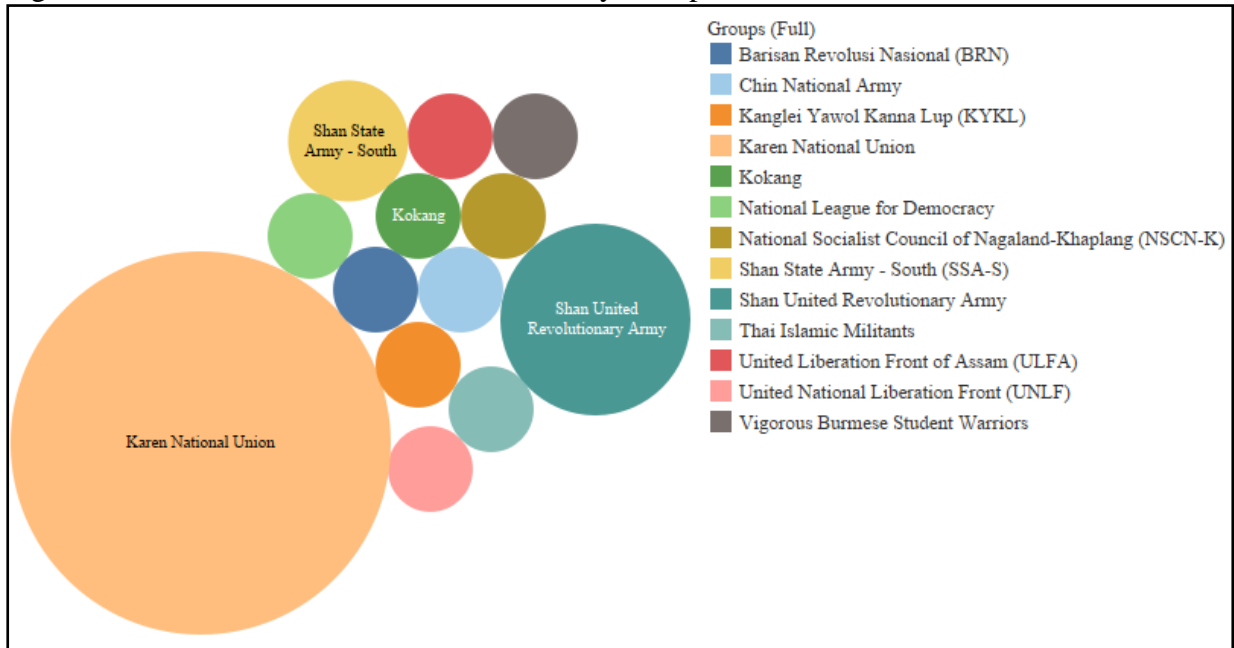
Source: Author's compilation from GTD (2017)

Karen insurgents and the Buddhist monks were associated with most of the violence before the 9/11. The Tatmadaw was very active to frame these groups as a terrorist to the domestic audience; this is not to suggest that the historical inter-racial tensions did not exist in Myanmar.<sup>335</sup> However, the immediate concern of most EAGs was against military suppression, viewed as state terrorism.

<sup>334</sup> The data is from GTD and excludes the 'unknown' incidents.

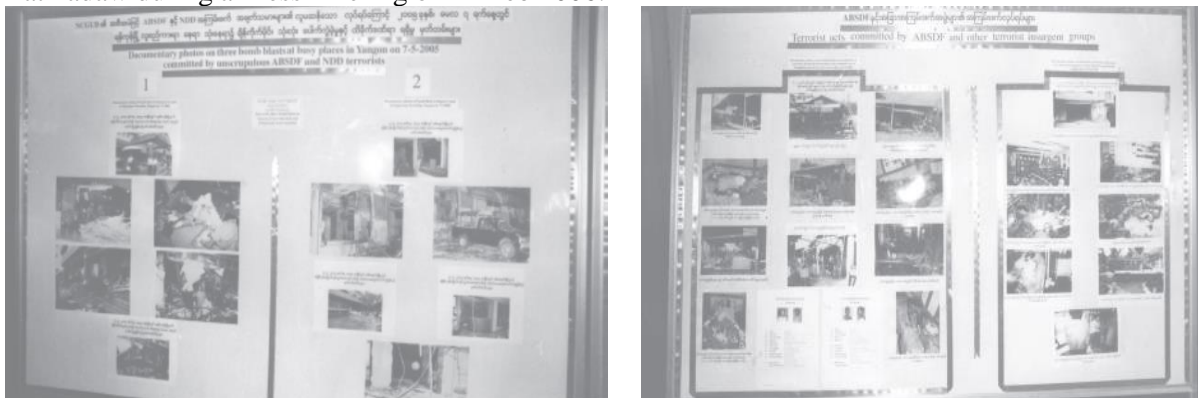
<sup>335</sup> The historical concern is often traced to a British colonial inquiry into the 1938 riots that noted: "one of the major sources of anxiety in the minds of a great number of Burmese was the question of the marriage of their womenfolk with foreigners in general and with Indians in particular".

Figure 7.7: Attribution of Terrorist Incidents by Groups: 2002-2010



After 2001, the cognitive pathway provided a convincing framework for the Tatmadaw to portray the EAGs as a terrorist to a domestic audience. The elaborate press briefing by the Chairman of the SPDC’s information committee, published in the state-run *The New Light of Myanmar* (2006) provides a detailed narrative of the allegations against the ABSDF and NLD-LA ‘terrorist groups’ displaying pictures and evidence in military-style notice boards (Figure 7.8). Such accusations were also common by the government ministers.<sup>336</sup>

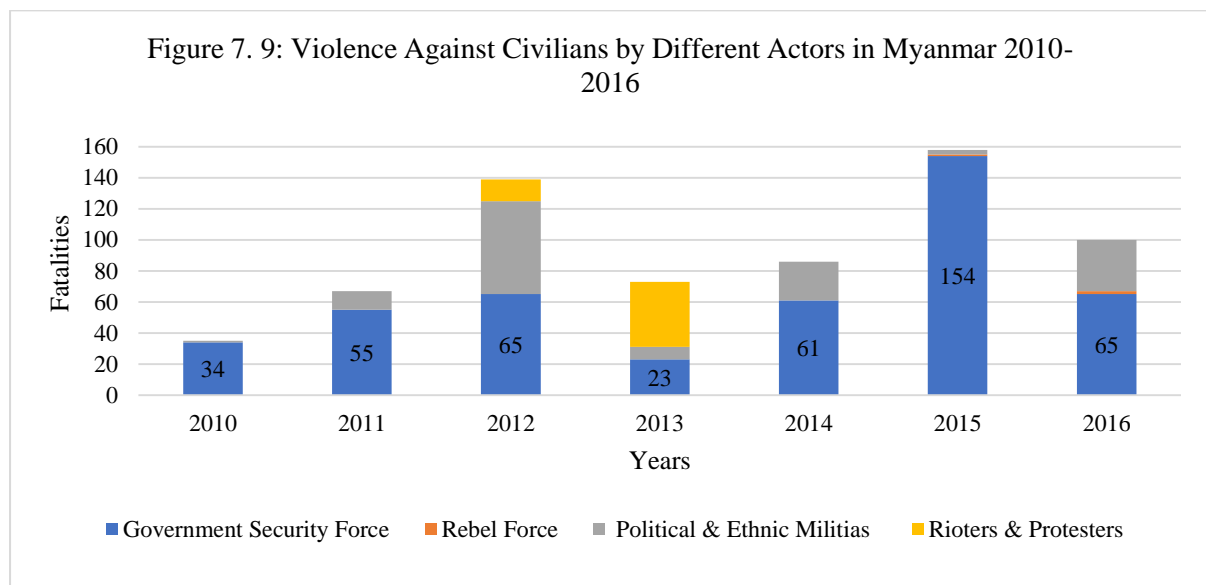
Figure 7.8: Photos on Terrorist Acts Committed by ABSDF and Other Groups Displayed by the Tatmadaw during a Press Briefing on 22 Feb 2006.



Source: *The New Light of Myanmar*, 23 February 2006

<sup>336</sup> Country’s Prime Minister Lt-Gen Soe Win during the opening ceremony of Dokhtawady Bridge on 6 June 2005 warned against ‘underground and above-ground’ destructionists’ claiming these groups were conspiring using ‘political means and terrorism’ (*The New Light of Myanmar*, 2005: 9)

However, under the disciplined democracy, the impact of the cognitive pathway became more visible as it re-ignited many of the old prejudices, particularly against the Rohingya Muslims. Figure 7.9 depicts the ACLED data on violence against unarmed civilians<sup>337</sup> by different actors for the period 2010-16. It reflects that, under disciplined democracy, the state security forces remained the main perpetrators of such violence followed by the political and ethnic militias<sup>338</sup> - a vast majority of whom are members of the Buddhist nationalist groups.



Source: Author’s compilation from ACLED data.

The ‘969’ movement – a numerological shorthand for the special traits of the Buddha’s teaching, coined to reject the number ‘786’, long used by the Muslims in Myanmar to designate *Halal* shops and restaurants, is one such manifestation of growing Islamophobia in Myanmar. The movement intensified under a formal monastic group Ma-Ba Tha.<sup>339</sup> Within a few years of its formation, the group became the most well-resourced and expansive social movement in Burma with branches in 250 of country’s 330 townships. The group use handbills, unmarked bootleg DVDs and videos to spread hateful messages incorporating the ‘us’ versus ‘them’ narrative as theorised (ICG, 2016; Thein, 2017). Drawing relevance from the incidents of suicide bombings in countries like Syria, Somalia, Nigeria, Iraq, Pakistan, Afghanistan and

<sup>337</sup> According to ACLED codebook, civilians are regarded as unarmed and not engaged in political violence, Rebels, governments, militias, rioters can all commit violence against civilians.

<sup>338</sup> Political militias are armed agents supported by political elites of various types, seeking to influence political processes but not change the government. In the context of Myanmar, majority of the political militias are members of the Buddhist nationalist groups.

<sup>339</sup> The Ma Ba Tha is a fairly loose coalition of subnational monasteries and members/supporters whose views are generally aligned. Supporting its vanguard of monks are millions of lay. The Sangha Council, a government-appointed oversight body of monks, was less critical about the violent and inflammatory activities of Ma Ba Tha but issued a statement citing group’s unauthorised use of Buddhist symbolism and for not being a registered group (followers (ICG 2016: 13, ICG 2017: 10-15; Wade 2015;).

Bangladesh, the speakers in Ma Ba Tha's annual assembly questioned, 'who could say that there isn't going to be war given that al-Qaeda has declared jihad [on Myanmar]?' Such rhetoric was shared by groups like the DKBA led by a Karen Monk, the Arakan Liberation Party (ALP), comprising former monks.<sup>340</sup> The alleged links of al-Qaeda and ISIS with Muslim extremist groups like Aqa Mul Mujahidin, Arakan Rohingya Salvation Army (ARSA),<sup>341</sup> and RSO also fuelled the group's construction of the 'us' versus 'them' narrative. (Thein, 2017).

However, the rise of Buddhist nationalism in general, and Ma-Ba Tha, in particular, should not be viewed in isolation. During the 2015 election, Ma Ba Tha preferred the military-backed USDP over Suu Kyi's NLD and expressed considerable scepticism about the latter's nationalist credentials (Zaw and Slodkowski 2015; Myint 2015).<sup>342</sup> Under pressure of being labelled as a pro-Muslim party, the NLD, like other main parties also did not field any Muslim candidate in the election (McPherson, 2015; Hindstrom, 2015). Many cite Ma Ba Tha's growing acquiescence with military intelligence (Wade 2015). Leveraging the cognitive pathway, Ma Ba Tha was able to project the minority Muslims in general and the Rohingyas in particular as a threat to Buddhism in Myanmar leading to their disenfranchisement (ICG, 2013, 2017).

In sum, the cognitive pathway of GWOt was more penetrating under the disciplined democracy contributing to the consequentialist approach by the state and exclusionary practices by the society. The Buddhist monks, whose leadership of the 2007 uprising against military won them international admiration, became the 'face of terror', compelling exclusionary practices against the minority Rohingya Muslims, long considered unthreatening. In contrast, there is limited evidence of the cognitive pathway of GWOt as theorised during the authoritarian rule – mostly used by the regime to deflect international criticism and to discredit the opposition.

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<sup>340</sup> ALP was implicated in the 2012 violence against Muslims, the year in which it signed a cease fire agreement with the government. The DKBA leader has openly supported Wirathu (ICG 2013:6).

<sup>341</sup> The group was formerly known as Harakatul Yakeen. It first emerged in October 2016.

<sup>342</sup> Ma Ba Tha Chairman, Ashin Thiloka, advised followers to vote for candidates who would 'protect' the race and religion laws and to avoid those who would 'destroy' them – implying that they should not vote NLD. A prominent member of the NLD also claimed that the party had succumbed to the pressure from Buddhist nationalist. The USDP also did not field any Muslim candidate (Hindstrom, 2015).



## 5. Tracing the Regulatory Pathway of GWoT in Myanmar

The military regime in Myanmar welcomed the demand for CT regulatory convergence.<sup>343</sup> Before 2001, Myanmar was party to three CT Conventions and one Protocol (S/2001/1144). By 2006, Myanmar ratified nine Conventions, and by 2017, it became a party to *all* UN CT instruments except one Convention and two Protocols on terrorism.<sup>344</sup> It also signed regional and bi-lateral CT agreements with China and India. Myanmar's ratification trend of the CT conventions stands in sharp contrast to its endorsement of HR conventions. In 2001, Myanmar was party to four HR instruments,<sup>345</sup> the same as the number of CT Conventions ratified. However, in the next 16 years, Myanmar ratified only *one* more HR convention. Such contrasting trend reflects the 'mind' of the state suggesting that the rapid approval of the global CT instruments was simply a tool to deflect external pressure and claim (external) legitimacy that would add to the regime's (domestic) authority to govern.<sup>346</sup>

During the authoritarian rule, Myanmar regularly referred to the provisions of its existing laws as 'sufficient' and meeting the global CT guidelines (S/2001/1144, S/2002/1045, S/2004/295, S/2006/902) and remained reluctant to translate the UN CT instruments into domestic legislation.<sup>347</sup> The regime's willingness to reform domestic CT laws was limited to a few functional areas such as money laundering and aviation security.<sup>348</sup> However, in 2013, the government initiated drafting a new CT law. Though the move came amid a spate of violence around the country, the concerned minister stated that the issue is related to the 'international community' and the new CT law will be in 'accordance with suggestions and consultation with

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<sup>343</sup> In its first Report to the UN CTC pursuant to Resolution 1373 (2001) in December 2001, Myanmar reported forming a 'study group' with a view to ratify the remaining CT conventions (S/2001/1144).

<sup>344</sup> Remaining protocols are: Maritime Navigation Protocol (2005) and Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms in the Continental Shelf (2005).

<sup>345</sup> These were: the 1948 Genocide Convention, Geneva Convention, 1979 Convention on Elimination of All Forms of Discrimination against Women and 1989 Convention on the Rights of the Child.

<sup>346</sup> The argument is based on the assertion that 'authority' as a social concept needs to be 'claimed' and 'recognized', involving both local and international audiences (Zaum, 2008).

<sup>347</sup> Despite being mentioned sparsely, Myanmar's 2004 Report to the UN CTC explicitly cites all domestic laws claiming they 'meet' the international CT requirements (S/2004/295, p.7).

<sup>348</sup> Myanmar enacted the Control on Money-Laundering Law in 2002, and The Anti-Money Laundering Law in 2014. It established the Central Control Bodies, FIU, and joined the Asia Pacific Group on Money Laundering. Several aviation security related instruments, (Myanmar Aircraft Act 1934 and Aircraft Rule 1937) were also amended vide Act No. 6 / 2004, 25<sup>th</sup> August 2004 by the SPDC.

the IOs' (The Irrawaddy 2013). Consequently, the first CT law (Law No. 23/2014), was drafted with the assistance of the IMF, UNODC and CTED, and passed in 2014.<sup>349</sup>

The regime's initial reluctance to introduce new CT legislation was mainly for the fact that it already had one of the 'broadest possible legislation in the world' (Gutter and Sen, 2001:2).<sup>350</sup> According Political Prisoners -Burma datasets, out of the 1731 cases against political prisoners, the majority were detained under the 1908 Unlawful Associations Act (section 17), 1950 Emergency Provisions Act (article 5), and 1975 Law of Safeguarding the State from Danger of Subversive Elements (AAPP, 2017). Putting groups/individuals in the 'unlawful association' list have been the most frequent practice by the state. Not surprisingly, one of the four demands by the EAG representatives for joining the NCA was their removal from the 'unlawful associations' list.<sup>351</sup> The wide-ranging power of these laws nullified the regime's necessity of enacting new CT laws. Thus, beyond ratifications to earn external legitimacy, the regulatory pathway of the GWoT *did not* impact domestic legislations during the military rule.

However, the selective application of the new Anti-Terrorism law adopted in 2014 reveals the potentials of the regulatory pathway to affect state-society relations as theorised. For example, within hours of the ARSA's attack on security forces in Rakhine state on 25 August 2017, the national Anti-Terrorism Central Committee declared it as a 'terrorist' group; this marked a departure from the old practices of listing such groups under 'unlawful associations' law. The government also responded to ARSA's unilateral declaration of ceasefire with a tweet saying 'we have no policy to negotiate with terrorists' (Zaw 2017). The tactics and intensity of violence generated by the ARSA were not necessarily different from those used by the other EAGs. However, they were placed in a different bracket.

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<sup>349</sup> Myanmar requested CTED's assistance to review its draft CT law 'to ensure it is in line with international standards' and sought 'technical assistance' during its presentation to the 6<sup>th</sup> Committee of UNGA. (The Beam 2012: 20; Kyaw 2013:1)

<sup>350</sup> Gutter and Sen (2001:2-4) describes the 1975 State Protection Law of Myanmar as the 'broadest possible law in the *world*' (italic added).

<sup>351</sup> The demand was placed during their meeting with the President in 2015. Other demands included no military offensives against the groups that were not represented in the meeting, their inclusion in political dialogue and access to humanitarian aid (ISDP 2015: 6). Chapter 6 of the draft NCA lays out the provisions for removal of signatory EAGs from this list and the release of political detainees.

The response to a similar type of attack by the Northern Alliance<sup>352</sup> against the military and civilian targets in Shan State in November 2016 further illustrate the issue. Following the attack, the Union's defence minister, a military general, proposed to label the group as a terrorist organisation under the new law (Zaw, 2016). However, the NLD dominated national parliament did not approve of this. Within weeks, Shan state parliament, dominated by the military-backed USDP, voted to label the group as terrorist.<sup>353</sup> The move prompted over 140 local civil society organisations to write an open letter to the Shan state parliament, accusing the USDP of 'spoiling' the process for political dialogue (The Mizzima 2017; Zue, 2016). The government has also made no efforts to apply the new law against the Ma-Ba Tha (Kinetz, 2013; ICG, 2016).

To summarise, Myanmar's rapid ratification of the global CT instruments after 9/11 and continued indifference toward the HR instruments suggests that the move was to draw external legitimacy and deflect pressure. Under disciplined democracy, Myanmar introduced its new anti-terrorism law, only to apply it selectively against the Rohingyas that appeased the dominant groups and solidified the group's relationship with the state. Branding groups as 'terrorist' also became a tool for political contestation between the military-backed USDP and the NLD. However, the country's existing draconian laws and the Tatmadaw's practice of fighting insurgency with near impunity largely undermines the demand of the regulatory pathway.

## **6. Tracing the Effects of the Capability Pathway of GWoT in Myanmar**

As theorised, the effects of the capability pathway manifest through coercive actions, the threat of coercion, or increased capacity building assistance from external actors. Fragile states' reaction to such measures by external actors may include making a tactical concession, recalibrating its alignments and prioritising resource allocation for the increased coercive capacity building. These actions, when aimed at regime security instead of national security may contribute to the increased state fragility.

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<sup>352</sup> The Northern Alliance includes the KIA, TNLA and Myanmar National Democratic Alliance Army (MNDAA) and Arakan Army (AA). The group was alleged for deliberate shooting, use of mines, explosives and attack on non-military infrastructure and vehicles.

<sup>353</sup> Shan state parliament is currently having 129 seats out of which the USDP and military appointees dominate followed by legislators from Shan Nationalities League for Democracy (SNLD) and the ruling NLD. Sixty-three voted in favour, 45 voted against and seven abstained. (Zue 2016)

The western sanctions on Myanmar were *not* because of harbouring terrorism. The U.S. regarded the regime's repression and human rights violations as an 'unusual and extraordinary threat to national security and foreign policy' (EO 13047). The U.S. sanctions targeted individuals and commercial entities, blocking properties, financial transaction, travel and import ban, suspending military cooperation and arms sale (Qingrun 2010, US Treasury, 2017).<sup>354</sup> The EU, Canada and Australia imposed similar sanctions to prevent 'internal repression or *terrorism*' by the *regime*.<sup>355</sup> Myanmar's suspicion of western intentions also resulted in suspending all World Bank and IMF projects till 2013. However, UNDP, UNODC, FAO, Red Cross, ILO, WHO, UNICEF, continued their operations under the restrictive mandate, maintaining a safe distance from sensitive political issues (Ware 2014:256-258).<sup>356</sup> In April 2013, the EU lifted all sanctions except the arms embargo, and in October 2016, the US terminated the national emergency and revoked all sanctions.<sup>357</sup> Such contrasting phases of external engagement affected resource flow to Myanmar (see figure 7.10). Yearly ODA and US economic assistance remained below \$20 million until 2010, except during the relief operations after cyclone Nargis in 2008.<sup>358</sup> The U.S. military assistance between 2002-06<sup>359</sup> relates to limited drug interdiction and counter-drug operations.

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<sup>354</sup> The U.S. arms embargo on Myanmar was imposed by Regan administration in 1988. In addition, the State Department imposed a ban on export of defence articles and services in 1993 that remains in effect till now (Martin 2012:40). Between 2001-2016, the U.S. passed two laws (Burmese Freedom and Democracy Act of 2003 and Tom Lantos Block Burmese JADE Act of 2008) and issued five executive orders (EO) (EO 13310 in 2003, EO 13448 in 2007, EO 13464 in 2008, EO 13619 in 2012, and EO 13651 in 2013) to affect the sanctions while EO 13047 was issued in 1997.

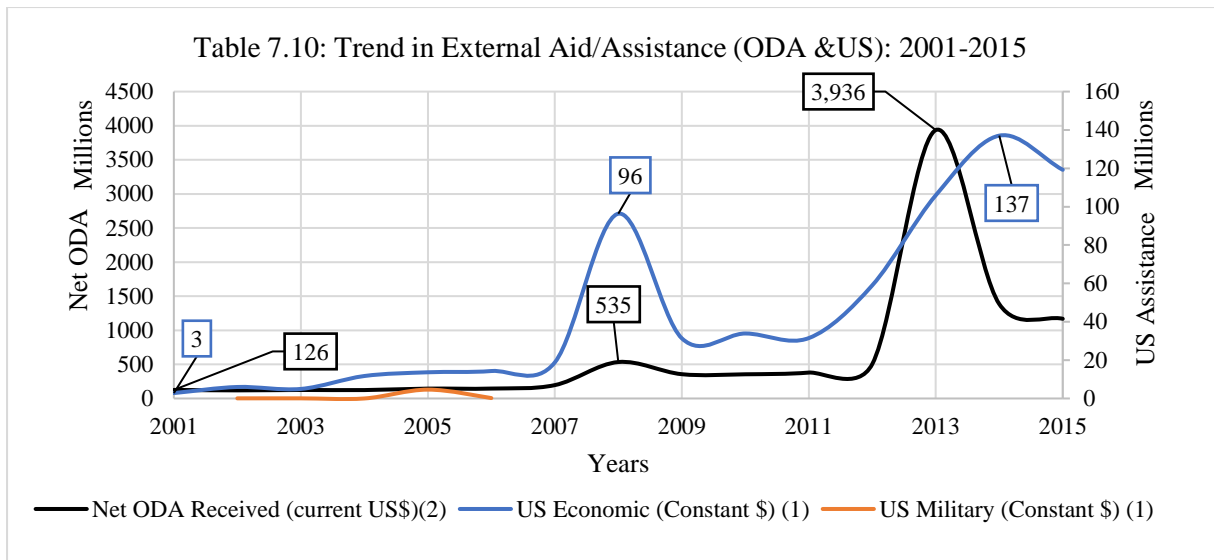
<sup>355</sup> The EU's sanction list expanded rapidly in 2007. By the end of 2010, EU sanction list contained names of 936 commercial entities and 564 individuals (Council Decision 2010/232/CFSP of 26 April 2010). Canada adopted Special Economic Measures (Burma) Regulations restricting arms and related material, asset freeze, prohibiting various activities.

<sup>356</sup> For example, the UNODC (2004: 3) notes: 'as the Government uses its law enforcement and judicial apparatus to suppress political dissent, UNODC is limiting and carefully targeting its operational assistance to these sectors to avoid unintentional support to political suppression.'

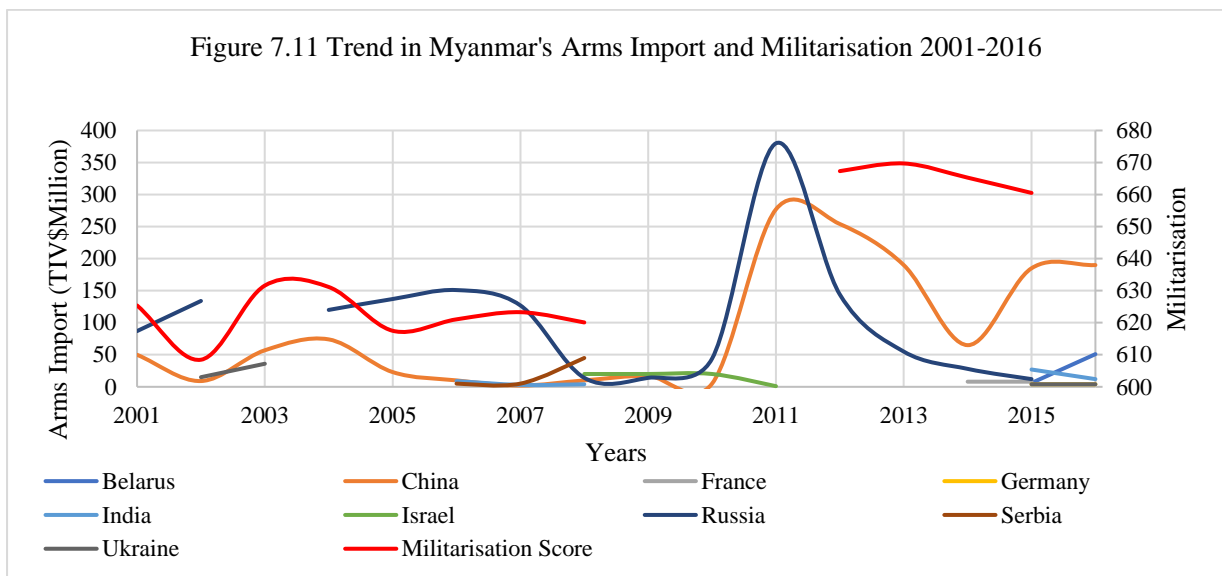
<sup>357</sup> Lifting of sanctions was gradual and did not include arms embargo.

<sup>358</sup> The Cyclone was the worst natural disaster in the recorded history of Myanmar that hit the coastal areas and Irrawaddy delta in May, 2008. The major funding accounts were International Disaster and Famine Assistance (\$29.38m), Public Law 480 Title II Grants (\$31.2m), Overseas Humanitarian, Disaster, and Civic Aid Defence (\$ 14.28m), Economic Support Fund (\$14.55m). (Green Book 2016)

<sup>359</sup> The total amount for drug interdiction operations was only \$4.9 million for the period 2002-06.



Sources: Author's compilation from (1) US Green Book (2016) and (2) WDI (2016)



Source: Author's compilation from SIPRI (2017) and Mutschler (2016).

Myanmar pivoted the western sanctions by engaging its non-western allies -- most notably Russia and China (see figure 7.11). The import of arms and weapons from its traditional allies and some western countries increased sharply once the sanctions were lifted in 2010. The relative weight and importance of the Tatmadaw compared to Myanmar's society, as measured by the Global Militarisation Index (GMI)<sup>360</sup> also had a significant rise after 2010 (Mutschler

<sup>360</sup> GMI is based on a comparison of a country's (i) military expenditure with its GDP and its health expenditure, (ii) total number of military and paramilitary forces with the number of physicians and (iii) the number of heavy weapons available to a country's armed forces. Myanmar's militarisation score increased around 45 points between 2001 to 2015.

2016). The country continued to allocate more resources to the military compared to the other sectors contributing to the development deficits under disciplined democracy.<sup>361</sup>

In sum, the capability pathway of GWoT *did not* result in CT cooperation until 2010. However, Myanmar continued its coercive capacity building, becoming one of the highly militarised countries in Asia by 2016 (Mutschler 2016:10). The military spending increased significantly after 2010, starving other sectors and thereby contributing to fragility.<sup>362</sup> That said, what relevance does the capability pathway of the GWoT hold in the context of Myanmar?

As theorised, regimes in fragile states conflate national security with regime security by citing internal and external threats. Thus, the U.S. regime change strategy under the rubric of the GWoT haunted the regime, particularly in the background of the ‘unforgettable’ episode of the U.S aircraft carrier violating country’s territorial waters during the political chaos in 1988. The fear of U.S. intervention was perceived as real, evidenced by several actions and events.

First, the statements by successive U.S. Secretary of States, describing the regime as ‘thugs’<sup>363</sup> (Powell, 2003) and ‘tyrant’<sup>364</sup> (Rice, 2005) reinforced such fear. In 2007, the U.S. also sponsored a UNSC resolution for sanctions on Myanmar, vetoed by China and Russia.<sup>365</sup> Second, the shifting of the capital from the sea-facing city of Yangon to Naypyidaw in 2005 was reportedly linked, among others, to reduce the capital’s vulnerability from any U.S. led amphibious operation (Myoe 2006:6-8).<sup>366</sup> Third, following Cyclone Nargis in 2008, the U.S. disaster response team was given minimal access for fear that ‘they would not leave’.<sup>367</sup> Fourth,

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<sup>361</sup> Before 2010, Myanmar’s GMI score fluctuated between 608 to 620. After 2010 the GMI score increased around 45- 50 points reaching 670 in 2013.

<sup>362</sup> Highlighting his country’s need for CT assistance, Myanmar delegate in an UN conference stated, ‘due to the restrictions imposed by some countries, Myanmar had limited access to training and assistance in the areas of money-laundering and terrorism financing for decades.’ (CTC 2012)

<sup>363</sup> In 2003, following an attack on Suu Kyi and subsequent ‘protective custody’, Collin Powell remarked, “it’s time to turn the tables On Burma's thugs” in his Op-Ed, in *The Wall Street Journal*.

<sup>364</sup> Rice (2005) labelled Myanmar as one of the six ‘outposts of tyranny’ in her confirmation hearing at the Senate Foreign Relations Committee, interpreted by many as the future direction of US policy.

<sup>365</sup> The result of the vote on the draft resolution was nine in favour to three against (China, Russian Federation, South Africa), with 3 abstentions (Congo, Indonesia, Qatar).

<sup>366</sup> Mayo (2006:6) cites the vulnerability of Yangon to an amphibious attack as one of six possible explanations for the move of the capital. Recognizing that such possibility was rather remote given U.S. engagements in Iraq, Afghanistan and other priorities such as North Korea and Iran, Mayo asserts that the military ‘never underestimates this possibility nor gambles on the fate of the nation.’

<sup>367</sup> It was rumoured that if the U.S. ‘do not leave the Delta’, the Chinese would send troops to occupy the northern Shan State. Although this rumour is unlikely to be accurate, that it was believed in some senior circles is important. It also prompted an unusual foray into foreign policy by the First Lady

a leaked Tatmadaw document cited some US-funded/assisted dissident operations on the Thai border and activities of the expatriates advocating a U.S. invasion, confirming the regime's fear (Steinberg and Fan 2012:299). These fears pushed the military regime closer to China and Russia (Haake, 2010) as opposed to the west, who were supporting the pro-democracy forces in general and the NLD in particular (Allmark 2012, Schlenzig, 2014).<sup>368</sup> A persistent sense of vulnerability prevailed in the mind of the regime leading to the continued militarisation by conflating state security with regime security (Selth 2002; Myoe 2006; 2008; Than 1998: 391).

Analysing Myanmar's political transformation provide useful insights to ascertain whether the democratic reform was indeed a 'tactical concession' to maintain the internal status quo. Under the new framework, the military continues to remain at the centre of political power. Apart from the well-touted provision of appointing 25 per cent members in all national and regional assemblies by the military, the 2008 Constitution empowers the military for roles, such as : (i) participate in the national political leadership (Art.6f), (ii) administer for participation of the entire people in security and defence (Art 20d), (iii) serve as ministers for defence, security, border administration (Art 17b), (iv) spend unaudited amount of money for security (v) take over and exercise state power if the Union is threatened (Art 40c). Additionally, the C-in-C is the supreme commander of all armed forces, police and paramilitary groups. These provisions ensure that any political change cannot evolve beyond the design and consent of the military.

Second, the reform came at a time when the Tatmadaw had well-established 'proxies' at the socio-political level. The second largest political party, USDP is an offshoot of the SLORC sponsored Union Solidarity and Development Association (USDA) – many of whom were in the western sanction list (Bünthe, 2011).<sup>369</sup> The General Administrative Department (GAD) headed by a military appointee is the kingpin of all government departments at the local level (Jolliffe, 2015:13; Moe, 2017). The Tatmadaw-backed militias are also elected to rule in

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requesting the regime to accept the U.S. team to initiate broader relief operations (Cornwell and Spetalnick 2008; Steinberg and Fan 2012, footnote 67; MacKinnon 2009)

<sup>368</sup> For example, during the 2010 Pyidaungsu Hluttaw elections, there was a 'noticeably high degree of global interest in Burmese politics' supporting the pro-democracy groups (Allmark 2012: 193).

<sup>369</sup> The USDA was a mass organization with 12 million members established by SLORC in 1993. The EU and US sanction list includes names of several senior former USDA office-holders.

Special Administrative Areas (SAA) like the Pa-O, Palaung and Kokang, reminding Tatmadaw's permanent role in the local and regional level.<sup>370</sup>

Third, privatisation under SPDC reduced the role of the military conglomerate but *did not alter* its position in the country's economy.<sup>371</sup> Military-run commercial entities include active and retired military personnel and military units as shareholders.<sup>372</sup> The entities enjoy various tax exemption and are engaged in a wide range of business activities covering almost all sectors (Myoe 2009; Turnell, 2010).<sup>373</sup> Reportedly, 271 state-owned companies were sold to General Than Shwe's closest cronies, such as Thay Zar, Zaw Zar and Chit Khaing (The Myanmar Times, 2011). More so, yearly export revenues of US\$3–4 billion from natural gas remain almost 'invisible' in the country's public accounts, making way for the 'wasteful and grandiose projects' by the military (Turnell, 2010:32).

Myanmar's political reform appears to have come only after (i) the introduction of a new constitution that secures the primacy of the military, (ii) the consolidation of the political proxies and (iii) the privatisation that rewarded the regime loyalists. Under such a context, Myanmar's reform appears to be a tool to maintain the status quo and to deflect external pressure, albeit providing a (limited) space for the democratic forces.

## 7. Comparison of the Pathways and Chapter Summary

The mixed evidence of the theorised pathways needs to be viewed against the backdrop of limited exposure of the country. *First*, the contrast in Myanmar's position in the UN hints at the regime's desire to use the GwOT as an opportunity to come out of its pariah status and to

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<sup>370</sup> Rule by Tatmadaw-backed militias in the Pa-O SAA has seen increased stability while the other two are riven by fresh conflicts between the Tatmadaw and local EAGs that remain in staunch opposition.

<sup>371</sup> For a detail account of privatisation and Tatmadaw's commercial activities see Myoe (2009: 175-185). Myanmar's economic reform from a rigid socialist system to one encouraging the private sector under the SPDC is often attributed to the Japanese demands for liberalisation expressed quietly to Myanmar's Deputy Prime Minister in Tokyo in March 1988. It reflects Japan's influence over the regime but does not nullify the fact that the modelling of the economic reform was for regime survival.

<sup>372</sup> The UMEHL has 35,544 active and 6,069 retired military personnel, 1,467 military units and 87 veteran organizing committees as its 'category B' shareholders. Ministry of Defence and Directorate of Procurement are its 'category A' shareholders. The military units were ordered to end their business activities in 2004 after introducing an extra allowance of Kyat 5000 per capita. Beyond UMEHL and MEC, there are several military-managed' and 'military-backed' business (See Myoe (2009: 176-187).

<sup>373</sup> The UMEHL and MEC's commercial interests include gem production and marketing, garments, hospitality and tourism, banking, transportation wood and wood-based industries, food and beverage, supermarkets, telecommunications and electronic equipment, computer, construction and real estate, the steel industry, cement production, automobiles, cosmetics, and stationery etc. (*Ibid*)



deflect criticisms. The pattern of labelling the oppositions as a terrorist, fit the theorised cognitive pathway; such labelling was more intense for an internal audience. During disciplined democracy, the cognitive pathway became more explicit, evidenced by the rise of the Buddhist nationalist groups and the increased violence attributed to the political and ethnic militias. *Second*, the evidence on the *regulatory pathway* is scanty. Despite early ratification of global instruments, Myanmar introduced its domestic CT laws in 2014 and resorted to its selective use only against the RSO. Third, in the Myanmar context, the *capability pathway* becomes relevant only when we consider the evidence of the regime's *fear* of a U.S. led invasion promoted by the doctrine of unilateral pre-emption under the G<sub>W</sub>oT. There is also evidence to view Myanmar's political reform that resulted in lifting the sanctions, was a 'tactical concession.' The nature of constitutional, political and economic reforms that preceded the disciplined democracy suggests that reforms in Myanmar may be 'real and significant' but also 'fragile and reversible' (Yun 2012; McDonald 2013; Croissant and Kamerling, 2013). Thus, the regulatory and capability pathways in the context of Myanmar become relevant only indirectly.

Myanmar's restrictive engagement with the outside world and internal condition largely contributed to dwarfed interactions amongst the three pathways. The pathways that needed to operate through domestic institutions were virtually closed until 2010. The pre-existing laws allowing impunity to the security forces implied that the interaction and manifestation of the regulatory pathway remained limited. Ratifications and reforms of CT regulations were largely aimed at breaking the isolation. However, there is some evidence to suggest that the combined interaction of the cognitive and regulatory pathways emboldened in the selective application of the law. Despite such limited exposure of the country, the cognitive pathway stands out as more penetrating, particularly under the disciplined democracy. The rise of Ma Ba Tha, the '969' movement against the '786', NLD not fielding any Muslim candidate for the national election and applying the newly adopted CT law against the RSO indicates that the theorised pathways can re-enforce each other contributing to state fragility, though very limited in the context of Myanmar.

## Annexes

Annex 7A. Major Timeline of Events - Myanmar 2001-2015

Annex 7B. Demographic Information of States and Regions in Myanmar

Annex 7C. Brief Overview of Ethnic Armed Groups (EAGs) in Myanmar

## CHAPTER 8: TRACING THE EFFECTS OF THE GWOt IN MALI

*“The “war on terror” has played a very ambivalent role in the Islamic debates in Mali, and the current focus on jihadi organisation while the population is assailed with so many other problems ... may actually have already become counterproductive” (Marchal, 2012:7)*

### 1. Introduction

‘In a moment, there will be a statement by the military,’ read the brief message, in Mali’s state-run television on the evening of 21 March 2012 confirming the coup that ousted ‘the incompetent regime’ of President Touré -- in office since 2002.<sup>374</sup> By the next morning, the coup leader, a U.S. - trained army captain,<sup>375</sup> suspended the Constitution and declared himself the head of the interim National Committee for Recovering Democracy & Restoring the State (CNRDRE). The coup was a backlash of President Touré’s alleged mismanagement of the ongoing Tuareg rebellion in northern Mali. However, within days, the Malian Armed Forces (MaAF) lost control of the key northern cities. Tuareg and Arab fighters of the Azawad National Liberation Movement (MNLA),<sup>376</sup> Ansar Dine, al-Qaida in Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJWA) captured Tombouctou, Gao and Kidal. Images of the destruction of ancient religious shrines in the historic city of Tombouctou, and of the black AQIM flag flying in northern towns, exposed Mali’s fragility and compelled the CNRDRE to seek direct military intervention by the international community (Karlsrud, 2015; Reuters, 2012; Henke, 2017). As alluded in chapter 4, Mali’s remarkable transition from being a ‘donor darling’ and a ‘poster-child of democracy’ to a fragile state makes it a compelling case study. This chapter outlines the nature of Mali’s fragility, its engagement in the GWOt and traces the cognitive, regulatory and capability pathways of the GWOt as theorised to assess their impacts. The primary sources consulted include relevant UN reports, MINUSMA situation reports, resolutions, country reports submitted by Mali and the U.S. Embassy Bamako cables. Details on the ethnic composition and armed groups in northern Mali is in Annexe 8A and 8B for reference.

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<sup>374</sup> President Touré led the 1991 Tuareg revolution but handed over the power to Konaré in 1992 - Mali’s first democratically elected president. He entered politics as a civilian and won the 2002 and 2007 election with a broad coalition of support (Carter Center, 2002; Marchal, 2012).

<sup>375</sup> Captain Sanogo attended several iterations of training in the U.S. military facilities. He was also promoted to the rank of General after the coup but subsequently arrested in 2013 to stand trial (Nossiter, 2012; Pincus 2013; Warner 2014: 74).

<sup>376</sup> Azawad, as claimed by the MNLA, comprises Timbuktu, Kidal, Gao, and part of Mopti region.

## 2. The Nature of State Fragility in Mali

Mali's fragility originates from its persistent instability and failure to provide core services – particularly in the north, mostly populated by the Tuareg and Arabs.<sup>377</sup> The northerners have long been marginalised and peripheral to the Malian politics and economy (Harmon, 2016:71; Leibovich, 2016). The Government's inability and unwillingness to deliver on the pledges made in several peace accords (Annexe 8C provides a brief account of the pledges) and the alleged use of the northern problem to attract sizable foreign aid contributed to Mali's continued fragility.<sup>378</sup> Riding on the logic that the northern nomadic way of living was an 'obstacle' to the construction of national identity, the government continued to administer the north militarily.<sup>379</sup> The préfets and governors assigned to the north saw their appointment as a 'punishment' and often performed their duties with distrust and sometimes violence and humiliation of the local elders (Chauzal and van Damme 2015: 21). The government's ambitious Special Programme for Peace, Security and Development in Northern Mali (PSPSDN in French), aimed at developing 11 strategic sites as part of the Algiers Accords was also criticised for the misuse of funds.<sup>380</sup> Bamako's action was viewed as conflict-insensitive as the government focused on building military barracks to increase the MaAF footprint in the north and the local populations were not sufficiently consulted (Pezard and Shurkin 2015: 20-21). Such practices served to entrench an authoritarian system in the north, fuelling the 2012 separatist movement.

The stratified structure of the northern groups also facilitated the government to use or co-opt influential northern elites to pursue a divide and rule policy and 'manage' the problem instead of resolving it.<sup>381</sup> Tuareg leaders who initially argued for decentralisation, like Iyad Ag Ghali

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<sup>377</sup> The Tuareg call themselves as the 'Kel Tamasheq', an overarching term for 'the people speaking Tamasheq'. They comprise only 0.9 percent of Mali's total population. Also, see Annexe A.

<sup>378</sup> Each northern rebellion demanded the implementation of the peace accords, most notably the National Pact signed in 1992. (See Boutellis and Zahar, 2017: Marchal, 2012:2).

<sup>379</sup> The practice of administering the northern region militarily started in 1963. Bamako appointed the governors and most of the teachers, doctors and the administrative personnel. A senior military officer was appointed as the governor of Kidal after 2012 (Chauzal and van Damme 2015: footnote 28).

<sup>380</sup> The PSPSDN project was initiated after the 2006 Algiers Accord. It had lofty objectives such as: (i) re-establishment of social links, confidence and inclusive dialogues between previously opposed and/or divided communities, (ii) satisfy the most urgent needs expressed by communities most isolated and (iii) allow for public investment in zones made vulnerable by conflict (iv) encourage the return of the legitimacy of public action. However, MNA alleged that the PSPSDN fund was used to militarise the north rather than developing it (Pezard and Shurkin 2015: 21, European Commission, 2018).

<sup>381</sup> Stratification of northern clans/tribes is both horizontal and vertical. Each group is dominated by the members of a single ethnic or tribal subgroup who were keen to advance their interests vis-à-vis other

(currently heading the Ansar Dine), or Alghabass Ag Intalla (of the High Council for the unity of Azawad (HUCA)), ended up working closely with the central government before the 2012 rebellion (Wing 2013:480).<sup>382</sup> Bamako's counterinsurgency tactics also included financing and equipping anti-Tuareg vigilantes and militias.<sup>383</sup> Such actions exacerbated social fragmentation albeit allowing the government to portray the northern issue as a security problem, and legitimise their military approach.

Mali's fragility is also linked to external security and environmental issues. Successive droughts in the 90's affected the northern nomadic people who rely on agriculture and livestock-based economy. Many migrated from the region and joined Libyan leader Gaddafi's Islamic Legion (Clayton, 2011; Vogl, 2011). Exile and military service had a radicalising effect, giving many northerners a new identity. Such an identity, for some, was accompanied by a desire to establish a new state. In 2012, this idea came to fruition when the returning Libyan veterans joined hands with the Tuareg and Arab members at home, disillusioned by the slow implementation of the peace accords.

In sum, the incidences of coups and rebellions, unfulfilled pledges of the peace accords, and the lack of institutional capacity resulted in the near absence of the state to provide core services to the people in the north, making them vulnerable to the exploitation and the risk for violence. The divide and rule policy to address the security concerns allowed to entrench state authoritarianism. With these broad insights, we now examine Mali's engagement in the GWoT for subsequent tracing of the theorised pathways.

### **3. Mali's Engagement in the GWOT**

Mali's strategic importance in the fight against terrorism has been succinctly summed up by Robert Pringle (2006:30), the historian cum U.S. Ambassador to Mali (1987-1990):

‘Since 9/11, Mali's Saharan north has become a critical issue in U.S.-Malian relations...First and foremost, the United States fears that the world's greatest desert

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groups, at least as much as they are interested in addressing grievances against the state. (See Shurkin, Pezard and Zimmerman 2017:15).

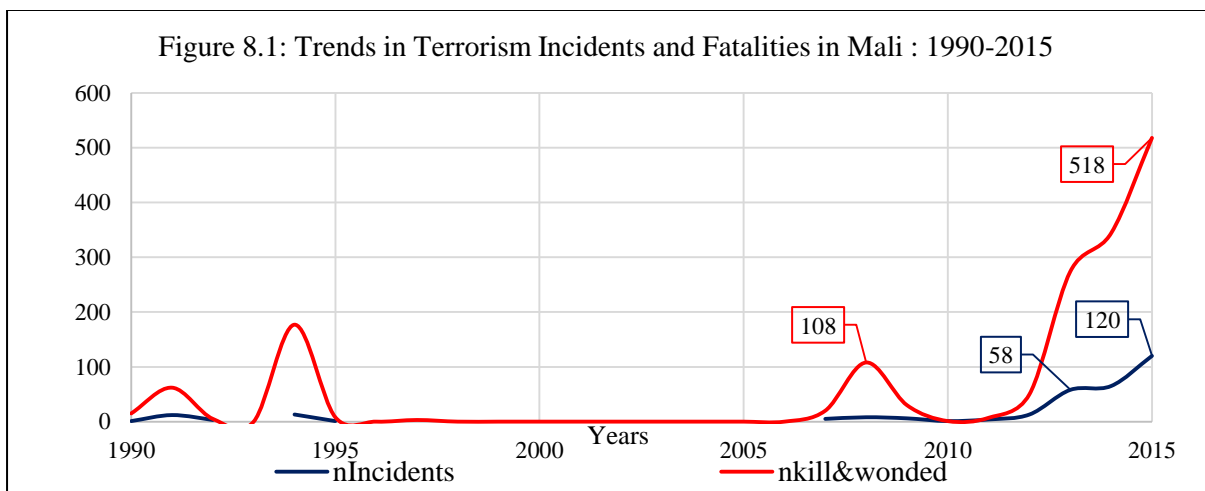
<sup>382</sup> Iyad Ag Ghali was appointed as a diplomat for 2008-2012 while Alghabass Ag Intalla was the deputy in the National Assembly.

<sup>383</sup> Such as the Ganda Koy or Ganda Iso, and more recently the Tuareg Imghad and Allies Self-defence Group (GATIA in French). See Annex 8B for a more detailed account.

could become a new haven for terrorists, following the model of Afghanistan. Second, the United States believes that radicals operating from the desert could spread their creeds elsewhere in Mali and throughout the region, potentially threatening U.S. oil interests in the Gulf of Guinea.’

For EU, the so-called Sahara-Sahel band (BSS in French) is regarded as the front line in defence of France and EU’s security (Shurkin, et al. 2017:87). The French were also worried that its large Malian immigrant community might fall prey to the terrorist propaganda if Mali were taken over by the Islamist (Henke, 2017; Baker-Beall 2009: 190; Bergamaschi 2014:351). The risk of terrorism and the links of the jihadists with the regional players remained the main concern for the external actors and the government of Mali.

Figure 8.1 reflects that the terrorist activities remained stagnant for several years in Mali.<sup>384</sup> However, it started to increase after 2012. The U.S. assistance increased sharply in 2007 (see Figure 8.2) as Mali received the US\$461 million investment under Millennium Challenge Account<sup>385</sup> and the military assistance spiked to US\$136 million with the deployment of peacekeeping forces in 2012.<sup>386</sup> With the initiation of the PSPSDN, the net ODA and official aid also started to increase reaching US\$ 1,398 million in 2012.

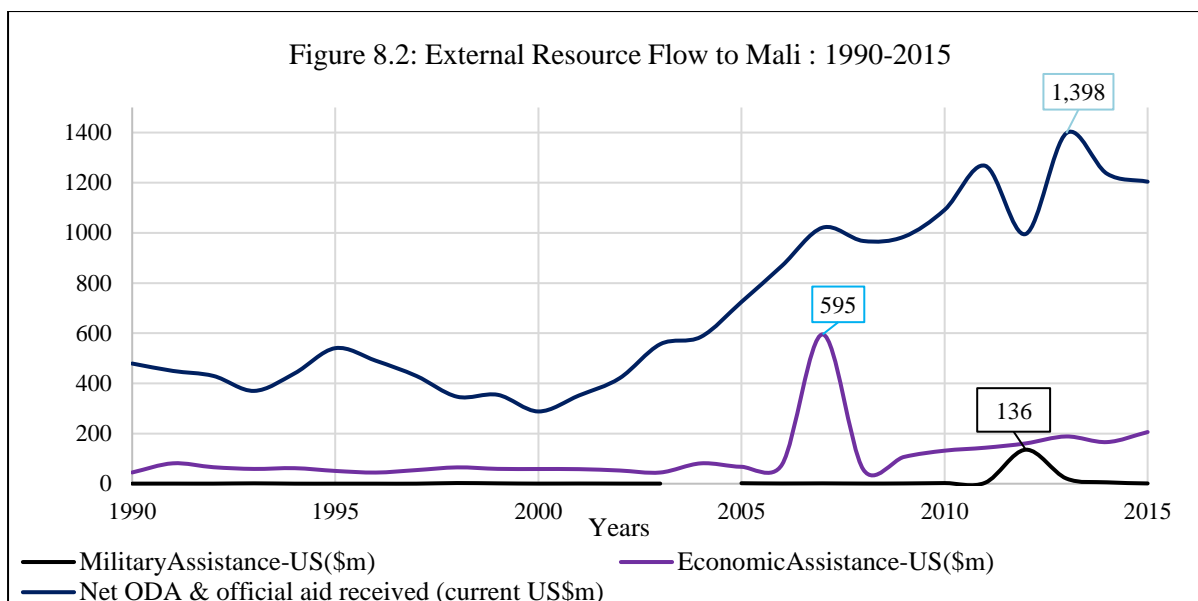


Source: Author’s compilation from GTD (2017)

<sup>384</sup> Terrorism data for 1998-2004 and U.S. military assistance in 2004 is not available. The data on incidents (nIncident) includes only the ‘successful’ ones.

<sup>385</sup> The projects in Mali includes the Bamako-Sénou international airport for improving trade, and the Niger River, for irrigated agriculture with a five-year timeline for implementation starting in 2007. The TSCTP fund was withheld for one year after the 2012 coup.

<sup>386</sup> The allocation for Peace Keeping operation in 2012 was 99 percent of the total (134.5 million US\$).



Source: Author's compilation from Greenbook (2017a) and WDI (2017) data on Mali

Two key U.S. CT capacity building programmes in Mali included the Pan-Sahel Initiative (PSI) and the Trans-Saharan Counterterrorism Partnership (TSCTP). The French *Operation Serval* in 2012, marked the deployment of over 4,500 French troops within weeks under the ambit of the GWoT.<sup>387</sup> The EU Training Mission (EUTM), and the EU Capacity Building Mission (EUCAP) are two major post-2012 capacity building engagements with significant CT focus engaging the MaAF and country's internal security services.<sup>388</sup> However, as a recent report concludes: 'So far, existing strategies have failed to achieve their stabilisation objective and *have even been accused of feeding insecurity* precisely because of their security-specific focus (that is, *they concentrate solely on combating terrorism*)' (Chauzal, 2015:1; Italics added).

Mali houses the world's second largest ongoing peacekeeping force (MINUSMA) with a stabilisation role and to *enforce* peace under Chapter VII.<sup>389</sup> Since its establishment, MINUSMA has become the main actor for security coordination. The Mission's support to the

<sup>387</sup> The French intervention is mandated (Resolution 2085 (2012)) 'to stop the offensive of terrorist, extremist and armed groups towards the south of Mali.' The UN troops are authorised to cut off all ties with terrorist entities such as AQIM, MUJAO, Ansar Dine (Resolution 2086 (2012) and 2100 (2013)).

<sup>388</sup> The EUTM was conceived prior to the French intervention but became active after 2012. It consists of around 500 EU soldiers. The EUCAP, established in 2015, has an authorized staff of 80 (Shurkin et. al. 2017:97-102, S/2013/582, p.7). For EUCAP and EUTM activities in 2015 see EUEA (2015:18-19).

<sup>389</sup> The mission is authorised 11,240 military and 1,440 police personnel. Although the peace enforcement and CT responsibilities are often assumed by the French forces, the protection of the population in MINUSMA's areas of deployment often entails engaging the jihadists and terrorist elements (See S/2013/338, p. 18, S/2013/189, pp.14-17)

MaAF to launch coordinated operations, logistics, information and intelligence sharing, medical evacuation, explosive ordnance disposal, transportation and training has increased after the signing a MoU with the Government (S/2017/1105, p. 5). The international partners, in coordination with MINUSMA also support the Malian specialised judicial unit to prosecute and detain terrorists, while the UN Office of CT is engaged to implement its Integrated Assistance for Countering Terrorism framework for Mali (Macé, 2017; Albrecht et.al, 2017; Karlsrud 2015; S/2015/1030).<sup>390</sup>

There is *informal* regional patronage of the NSAG in northern Mali, with often perilous impact on the state. In the 1990's Libya was allegedly training the Tuareg fighters to exert leverage over the region (Zoubir 2012:2). However, during the 2006 rebellion, Gaddafi opted to pacify the rebels instead of arming them and committed development funds for Mali (Marchal 2012:3). Gaddafi's fall resulted in Tuareg fighters leaving the Libyan civil war and bringing arms and explosives pillaged from military stores.<sup>391</sup> Such informal reinforcements changed the military balance of power in northern Mali (Shurkin et al. 2017:69-70). The security vacuum in northern Mali also facilitated the Algeria-based Salafist Group for Preaching and Combat (GSPC in French) – later evolved as the AQIM, and its splinter MUJAO to expand their influence<sup>392</sup> (Pezard and Shurkin 2015: 66). The nature and dynamics of Mali's fragility signify that the underlying reasons for the manifestation of fragility relate more to the *risks* of conflict and not just the conflict itself. With these insights, we now trace the cognitive, regulatory and capability pathways of the GWoT as theorised.

### **3.1 Tracing the Cognitive Pathway of GWoT in Mali**

The practice of 'othering' and identity politics in northern Mali predates the GWoT. The Kel Tamasheq living in the north were regarded as the 'savage other', in need of social and

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<sup>390</sup> Several MINUSMA reports cite the extent of UN involvement in CT operation and the Malian request seeking such assistance. The French forces often launch joint CT operations with the MaAF (S/2016/281). The international forces have also detained terrorists in the north (S/2016/498, p.6).

<sup>391</sup> Malian president told the reporters that the MNLA fighters had smuggled light armoured vehicles, artillery, antiaircraft cannons, and SAM-7 MANPADS from Libya into Mali (Shurkin, 2014: 6). According to the British intelligence, more than one million tonnes of weapons, including chemical agents were looted after the fall of Gaddafi. In June 2011, the Niger armed forces intercepted a Mali-bound vehicle loaded with 640kg of semtex explosives and 335 detonators destined for AQIM cells in Mali (Drury, 2013; Anders 2015: 175). The UN Panel of Experts on Libya have documented how arms trafficking from Libya fuelled the Malian conflict including terrorism (S/2014/106, pp.30-33).

<sup>392</sup> The GSPC participated in Algeria's civil war (1992-2002) as the Armed Islamic Group (GIA). Flushed out of Algeria, the GSPC found their sanctuary in northern Mali and became AQIM in 2007.

economic development (Lecocq quoted in Pezard and Shurkin 2015: 36). Since the late 1990s, northern Mali was the safe haven of the GSPC, the precursor of the AQIM.<sup>393</sup> However, Bamako ‘tolerated’ their presence. In successive Reports to the UN CTC (S/2002/613; S/2003/1050), Mali claimed that the country is ‘fortunately been spared from terrorism’. The government was keen to distinguish between terrorism and people’s legitimate struggle for independence, suggesting not ‘to confuse terrorism with Islam or to view it as a simple clash of civilisations.’<sup>394</sup> However, by 2008, Bamako started recognising the threat posed by ‘armed bandits’ in the north and by 2010, it labelled the northern region as a ‘sanctuary for terrorist groups’, engaged in hostage taking, drug, arms and illegal immigrant trafficking to Europe.<sup>395</sup> After the 2012 rebellion, the government accused the MNLA, along with the Ansar Dine, the AQIM, the MUJAO and the Boko Haram for carrying out atrocities against civilians, destroying cultural and religious sites and taking hostages.<sup>396</sup> The Malian prime minister declared in the UN ‘we will not negotiate with the terrorists’ (A/67/PV.11, p. 22) and urged the members to put pressure on the rebel leaders and to deploy a Force Intervention Brigade under MINUSMA to fight against terrorist groups (S/PV.7351, p. 44). The MNLA, for its part, has long accused the government of ‘choking the [northern] population with inertia towards AQIM’ and warned that these groups were poised to ‘carry the terrorist threat to the West.’<sup>397</sup> The shifting narratives indicate that the cognitive pathway of the GWoT was used to transform the identity of the northern rebels, once regarded as the ‘savage other’ into the ‘terrorist other’ and also put them in the same bracket with the global jihadists like the AQIM. The framing of these groups as ‘terrorist’ became more pronounced once the regime’s security was at stake in 2012.

In the past, the Malian government held dialogues and signed peace agreements after each northern rebellion. The rebellion in the 1990s was followed by the 1991 Tamanrasset Peace

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<sup>393</sup> The GSPC/AQIM’s presence and movements without hindrance in northern Mali is reported by many including the U.S. (Bøås and Torheim 2013:1279-1292; US DOS 2005:21; US DOS, 2003:5).

<sup>394</sup> The Malian delegation’s statements in the UNSC/UNGA and the Reports to the UN CTC reflected such views (A/C.6/61/SR.4, p.8; A/C.1/62/PV.6, p.26; S/2003/1050; S/2002/613).

<sup>395</sup> Such labelling is evident from Mali’s statements in the UN (A/C.6/63/SR.4, p.8; A/64/PV. 116, p.2).

<sup>396</sup> Mali’s report to the UN on human rights (A/HRC/WG.6/15/MLI/1, 4 December 2012, p. 22) accused the MNLA for war crimes, citing that MNLA detained and summarily executed around 100 Malian soldiers. Also see A/67/PV.11, 26 September 2012, pp. 22-23 for Malian PM’s accusation at the UN.

<sup>397</sup> Several MNLA press releases make such allegations and claims that Bamako is conducting a media and diplomatic campaign to convince the global community that the government] is being attacked by AQIM (MNLA, 2012a; MNLA, 2012c). The MNLA also accuses the government for massacres, exactions and humiliations, spoliations and genocides in 1963, 1990, 2006, 2010 and 2012, which exclusively targeted the people of Azawad (MNLA 2012b).



Accord with the Tuareg (MPA) and Arab (FIAA) rebel alliance represented by Iyad Ag Ghali and a more comprehensive National Pact in 1992 with a broader coalition - the Unified Azawad Movements and Fronts (MFUA in French).<sup>398</sup> The 2006 Algiers Accord, focused on Kidal also included the main belligerent, the ADC.<sup>399</sup> Although the signatories of these peace accords were alleged to have carried out terrorist/banditry acts and represented a fraction of the northern communities, their *inclusion* in the peace process was not restricted (Pezard and Shurkin 2015: 24). This, however, changed in 2012, as the government established new ‘red lines’ and identified groups, resulting in their exclusion from the peace process.<sup>400</sup>

Table 8.3 provides a summary of the ethnic composition of the main armed groups, their inclusion status in the current peace process and the merger/splinter in the pre and post-2001 periods (also see annexe B for more details). The ethnic composition overlaps amongst the groups and has not been a major factor for inclusion/exclusion. Instead, the new ‘red line’ emboldened by the discourse of the GWoT dictated their inclusion/exclusion.

Table 8.3: Dynamics and Composition of the Armed Groups in Mali

Status	1991-2001	2001-20017	Ethnic Composition (Majority)
Jihadists/ Terrorist (Excluded)	GSPC	AQIM	Foreign Tuareg and Arab fighters
		MUJAO*	Gao-based group drawn from Arab, Fula, and Songhay communities
		Al-Mourabitoun*	Local & foreign Arab/Tuareg fighters
		Ansar Dine*	Local Tuareg and Arab fighters
		FLM	Local Fulani tribesmen
Pro-Govt. Separatists (Included)		GATIA	Local Tuareg (vessel clan) and Arab
		MAA-Platform*	Arabs and sedentary communities
		CPA*	Tuareg fighters
		Ganda Izo, CMFPR-I ^, CMFPR-II*	Local Songhai and Fulani tribesmen
	Ganda Koy		Local Fulani militia
Armed Separatist (Included)	MPLA	MNLA, MNA	Azawad Nationalist, local Tuareg
	FIAA	MAA-Coordination*	Arabs and sedentary communities
	MFUA^ (MPA + FPLA + ARLA)		Tuareg and Arabs nationalists
		HCUA* (MIA +HCA)	Tuareg (Nobel clan)
		ADC	Tuareg (Nobel Clan of Kidal)

Note: \*Splinter, ^ Merger,

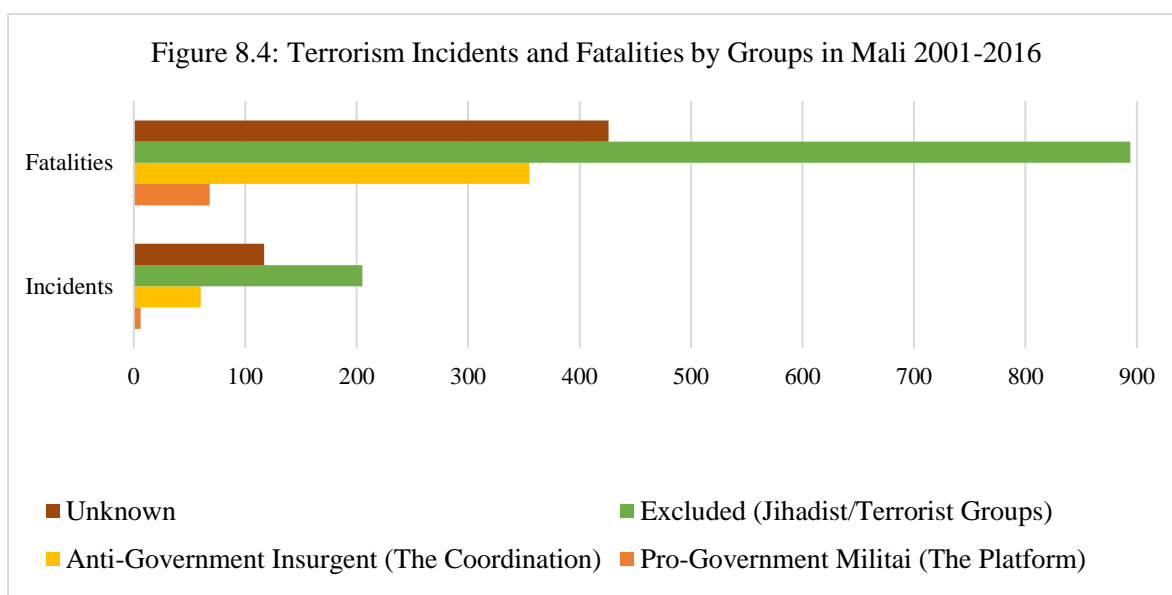
<sup>398</sup> The MFUA included MPA, FPLA and the Revolutionary Liberation Army of Azawad (ARLA) (Pezard and Shurkin 2015: 14).

<sup>399</sup> A small minority who rejected the accord were defeated militarily in 2009 by the local Tuareg and Arab militias controlled by the MaAF (*Ibid*, p. 6 & 18).

<sup>400</sup> The government’s ‘red line’ is evidenced by several speeches including the one at the U.N. in 2012 where the Malian PM stated, ‘We are not prepared to negotiate issues that call into question the integrity of our territory and the secular nature of the country’ (A/67/PV.11, pp. 22).

Source; Author’s compilation from Boutellis and Zahar (2017), Maïga (2016), and Pezard and Shurkin (2016)

First, the excluded groups are the ‘terrorist/ jihadist’, regarded as violent extremists, aiming to impose Sharia Law in Mali rejecting the secular nature of the state. They include AQIM and MUJAO comprising both local and foreign fighters and the Ansar Dine, Macina Liberation Front (FLM in French), comprising Malian Tuareg (Ifoghas), Arabs (Berabiche) and Fulani tribesmen.<sup>401</sup> The exclusion of Ansar Dine mirrors the labelling of the group in the UNSC Resolutions.<sup>402</sup> The group is a former ally of the MNLA and accepts Mali’s territorial integrity.<sup>403</sup> It was initially included in the ECOWAS sponsored dialogue (Palus 2012). Influential northern leaders have also advocated for their inclusion.<sup>404</sup> However, leveraged by the cognitive pathway of the GWoT, the group’s affiliation with the AQIM/MUJAO and the demand for Sharia Law remains irreconcilable.



Source: Author’s compilation from GTD (2017) data.

Be that as it may, the terrorists/jihadists remain important actors and pose the most serious challenge to the state (Fick 2015). They are the main perpetrators of the terrorist incidents in

<sup>401</sup> Foreign fighters are reportedly from Niger, Morocco, Mauritania, Algeria, Libya, Nigeria, Egypt, Tunisia, Somalia, Yemen and Canada (Boutellis and Zahan 2017: 21-24, Zenn, 2017).

<sup>402</sup> The UNSC Resolutions adopted before December 2012 (2085, 2071, and 2056) do not mention Ansar Dine as ‘terrorist’ group. However, Resolution 2100 (25 April 2013, p.2) mentions Ansar Dine as a terrorist entity, along with the AQIM and MUJAO, urging all to cut off ties with the group.

<sup>403</sup> In May 2012, Ansar Dine joined the MNLA to form the Transitional Council of the Islamic State of Azawad but separated itself on 30 May of the same year, forging a more solid alliance with AQIM and the MUJAO. The group is accused of the massacre of Malian soldiers at Aguelhock in April 2012. (*ibid*)

<sup>404</sup> The Amenokal of Kidal, brother of the leader of the HCUA issued a public statement on 13 March 2016, calling on the authorities to initiate dialogue with Ansar Dine (Maïga, 2016: 6-7)

Mali (see Figure 8.4).<sup>405</sup> In March 2017, the ‘excluded’ groups formed the Jamaat Nusrat al-Islam wal-Muslimin (JNIM, Group of Supporters of Islam and Muslims) hailed by the al-Qaeda’s leader al-Zawahiri (Zenn 2017: 9). The jihadist’s ability to re-group and continue to monopolise violence in northern Mali reflects their ability to exploit the cognitive pathway of the GWoT to draw in not just the foreign fighters but also recruit local people.

Second, the northerners in the 2015 Bamako agreement are represented by a pro, and anti-Bamako coalition know as the Coordination and the Platform.<sup>406</sup> The external intervention served as a stimulus for the emergence and growth of this division as it required to distinguish between the military targets (i.e. ‘terrorists’) and the groups with which future peace talks were necessary. The French operation *Serval* disposed of the groups to split or distance themselves from the jihadists. Despite all his hereditary standing and influence, Alghabass, the heir apparent to the leadership of the Ifoghas Tuareg,<sup>407</sup> initially sided with the Ansar Dine, but later denounced his association to form the HCUA. The MAA that helped AQIM to enter Timbuktu later distanced itself from the jihadists and split into the MAA-Platform and the MAA-Coordination. The Azawad People Coalition (CPA) also emerged under a similar stimulus condition. The external intervention under the GWoT defined and reinforced the ‘red line’ that was long irrelevant or flouted in northern Mali.<sup>408</sup> It dictated not only the inclusion/exclusion of the groups in the peace process but also created the pro and anti-Bamako alliances amongst the compliant groups, disregarding the overlapping tribal and family links<sup>409</sup> and reflecting the cognitive map of the GWoT.

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<sup>405</sup> Fatalities include killed and wounded person. Incidents data includes ‘successful’ attacks. Incidents attributed to ‘Muslims extremist’ are counted under jihadists/terrorist and separatists/Tuareg rebels’ incidents are counted under anti-government (the Coordination) insurgents.

<sup>406</sup> The pro-Bamako militias also include Coalition of the People for Azawad (CPA), and the Popular Movement for the Salvation of Azawad (MSPA). See Boutellis and Zahan (2017: 22-26).

<sup>407</sup> Alghabass Ag Intalla is the son of Intalla Ag Attaher, the *amenokal* – traditional chief of the Ifoghas Tuaregs confederation who holds the *ettebel* (drum of war). Alghabass was initially thought to succeed his father. However, after the death of his father in 2014, his brother Mohamed Ag Intalla was appointed as the *amenokal* as per the preference of his father (RFI 2014).

<sup>408</sup> As Maïga (2016:3) observes, ‘[Operation] *Serval* had a definite impact on group dynamics. It triggered the spin-off of a part of Ansar Dine, *recently* labelled a terrorist...although previously considered ...a movement with a rightful place at the negotiation table.’

<sup>409</sup> The armed groups are not ethnically or politically homogeneous. The leadership of the MNLA, HCUA and Ansar Dine are *Ifoghas Tuaregs* and Arabs while their ranks and files are more diverse. The pro-Bamako GATIA commander General El Hadj Ag Gamou had fought alongside Iyag Ag Ghali as a rebel in the 1990’s. However, the GATIA militias, predominantly comprising the *Imghad Tuaregs*, are historically at odds with the Tuareg elites belonging to the MNLA (McGregor 2015, Marchal, 2012).

The realignments resulted in more social fragmentation and made dialogue mechanisms and service delivery channels extremely fluid and difficult. Some of the regimes appointed interlocutors in post-intervention phase contributed to the fracturing of national unity as they were either disavowed by the groups they belonged or busy to consolidate their sphere of influence (Boutellis and Zahan, 2017: footnote 83, Ferland 2016).<sup>410</sup> Alghabass Al Intallah formed the HCUA out of fear of being marginalised– both personally and as a group (Maïga 2016:3) Consequently, the jihadists/terrorists enjoyed more political space to operate and exploit the population.<sup>411</sup> The parties blamed each other for the stalled implementation of peace accord hindering to accrue any peace dividends. Indeed, despite receiving significant funding, all eight camps for the disarmament, demobilisation and reintegration (DDR) process remained empty till May 2017(FIDH/AMDH 2017). The cluster of labelling bracketed the symptoms of violence but not their underlying causes and the resulting political dynamics of exclusion/inclusion has not been entirely helpful for Mali to come out of fragility.

The second cognitive channel relates to Bamako’s authoritarian practice – that is, the use of MaAF in the north. However, Bamako was constrained by (i) successive peace accords, (ii) sensitivity attached by the donors to the militarization of the north<sup>412</sup> and (iii) altered military balance of power after 2012.<sup>413</sup> Thus Bamako resorted to *alternative channels* for its authoritarian practice. For example, the creation of GATIA militia gave the pro-Bamako ‘Platform’ a strong military presence in the north. The MaAF allegedly provided logistical support to the militias while the EUTM trained several GATIA soldiers.<sup>414</sup> The armed violence by the proxy-militias compounded the problem and undermined efforts to pacify the northern region.<sup>415</sup> The GATIA’s inclusion in the peace process is also perceived as to counter the influence of the MNLA and HCUA.

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<sup>410</sup> The MNLA spokesperson Hama Ag Sid Ahmed reacted to her appointment by saying, ‘It’s a good decision ... *for her*...she goes alone. We take note, but we are *disappointed*.’ (Ferland, 2016, *italic added*)

<sup>411</sup> For example, one of the captured jihadists stated, ‘I joined MUJAO because I really liked their way of convincing people, their justice and their integrity’ (See ISS 2016: 6).

<sup>412</sup> Warner (2014:58) notes that during the TSCTP implementation the U.S. State Department was concerned about militarising the north and often preferred to move from ‘direct’ action advocated by the DoD to ‘indirect’ actions to mitigate effects of militarisation.

<sup>413</sup> The weapons and arms smuggled from Libya enable the insurgent to have lethal power ‘indicative of an army’ that was absent in all previous rebellions (AFP, 2013; Florquin and Pézard, 2005:48).

<sup>414</sup> The wounded GATIA fighters undergoing treatment in the UN hospital in Gao reportedly revealed that they were trained by the EUTM in Koulikoro. GATIA’s links with the MaAF is noted by many (See Jeune Afrique 2015; Boutellis and Zahar, 2017; Maïga, 2016).

<sup>415</sup> For example, the 5th and final phase of the Algiers negotiation was delayed due to the resumption of clashes in Tabankort- Anefis between the pro and anti-Bamako forces (Boutellis and Zahar 2017:16).

In sum, the GWoT provided a vocabulary and cognitive map for the government to define the ‘red line’ and excludes groups that were long ‘tolerated’. The French intervention unhinged the initial convergence between the local and foreign armed groups, triggering new alignments and re-compositions of the groups. The apprehension of being labelled as ‘terrorist’ besieged the mind of the separatists creating splinters.<sup>416</sup> State’s authoritarian tendency was channelled by empowering the pro-government militias that compounded the fragile situation. Overall the cognitive pathway of the GWoT remains relevant to the ‘othering’ process and the authoritarian tendency of the state as theorised - contributing to more fragility in the context of Mali.

### **3.2 Tracing the Regulatory Pathway of GWoT in Mali**

As theorised, the regulatory pathways of the GWoT gravitate fragile states to undermine human rights, freedom and physical integrity rights of its citizens in the fight against terrorism, contributing to more fragility. Mali has been remarkably pro-active to accept universal CT instruments. In April 2002, Mali was party to 12 CT instruments, and by January 2010, the country ratified more two instruments (see annexe 8D). Mali is a member of the Regional Judicial Cooperation Platform for Sahel countries<sup>417</sup> that facilitates evaluating and supporting Mali’s CT capacity building needs and the execution of Mutual Legal Assistance and Extradition requests.<sup>418</sup> Mali is also party to several terrorism-related instruments of African Union (AU), Organization of African Unity (OAU), Organization of the Islamic Conference (OIC), West African Economic and Monetary Union (WAEMU) and the Economic Community of West African States (ECOWAS). Mali also ratified *all* UN human rights conventions and protocols except one.<sup>419</sup> It accepted UN instruments on individual complaints

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The GATIA reportedly killed 20 separatists in areas controlled by the CMA in Kidal region. The MINUSMA threatened imposing ‘sanctions against those responsible’ and later declared a 20 km security zone around Kidal (Diallo, 2015 and A/HRC/28/83, 9 January 2015, p.7, Maïga, 2016: 4).

<sup>416</sup> Such apprehension is evidenced in the speech by the MNLA leader heading the Coordination during the Algiers Process (Phase II) (CMA 2014): ‘[The Coordination] proclaims... its condemnation of any inclination to create and maintain any amalgam of our just and legitimate cause and the terrorism that rages in this Africa zone with its corollary of narco-trafficking and criminal economy.’

<sup>417</sup> The Sahel Platform was established in 2010 as a response to growing threats of terrorism in the sub-region. Members include Burkina Faso, Mauritania, Niger, Senegal and Chad (observer). Mali was prompt in appointing the national focal point and alternate focal points (UNODC, 2016).

<sup>418</sup> Mali is party to the Convention on Mutual Assistance in Criminal Matters (A/P1/7/92), signed in Dakar on 29 July 1992 and Extradition Convention signed in Abuja on 6 August 1994 (A/P.1/8/94).

<sup>419</sup> Six out of the twelve instruments ratified by Mali was prior to 9/11. However, Mali did not ratify the optional protocol on abolishing the death penalty.

and inquiry procedure on torture, enforced disappearance, and discrimination against women and rights of a person with a disability.

Mali received considerable technical and legal assistance to harmonise its CT laws. The UNODC assisted Mali to identify the ‘legal gap’ between domestic and global CT regulations, draft new laws, prepare reports to the UN, and train the criminal justice officials (UNODC, 2008: 124, UNODC, 2016:10). The U.S. TSCTP and the EUCAP mission are also involved in judicial capacity building in prosecuting and imprisoning terrorists, countering violent extremism (CVE), prison radicalisation, and transnational organised crime (Warner, 2014).

The legal codification of the action to be taken against terrorism as defined in the global and regional instruments and their ready acceptance by Mali appeared helpful in its fight against terrorism. Article 117 of the Constitution places the global treaties ratified or accessed by Mali as ‘superior authority,’ and can be ‘directly’ applied by the national courts and tribunals.<sup>420</sup> Several provisions of universal CT conventions are incorporated in Mali’s law on terrorism (Law No. 08-025), weapons and munitions (Law No. 04-050 12 and Decree No. 05-441/P-RM) introduced in 2008, 2004 and 2005 respectively.<sup>421</sup> The country’s Panel Code criminalise terrorism with the death penalty.<sup>422</sup> Mali has been particularly pro-active to legislate against terrorist financing.<sup>423</sup> The national law has provisions to freeze terrorist assets in line with the UNSC resolution. The government regularly distributes terrorist finance watch lists to concerned agencies.<sup>424</sup> Mali is also a member of the Inter-Governmental Action Group against Money Laundering in West Africa, and its FIU is a member of the Egmont Group. In May

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<sup>420</sup> The Article 117 states: ‘Treaties and agreements duly ratified or approved have, from the time of their publication, superior authority over laws of the State’. Mali’s report to the UN also states that the UN CT conventions may be applied directly by the national courts (S/AC.37/2005/ (1455)/12, p. 3).

<sup>421</sup> The UNODC assisted to draft the law. It incorporates several offences related to civil aviation, vessels and fixed-platforms, dangerous materials, diplomatic agents, hostage-taking, terrorism financing and nuclear terrorism as required by the universal CT instruments (UNODC 2008: 121).

<sup>422</sup> Mali’s Panel Code prescribes death penalty for the terrorism-related offenses that may or may not result into death. Article 308-312 criminalise terrorism offences related to civil aviation prescribing the death penalty for hijacking an aircraft, bombing or setting fire to transportation facilities, damaging any buildings, roads, facilities or vehicles of public utility with explosives and causing death. Article 47 and 52 also covers several terrorism related offences.

<sup>423</sup> For example, Act No. 2016-008 of 17 May 2016 was introduced as a single Act on ML & FT. And Order No. 2015-032/P-RM of 23 September 2015 was issued to establish the Central Office to Combat Illicit Enrichment. One chapter of Mali’s CT Act is devoted to the issues of ML & FT.

<sup>424</sup> Mali’s Ministry of Economy and Finance and the Treasury provide the ISIL (Da’esh) and al-Qaida sanctions list to the UNSC, the banks and the security forces. It allows the seizure of assets authorized by a judge for an unrestricted amount of time during an ongoing investigation. (US DOSC 2012)

2013, Mali enacted a new Penal Code to set up an ‘interagency investigative brigade’ for all terrorism investigations and prosecutions, having provisions for specialised prosecutors and judges (USDOS 2013: 30). The government has undertaken SSR, introduced several acts and orders for the security forces to uphold human rights while fighting terrorism.<sup>425</sup>

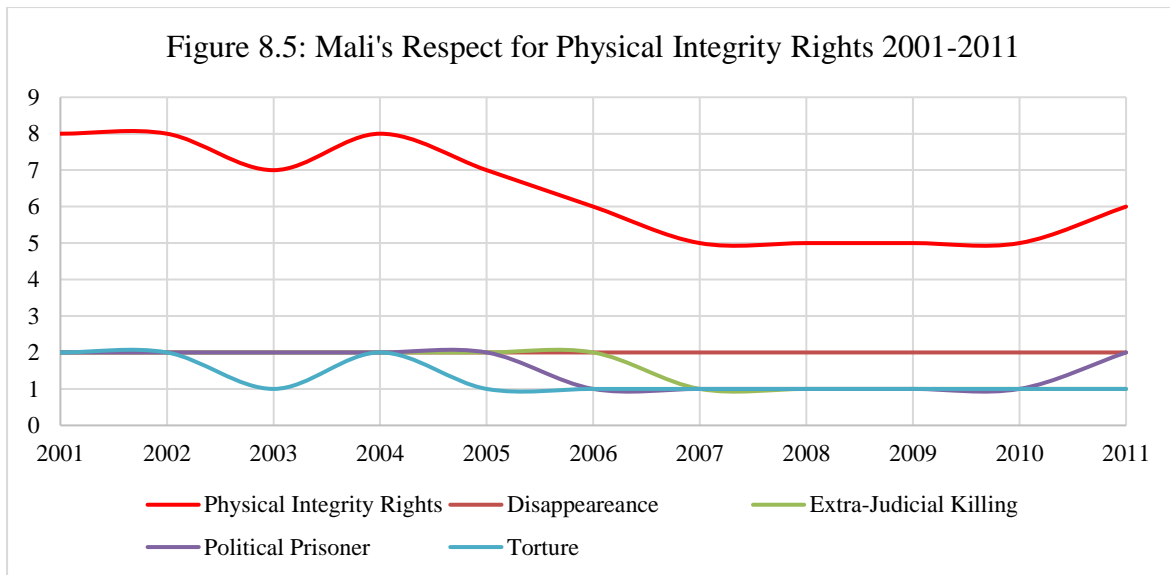
Mali’s proactive and extensive engagement with the global and regional CT regime and harmonising the domestic laws tend to suggest that the country is motivated by its ‘conviction’ rather than the demand for regulatory convergence.<sup>426</sup> A similar commitment towards the international human rights instruments also sends a positive signal about Mali to its partners. However, did such self-motivated conviction for regulatory convergence translate into balanced actions in Mali’s fight against terrorism and what was its impact on Mali’s fragility?

Figure 8.5 plots the trend in government’s respect for the physical integrity rights for the period 2001-2011 and its four aspects (i.e. extrajudicial killing, torture, enforced disappearance and political prisoners). It shows that, overall, the government’s respect for the four rights has gradually *declined* in the era of GWoT. In particular, respect to stop the extrajudicial/ political killing, imprisonment and torture had worsened since 2005 and continued till 2010 (CIRI data is available up to 2011). The data suggest a ‘compliance gap’, confirming that Mali’s strong conviction and ratification of the human rights instruments did not translate into actions, particularly when the demand for compliance of CT regulations became high.

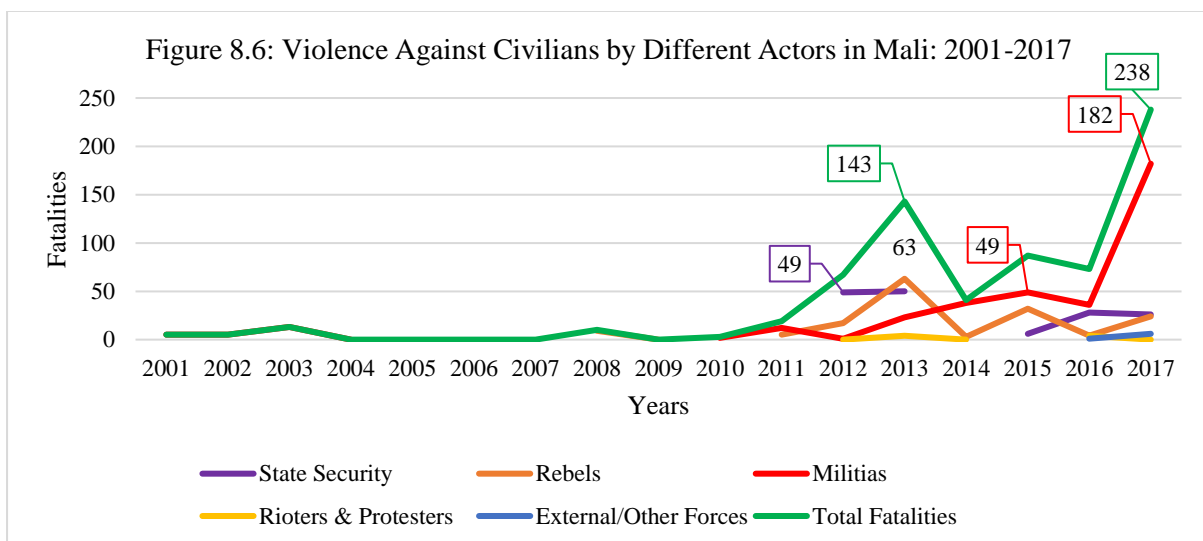
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<sup>425</sup> Includes the Military Guidance and Programming Act and the Internal Security Programming Act.

<sup>426</sup> In its report to the CTC in 2003, Mali claimed that country’s long standing motivation for regulatory reform to fight terrorism, was out of ‘conviction, not a follow-my-leader attitude’ (S/2003/1050, p.4).



The ACLED data on violence against unarmed civilians<sup>427</sup> in Mali shows an increasing trend as Mali became more assertive in the fight against terrorism (see figure 8.5). A decline in civilian fatalities committed by the rebels and state security forces in 2012-13, was replaced by an increase in fatalities committed by the militias.<sup>428</sup> State's reluctance, inability and connivance with the militia groups granting them impunity, reflect how the GWoT can gravitate fragile states towards greater risks of physical integrity violation.



Source: Author's compilation from ACLED data

<sup>427</sup> The ACLED data considers an event as 'violence against civilians' when any armed/violent group attacks unarmed civilians and not engaged in political violence. Rebels, governments, militias, rioters can all commit violence against civilians. As opposed to battle death data, violence against civilians provides a more nuanced picture of the human rights condition (Raleigh and Dowd, 2015:9).

<sup>428</sup> The data on militia includes both the identity militia and political militias as coded in the ACLED.



The contrast in the UN reports on the human rights situation in Mali (2001 -2017) provides a more nuanced picture.<sup>429</sup> Most pre-intervention reports highlight abysmal poverty, gender inequality, female genital mutilation (FGM), HIV/AIDS, exploitative labour relationships, illiteracy, the weight of traditions, youth unemployment as the main human rights challenges (A/HRC/WG.6/2/MLI/1, p. 22; A/HRC/WG.6/2/L.16, USDOS 2007, p.1). One of the earliest incidents of torture and extrajudicial killing by the MaAF appears in the 2003 Report.<sup>430</sup> The violation of physical integrity rights was not raised by any member of the 2008 Working Group on the Universal Periodic Review (A/HRC/8/50 13 June 2008, pp.6-9). In contrast, the post-intervention Reports (A/HRC/22/33, p.9; A/HRC/23/57, pp. 7-9) and MINUSMA (S/2013/582, p.7; S/2014/1, S/2014/403) cite numerous violations of the physical integrity rights perpetrated by elements of the MaAF, the armed groups and the transnational terrorists. The reports document several allegations of summary executions of persons belonging to rival groups or believed to be collaborating with them by the state security forces and other armed groups (A/HRC/23/5, p.7; HRW, 2017:48-60). These violations happened despite a heavy UN presence and numerous training courses on human rights conducted by the MINUSMA and EUTM.<sup>431</sup> The compendium of HRW reports (20012-2017) also documents endemic abuses and summary execution of people who provide information to the government or French forces by the Islamists groups and militias noting that such abuse is spreading towards southern Mali (pp.29-43).<sup>432</sup> There are reports of an unofficial detention centre in Bamako to detain people accused of terrorism without any access to the lawyers or family members (A/HRC/WG.6/29/MLI/3, p.4). Around 120 judicial proceedings related to CT offences resulted in almost no trials, and a dozen sentences by the Mopti Criminal Court in April 2016 was in the absence of the accused while the most important cases are still under investigation.<sup>433</sup>

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<sup>429</sup> The reports consulted includes the situation report by MINUSMA, Mali's report to different UN human rights committee pursuant to relevant conventions, Human Rights Commission Report, US Department of States Country Report on Mali, Reports by NGOs (HRW, Amnesty International and FIDH/AMDH). The focus was on human rights violation in the fight against terrorism.

<sup>430</sup> The cases of torture and extrajudicial executions were allegedly committed by the MaAF soldiers in 2000 following the murder of three tourists in Kidal (CCPR/CO/77/MLI, p.4).

<sup>431</sup> The UN, in collaboration with the EUTM reportedly trained 1,300 MaAF personnel on the human rights, the protection of women and children and international humanitarian law prior to their deployment to the north (S/2018/273, p.4; S/2013/582, p. 9).

<sup>432</sup> The compendium also highlights abuse within the MaAF following the coup (pp.23-24).

<sup>433</sup> The 2017 report by FIDH/AMDH (pp.11-14) notes that in 2016, 300 people were arbitrarily arrested by the MaAF accompanied by numerous incidents of torture and summary executions. The 2018 MINUSMA situation reports lists 239 cases of extrajudicial execution, 25 cases of abduction or enforced disappearance, six cases of torture or ill-treatment and 42 cases of unlawful detention (S/2018/541, p.8).

The reports observe that Bamako made little or no effort to investigate, prosecute or punish officials engaged in human rights abuse (US DOS 2016:2; CCPR/CO/77/MLI, p.5).

In sum, Mali's 'conviction' to ratify global CT or human rights instruments appears inconsequential. The contrasting record of compliance and human rights abuse during the pre and post-intervention phase signifies the state's susceptibility to the regulatory pathway of the GWoT. It suggests that commitment does not imply compliance and Mali's quick ratification of the global CT and human rights instruments were most likely motivated in part by Bamako's practice of alluring external resources for the regime's benefit.<sup>434</sup> The legal codification of terrorism in the regional and global instruments empowered the state to become more assertive in flouting the commitments to human rights and the rule of law in the fight against terrorism. While the culture of impunity exacerbated the violation of human rights, the limited institutional capacity and access to the formal justice system deprived the victims of getting justice and ensuring the rule of law. The state's preference for arbitrary use of coercive power to regain social control leveraging the CT regulations resulted in losing the trust of the northern population and making them more vulnerable to the jihadist/terrorist propaganda.

### **3.3 Tracing the Capability Pathway of GWoT in Mali**

External capacity building efforts in Mali can be classified into pre and post-intervention phases. Many of the pre-intervention phase (2001-2012) capacity building projects were exclusively focused on training the security forces to fight terrorism. The PSI, initiated in 2002, helped to train three light infantry companies of MaAF.<sup>435</sup> The TSCTP, initiated in 2005, helped to build a Crisis Response Team within the Malian Gendarmerie and train elite unites in MaAF to deter terrorist attacks.<sup>436</sup> Mali received a total of \$77.6 million over the course of fiscal years 2005–2013 under this project.<sup>437</sup> Mali also participated in the U.S. sponsored *Operation*

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<sup>434</sup> Based on her successive interviews, Bergamaschi (2014: 362) reports that Malians have developed 'an appealing aid negotiation style, while avoiding direct conflict or explicit disagreement' and achieve 'leeway and leverage not during negotiations but during the implementation...Malians are the champions of saying yes and then doing nothing'.

<sup>435</sup> Mali also benefitted from the U.S. projects like the African Crisis Response Initiative (ACRI), African Contingency Operations and Training Assistance (ACOTA), International Military Education and Training (IMET), Counterterrorism Fellowship Program (CTFP), and the Global Peace Operations Initiative (GPOI). The training involved marksmanship, planning, communications, land navigation, and patrolling (Warner, 2014: 23).

<sup>436</sup> The TSCTP also included justice sector reform, vocational training and community engagements led by US Department of States (Shurkin, Pezard, and Zimmerman 2017:18).

<sup>437</sup> Mali was excluded in 2012 for the coup. The TSCTP allocations for Chad, Mauritania, and Niger over the same period were \$45, \$58.5, and \$74.7 million respectively (Shurkin, 2017: 18).

*Flintlock* - the biggest annual military exercise in Africa since World War II, set in the scenario of chasing a terrorist group across national borders in Sahel region (Pincus, 2013).<sup>438</sup> In 2009, Mali requested for additional U.S. help before launching *Operation Djigui* – the attack against the AQIM.<sup>439</sup> Although MaAF did not receive the required support and the operation was a failure,<sup>440</sup> the level of U.S. security assistance increased manifold. During this period, the government also actively raised and integrated the Tuareg and Arab militias to fight along with the regular forces. Just one year before losing the key northern cities to the separatists, Bamako kicked-off the PSPSDN project to develop eleven strategic sites in the north that would facilitate providing security and core government services to the people, long abandoned by the state.<sup>441</sup>

The initial period of the pre-intervention phase capacity building is marked with Mali's lack of enthusiasm to counter the extremists like the AQIM. It appears that the instability in the north was largely used to draw more international aid exploiting the opportunity structure of the GWoT as theorised. As one observer succinctly puts:

‘History will tell whether this [Mali's] lack of enthusiasm [to mobilise accessible international and regional support] was motivated by the need to protect the golden goose (i.e. that of an ungovernable northern Mali that could attract sizeable international aid to combat instability in the region and where illicit trafficking of all kinds could proceed without difficulty).’ Marchal (2012:2).

The decade-long capacity building assistance also did not adequately strengthen Mali's coercive capability, evidenced by the failure of *Operation Djigui* and the rebel's ability to capture key northern cities in 2012 (Mann 2012; Pincus, 2013). Bamako used the external assistance in a highly exclusive way for the regime's benefit in the name of fighting terrorism. The threat to the regime/elite and *not* the state defined Bamako's choice to use force. Until 2009, the indigenous separatist groups were viewed as the main threat to the regime while the AQIM and its affiliates were enjoying a free-reign (Powelson, 2013: 10-15; Bøås and Torheim

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<sup>438</sup> The exercise introduced in 2005, involves over 1000 U.S. personnel and forces from seven countries. Mali also participated in a command post exercise (*United Accord*) with the AFRICOM.

<sup>439</sup> The U.S. help requested by the Malian President included intelligence sharing, vehicles, equipment, and physical reinforcement. The president reportedly impressed upon the Ambassador saying ‘if we had the equipment, Mali would move on AQIM tomorrow morning’ (Powelson, 2013: 10-11).

<sup>440</sup> The MaAF suffered the largest number of casualties since 1991 while conducting *Operation Djigui* against the AQIM and was forced to recoil back to its main bases (Powelson, 2013: 14).

<sup>441</sup> The budget for PSPSDN was \$60 million provided by several donors, including France, Canada, and the EU. However, the project was regarded as ‘too little too late’ (Pezard and Shurkin 2015: 21)

2013; US DOS 2005). The decision to attack the AQIM in 2009 came only after the regime was threatened by the two high profile killings attributed to the group. First, the beheading of the British tourist Edwin Dyer by the AQIM put enormous pressure on the regime to hunt down the perpetrators and bring them to justice (Weaver, 2009). Second, the killing of Colonel Lamana – an influential Malian intelligence officer was regarded as ‘an act of war’. Thus, the regime was under the global and local spotlight, compelled to go on the offensive against the AQIM.<sup>442</sup> Such sequencing and prioritising of the threat and the use of force against the AQIM appears to be motivated to protect regime security as theorised.

The regime also deployed foreign funds into less cohesion-focused projects in the north, such as building military barracks in the pretext of fighting terrorism. The northern people viewed these military barracks, as ‘sowing fear and terror’ to frighten them and remilitarise the north (MNA 2011; Pezard and Shurkin 2015: 20-21). It was also alleged that the state assigned contractors were not from the region and were not employing the locals for the construction job. Many aggrieved and unemployed local youth later vandalised the building sites (Diakité 2012; Marcel 2014:7). Such a highly exclusive and conflict-insensitive way of using external assistance proved counterproductive affecting the fragile stability in the north, adding to increased fragility.

The pre-intervention phase external assistance also lacked an enduring engagement.<sup>443</sup> The MaAF needed building its capacity to conduct and sustain highly mobile, coordinated battalion-size offensive operation in desert condition away from home bases (Shurkin et al. 2017:69). Instead, the episodic/one-off’ external assistance was focused on training elite and rapid-reaction units for the CT role.<sup>444</sup> Leveraging the urgency to fight the terrorists, Bamako also embarked on raising and empowering the local Tuareg and Arab militias. The militias enjoyed

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<sup>442</sup> The rationales for Mali’s decisions to attack the AQIM was reported in several US embassy cable (U.S. Embassy Bamako 2009, 2009a, 2009b). Edwin Dyer was killed after UK government declined to release the Jordanian al-Qaeda operative/ cleric Abu Qatada as per their demand (Weaver 2009).

<sup>443</sup> For example, many in the U.S. DoD feared that the level of investment in Mali was ‘too little and too slow for partner nations to address the threat on their own in the near term’ (Warner 2014: 57). Episodic training looks good in terms of ‘dollars spent and events participated’ but add little to the overall operational capability (p. 64). For a detail discussion on the ‘enduring’ versus ‘episodic’ capacity building by the U.S. Special Operation Forces (SOF) in Mali, see Powelson (2013).

<sup>444</sup> The elite/special units trained by the U.S. SOF in Mali included Echelon Tactique Inter-Armée (ETIA) and the 33rd Parachute Regiment (Warner 2014:74). Other TSCTP training included the Special Intervention Brigade, National Police Anti-Crime Brigade and the Mobile Intervention Brigade of the customs authorities. While there is no denial that such units can be effective in law enforcement, they can also become potential tool for abuse enjoying impunity.

a free rein to roam in northern Mali with impunity while remaining outside the formal military command structure. This ‘northern on northern’ strategy increased the risk of inter-ethnic conflicts (U.S. Embassy Bamako, 2008). Although the U.S. stressed that the end user of their equipment and provisions supplied should be the MaAF units, the use of militia alongside the regular forces signifies the mutating ability of the external capacity building efforts to serve regime interest.<sup>445</sup> A divergent threat perception defined the nature of the capacity building and the strategy to use those capabilities, fuelling more fragility.<sup>446</sup>

The main *post-intervention* phase capacity building channels are MINUSMA, the EUTP and the EUCAP. Respective stakeholders administer the programmes with a broad objective of stabilising the security situation and re-establishing state authority in the north. The EUTM has so far trained six MaAF battle groups on diverse topics like developing military skills, logistics and human resource management, international humanitarian law, and gender-based violence (Shurkin et al. 2017). The EUCAP, initiated in 2015, is to train the Malian Gendarmerie, Police and National Guard. It also provides strategic advice to the security force and relevant departments to implement the SSR. As mentioned before, MINUSMA, along with its French military elements, remains in the centre of the stabilising and capacity building efforts in Mali, resembling what Zaum (2017) termed the ‘state builders’ compact’.<sup>447</sup>

It is too early to assess the efficacy of post-intervention capacity building. Holding the presidential and local elections, signing the 2015 peace agreement, the intercommunal and intra-communal dialogues and the appointment of the chair of the Truth, Justice and Reconciliation Commission are viewed as positive developments.<sup>448</sup> However, the intensity of violence/terrorist attacks and in particular the violence against civilians (see figure 8.1 and 8.6), suggests that the combined effort of the ‘compact’ is still far from stabilising the situation and

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<sup>445</sup> Noting the induction of the militias and their dubious loyalty, the Defence Attaché’s office in Bamako reportedly made the U.S. ‘expectation’ clear to Mali adding that it is ‘reasonably expected to seek to ensure control over any supplies provided by the U.S.’ (US Embassy Bamako 2009b).

<sup>446</sup> Alluding to such divergent threat perceptions, a former U.S. Ambassador to Mali opined, ‘there is some danger of contradiction between our support for Malian democracy and our strong desire for tough measures against terrorism’ (Pringle, 2006:65).

<sup>447</sup> Apart from the bi-lateral arrangements, the Agreement Monitoring Committee on Mali decided in 05 December 2017 that Algeria and MINUSMA would attend all discussions of the Malian parties as observers and mediate differences and provide technical support. (S/2017/1105).

<sup>448</sup> The presidential and local elections were held in 2013 and 2016 respectively. The new cabinet also included a Ministry for Reconciliation and Development of the Northern Regions. Several MINUSMA report cites these two events as positive development (S/2014/692, p.1; S/2015/219)

extending Bamako's legitimacy to rule and capacity to deliver core services in the north (Chauzal, 2015).<sup>449</sup> The presence of the UN and the 'trendiest' aid packages have been used by Mali to reinforce the old structure of entrenched authoritarianism and clanisation of peace.<sup>450</sup>

First, the pro-government GATIA and MAA-Platform have largely used the peace process as a *vehicle* to create their armed groups challenging the traditional hierarchies within the Tuareg and Arab community (Boutellis and Zahar, 2017:27-29). Although the GATIA was propelled into action by the internal political and economic logic of northern Mali, their collusion with the MaAF is well established and reflects Bamako's old temptation of using proxies to rule over northern Mali, jeopardising the long-term stability (S/2016/498, p.6).<sup>451</sup>

Second, the post-intervention security provisions, such as mixed/joint patrols were expected to further sharpen the 'red line' between the compliant and the excluded groups and facilitate enrolling the former in the fight against terrorism. However, this did not happen. Splinters amongst the signatory groups, helped the extremists to exploit the space and to re-group capitalising local disputes.<sup>452</sup> The deadlock about the quotas for integration of ex-combatants into the MaAF also fuels mistrust.<sup>453</sup> All these factors contributed to further securitise the capacity building agenda to the detriment of the justice, reconciliation and developmental sector projects (S/2017/1105, p.7). Persistent insecurity restricted efforts to redeploy state officials in the northern region. Between 2016-2017 only 28-37 per cent state officials were present in the northern regions.<sup>454</sup>

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<sup>449</sup> MINUSMA reports indicate increased armed clashes and significant deterioration of the political and security situation (S/2013/582, S/2014/403, S/2015/219, S/2017/811, S/2017/1105; S/2017/1105, p.1). The limitation of the EUTM trained battle groups to launch coordinated operation was also revealed in May 2014 during their battalion-size Kidal attack (Shurkin et.al 2017:98-100).

<sup>450</sup> Chauzal, (2015:9) terms the Sahel region as one of the 'trendiest' destinations of foreign aid totalling \$4 billion a year (excluding the costs of the UN mission). Mali receives a significant part of it.

<sup>451</sup> For example, in February 2015, the MaAF established a post in Bamba – a strategic town along the trading route in the north soon after the Platform forces withdrew. The deployment intensified the widespread rumour of collusion between the MaAF and the Platform (S/2015/219, p.5).

<sup>452</sup> The Chair of Kidal Regional Council opined that, 'the non-signatory movements ... have restructured themselves better and they are increasing attacks...The security situation demands a real union between the signatory parties of the peace agreement' (Ahmed, 2017). However, MINUSMA report (S/2017/1105, p.7) suggests that the rate of armed banditry in Timbuktu Region has reduced from 20/month during January to July to 15, in August to November 2017, and credits the stronger engagement of the signatory groups and civil society mobilization for this improvement.

<sup>453</sup> Although the Malian parties agrees on the quotas to integrate the combatants into the police, national guard, gendarmerie and customs, their inclusion in the MaAF remains unresolved (S/2018/273,p.3)

<sup>454</sup> In December 2017, the redeployment of state officials in the north reached 28 percent, owing to the prevailing insecurity (Boutellis and Zahar, 2017:23; S/2017/1105, p.3).

Third, straddled between its role as an ‘operational’ and ‘normative’ actor, the UN mission in Mali is often forced into contesting situations.<sup>455</sup> Despite a clear division of labour on paper at the military level,<sup>456</sup> MINUSMA’s support to stabilise security situations in areas controlled by rebel/terrorist groups has often drawn the Mission into the local dispute, in most cases, strengthening Bamako’s position. The complex realities show how the peacekeeping mission can become part of continuous contestation and negotiation over authority may end up appeasing the government in power in most cases.

In sum, the tracing of the capability pathway suggests that Bamako used the instability in the north to allure increasing external assistance. Such assistance was used for regime security and fell short of meeting the challenge posed by an ever more determined and lethal group of insurgents in 2012. In the post-intervention phase, Mali continued to leverage the capability pathways and preferred coercive means over political solutions to achieve social control in the north. Such actions to serve regime interest instead of national interest contributing to its legitimacy deficit and increased fragility as theorised.

#### **4. Comparison of the Three Pathways and Chapter Summary**

The Mali case study validates that state fragility can remain dormant until it faces the right kind of stimulus condition. The underlying reasons for the manifestation of fragility relate more to the risks of conflict and not just the conflict itself. The tracing of the *cognitive pathway* reveals that the cognitive map and the vocabulary of the GWoT were useful in the ‘othering’ process to bracket some rebel groups placing them outside the realm of politics. It also privileged the state to empower the militias to generate violence and thereby practice authoritarianism. The demand for regulatory convergence is *absent* as Mali acted on its ‘conviction’ and harmonised its domestic law. However, the tracing of the compliance gap reveals that self-motivation was no panacea for Mali to avoid fragility. It shows that the demand for compliance with the CT regulations in fragile states engaged in assertively fighting terrorism can exhibit a greater

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<sup>455</sup> The UN as an ‘operational actor’ ‘participates concretely in stabilization and peace consolidation, deploying troops, materials, and resources to war-torn countries’ and as a normative actor, it ‘embodies and projects norms and principles at the international level’. See von Billerbeck, (2017:290-292) for an illuminating discussion on how the contradictory goals in peacekeeping may oblige the UN to interact with actors who are responsible for war crimes that may derail efforts to secure post-war justice and reconciliation, contradicting UN’s normative role.

<sup>456</sup> On paper, the French troops are to undertake peace-enforcement activities, while MINUSMA is tasked to stabilize ‘key population centres, especially in the north of Mali and, in this context ... deter threats and take active steps to prevent the return of armed elements to those areas.’

propensity of violating the physical integrity rights and providing impunity to the perpetrators. The tracing of the pre and post-intervention phase capacity building suggests that the instability in the north was used by Bamako to mobilise external assistance, validating the *capability pathways* as theorised. The use of government-sanctioned militias, the building of military barracks using the PSPSDN fund reflects how the capability pathway worked.

A comparison of the interaction of three pathways suggests that the cognitive and capability pathways are the two most relevant ones. First, the ‘othering’ process leveraged by the cognitive pathways reached new heights with the changing material conditions and reinforcements on the ground. Just as the supply of the pillaged weapons and arms from the Libyan civil war emboldened the separatist’s identity in the north to pursue an independent state, the increased material assistance and external military intervention after 2012 facilitated the government forces and its affiliated militias to operate with impunity, abuse human rights and entrenched authoritarianism. Second, the cognitive pathway appears to have served as a means to an end, a stimulus for the other two pathways. The normative value exchanged between the cognitive and other two pathways created favourable conditions to establish the government-sanctioned militias and accord them the authority to operate with impunity and co-opt or use external assistance to achieve social control in the north. The actors were able to harden the ‘red line’ – influenced by the underlying cognitive map and reinforced by the material support. Thus, the propensity of Mali’s fragility was not only due to the capacity deficit also but also due to the culture of impunity, the exercise of violence and exclusion, exacerbating the legitimacy of Bamako to rule the north. Mali’s limited institutional capacity was not only the function of the scarcity of resources but also of intentions and the legitimacy deficit, fuelled by the underlying cognitive map that turned the Kel Tamasheq living in the north from the ‘savage other’ to the ‘terrorist other’ and later clanisation of the peace process in the era of the GWoT.

#### Annexes:

Annexe 8A: Major Ethnic Composition and Demographic Information

Annexe 8B: Profile of the Major Armed Groups in Mali

Annexe 8C: Salient Aspects of Inter-Malian Peace Accords

Annex 8D: Regional and Global CT Instruments Ratified/Accessed by Mali



## CHAPTER 9: CONCLUSIONS

### 1. Introduction

Structural explanations offer a unique and larger frame to make a complete sense of the causes of any socio-political phenomenon. Analysis of the trends and trajectories reveals the interactions between the global and the local actors to make sense of the intended and unintended consequences of a global structure. Arriving at a simplified framework of analysis to explain the processes and mechanisms of a global structure is analytically rich but methodologically challenging. Johan Galtung's theory of structural violence, premised on a framework of centre and peripheral states added a new meaning to the concept of violence and peace. Robert Cox identifies that the 'framework for action' which limits and constitutes the world, is a 'historical structure' that brings together 'thought, material conditions, and institutions'. In a similar vein, this research theorises the GWoT – the most contemporary global structure, and demonstrates how this structure can influence to 'limit and constitute' the fragile states and their societies.

The research is original in its conception and makes an important contribution to the body of knowledge on state fragility. The research question, 'how and under what conditions the ideational and material factors of the global war on terrorism affects state fragility' itself challenges the 'conventional wisdom' that views fragile states as the Hobbesian periphery exporting the vices to the Lockean core. Such 'wisdom' considers the fragile states as a threat to international security for being the 'safe heaven' and 'hotbed' of transnational terrorism and 'fixing' fragile states through coercion or capacity building assistance is a strategic and moral duty for the external actors. Thus, capacity building dominates the fragile state's bilateral and multilateral engagements and have also expanded to define UN peacekeeping and post-conflict state-building missions. In such a context, this research has offered an alternative view highlighting the impact of GWoT on state fragility and its unintended consequences. Given the prominent focus of most research on state, fragility is on fragile states' domestic environment, with very little analysis of how the global factors can shape and influence states' capacity and legitimacy, such an approach offers new and unique insights into the drivers of state fragility.

The research has demonstrated that the framework of GWoT enable us to examine certain issues – for example, the othering processes, human rights, the doctrine of lesser evil – that other frames do not. The global trends of these vital issues and their potential links with the

GWoT, as revealed in this research, have enlightened us about the overall trajectory of the era that we live in. Such findings are important to design measures and take actions to address the unintended consequences. More importantly, the analytical framework for structural causation outlined in this research, taking the GWoT as an independent variable remains a unique and original contribution of this research. The research has identified and theorised three pathways of the GWoT. The cognitive, regulatory and capability pathways of the structure of the GWoT provide a nuanced and systematic understanding of how the global structural factors can influence contributing towards the increase or decrease of state fragility. The theorised pathways outlined in this research is not only parsimonious in nature but also can be tested in any other case studies. In addition, the research is indicative of how a global structure can be disaggregated and theorised into cognitive, regulatory and capability pathways; thus, the framework is powerful and can be extrapolated to make a similar analysis of, for example, global/regional security or economic structures. Adding to the small critical literature that recognises the external drivers of state fragility, this research, fills the void by offering an original conceptualisation of state fragility and a theorisation of the cognitive, regulatory and capability pathways of the GWoT that can be used for critically analysing any other case studies to investigate state fragility. With these broad contributions of the research in mind, this concluding chapter summarises the findings of this research cataloguing what each of the pathways was able to or failed to reveal, followed by comparative analysis to highlight the future direction of research on this issue.

## **2. Summary of the Findings of this Research**

The research finds broad evidence that, in fragile situations, the cognitive and capability pathways of the GWoT matters the most, shaping the ‘othering’ process, identity politics and the use of state’s coercive apparatus. However, it is unclear whether the regulatory pathway has much influence, as it does not strengthen capacity, and they remain poorly implemented in fragile states. A comparative analysis of the three pathways as revealed in the case studies are discussed below.

### **2.1 Findings of the Cognitive Pathway of the GWoT**

The cognitive pathway is theorised as the influence on the thinking-reasoning-interpreting process. It results in creating a new meaning of identity in terms of ‘us’ versus ‘them’ that encourages states to take a consequentialist approach in the fight against terrorism. It also shapes the interest and the identity of the state and its society, resulting in the ‘othering’ process

practised through new strategic cultures, policy practices and socio-political norms. All three case studies broadly find evidence supporting this claim. It reveals that in a fragile situation, the cognitive pathway of the GWoT contributes towards making coercion, intimidation and 'othering' as the dominant mode of governance. The case studies confirm that the 'othering' process use pre-existing identity debates and gains more purchasing power in permissive environments adding to the tendency of greater reliance on the use of force.

In the context of Bangladesh – a Muslim majority country – the cognitive pathways exploited the wedge between 'Bengali' and 'Bangladeshi' identity, historically linked with the distinction between the 'pro' and 'anti' liberation forces. Under the GWoT, the identity debate morphed into 'our type' of Muslim (i.e. moderate) versus 'their type' of Muslims (i.e. extremists), culminating into the 'astik-nastik' (believers in Allah versus atheist) debate, in a bitterly contested political environment. In Myanmar – a Buddhist majority country, it reinforced Buddhist nationalism and reignited the historically rooted hatred against the (Muslim) Rohingyas, culminating in the exclusionary practice and extreme persecution of the group. In Mali, it worked as a catalyst to 'other' the people in the north in general and those associated with the transnational terrorist groups in particular and excluded them from the peace process.

The evidence tends to suggest that the 'othering' process gains more purchasing power in permissive political environments, particularly when the regime is under threat or in the process of consolidating its authority. In Bangladesh, the characterisation of the opposition political parties as 'terrorists' was most explicit before the elections and during social upheavals. In Myanmar, the political persecution and exclusion of the Rohingyas reached its peak under the 'disciplined democracy'. In both cases, the 'othering' was directed against politically active oppositions. However, such parallel seems to break in the context of northern Mali, where the jihadists/terrorist groups were most successful in their 'othering' process due to the near absence of the state institutions and failure to deliver on the pledges. It was only after the UN interventions that the state was able to draw new red lines to exclude the groups that were long tolerated. This evidence suggests that the nature of the permissive environment can differ while the trend in state's authoritarianism is linked to the thinking, interpretation and reasoning process facilitated by the cognitive structure of the GWoT.

## **2.2 Findings of the Regulatory Pathway of GWoT**

The regulatory pathway is theorised as the demand for convergence and compliance of the global CT regulation. Such a demand allows adopting broad and vague anti-terrorism legislation serving as a tool for regime security instead of national security. The tracing of the regulatory pathways of the GWoT revealed that it facilitates taking a ‘hard’ approach that focuses on kinetic measures, that is, mostly security operations featuring the use of force, intelligence and surveillance, as well as killing, capturing, torturing or detaining terrorists. However, it is unclear whether the regulatory pathway of the GWoT itself has much influence and relevant in fragile states. Myanmar already had the broadest possible legislation for authoritarian practice and did not adopt CT legislation until 2014. Bangladesh’s response to the demand for domestic reform of CT legislation came only after the change of government. Mali had already ratified and adopted most of the UNCT instruments before 2001. This evidence suggests that the demand for CT convergence does not hold much value as the state may concede to the demand for ratification of the CT instrument without translating those into actions. More importantly, regulatory pathways do not strengthen capacity, and they are implemented either poorly or selectively as evidenced by the Myanmar case study.

As alluded before, the evidence of the regulatory pathway, in particular, the theorisation about the demand for compliance is inconsequential. Conceding to the global demand for CT regulatory convergence did not impact the compliance/reform in the domestic CT laws. For example, Mali ratified 12 CT regulations within one year of the 9/11, Myanmar took five years to ratify nine CT regulation while Bangladesh took six years to ratify 13 global CT instruments. However, their trajectory to fragility was not governed by the delayed or early commitments to global CT instruments or their subsequent reform in the domestic laws but how and when they acted in demand for compliance with CT regulations. In the case of Bangladesh, the ratification and CT instruments and technical cooperation on CT intensified under the AL government. The government also became more active to apply the ICT laws – introduced to curb online radicalisation by the extremist, only after the Shahbag incident. The mapping of the vocabulary used by Mali at the UN regarding terrorism changed sharply after 2012. In the case of Myanmar, the enactment was to appease the external audience while the application was selective – i.e. only against the RSO. Thus, the demand for CT reform is inconsequential without taking into account the practice of their compliance.

## **2.3 Findings of the Capability Pathway of the GWoT**

It is theorised that exercise of coercion, the threat of coercion and capacity building efforts to fight terrorism are three principal channels of operation of the capability pathway. The capability pathways encourage the violation of the sovereignty norm, regional polarisation and militarisation that drains out fragile states' meagre resources. It also influences fragile states to make 'tactical concessions' for regime survival, feeding resentments, group grievances and mistrust that may spiral into questioning the legitimacy of the ruling regime and defeat the purpose of the capacity building.

The empirical evidence in all three case studies suggests an increasing focus on the state's coercive capacity building in general and the strengthening of coercive CT efforts in particular. The research also reveals the varied nature of the tactical concessions made by the fragile states to allure more material assistance or to deflect external pressure. In the context of Mali, the concessions were aimed at exploiting the opportunity structure of the GWoT. The government continued to privatise the monopoly of violence using militias, and at the same time conceded to the external demand for policy reforms on CT and HR related issues. Such trade-offs in a condition of the capacity deficit and the regime's continued authoritarian streak resulted in more societal fragmentation and violence. The capacity building agenda was securitised to the detriment of justice, reconciliation and developmental sector projects. In the context of Myanmar, the tactical concession did not follow a similar trajectory. Myanmar's political transformation to a disciplined democracy can be viewed as a tactical concession by a resilient and politically savvy military to overcome the fear of regime change strategy that emerged under the rubric of GWoT and to come out of international isolation. As opposed to Mali, the political transformation in Myanmar was not followed by a similar formal commitment to promoting human rights, but a complete alignment with the global CT regulation. In the context of Bangladesh, the ruling party's actions were to project it as the only 'secular' force in the country. The CT diplomacy associated with the capability pathways facilitated Bangladesh in fostering greater external legitimacy and deeper relations – in particular with India, that mutated into supporting the regime instead of the people during the 2014 election boycotted by the major opposition. Consequently, the culture of multiparty democracy in Bangladesh started to diminish giving rise to a dominant one-party system favouring the party in power.

### **3. Comparative Analysis**

The research demonstrates that the structure of GWoT – in particular, the cognitive and capability pathways, has a greater effect on the state's legitimacy and capacity and contributing

to its fragility. It also suggests that the process of arriving at state fragility is contextual and multiclausal where the structure of the GWOt remains an integral part. The ‘othering’ process enabled by the cognitive pathway of the GWOt is a *means* to attain more power and legitimacy by the actor. However, the efficacy of the cognitive pathway to embolden the other two pathways depends on the successful managing of the contradictions between the local and global discourse about the portrayal of the ‘other’. Thus, the cognitive pathway is not an end in itself, but a means to an end. The construction of the ‘other’ in a context only becomes useful for an actor (such as the regime in power) when the actor can bring to bear the wherewithal of the regulatory and (coercive) capability pathways to control, suppress or eliminate the ‘other’. In this sense, the capability and regulatory pathways are more useful and practical means to retain and consolidate the power and external legitimacy. The production and reproduction of the knowledge, symbols and coding (such as the election posters in Bangladesh, the radical 969 Buddhist movements in Myanmar) to label a domestic opponent as the ‘other’ – akin to the ‘other’ in the global context, is essentially an exercise of claiming political authority. The fact that the cognitive pathway of the GWOt provides a framework for claiming such authority makes the pathway causally more relevant.

The interactions amongst the three pathways have important implications to view the legitimacy dimension of statehood in new lights. If the ‘idea of state’ and its institutions are the products of the ‘human mind’, then the construction of the ‘other’ and the adoption of the ‘lesser evil doctrine’ risks corrupting that ‘idea’ contributing to the legitimacy deficit. Overall, the structure of the GWOt creates the demand to co-opt the discourse for the fragile states to corrupt the logic on which the state institutions should function, dispensing the liberal values such as human rights, physical integrity rights, and freedom of the press and so on. Fuelled by the underlying cognitive map and a robust capacity building efforts, the structure also empowers the societal actors (such as, the political parties) that transform the ‘savage other’ (in Mali) or the ‘anti-liberation political other’ (in Bangladesh) to the ‘terrorist other’. All of which contribute to the legitimacy deficit. The progress accrued through the capacity building efforts cannot compensate such a fundamental deficit of legitimacy as evident in the case studies. Despite Bangladesh’s impressive economic growth and development, the country is destined to become a one-party state dispensing its multiparty democracy; in Mali, the decade long external assistance paid a little dividend to increase Bamako’s legitimacy to rule the north. Thus underlying the propensity of fragility is the lack of legitimacy and the legitimising capacity of the state. This suggests that state legitimacy, ultimately, is at the heart of fragility.

### **3. Future Direction of Research**

The unique theoretical contribution of this research transcends the current research project and may inspire future research in several areas. First, as alluded before, the applicability of the theorised pathway of the GWoT can be tested in any other case studies. This will be particularly interesting in the fragile contexts where the UN is tasked with a CT mandate and have to side with the regime in power to perform the mandated task. Apart from MINUSMA, UN missions in Somalia, Sudan and Congo include mandates to engage or ‘neutralize’ groups identified as ‘terrorist’. A comparative analysis of these cases based on the three pathways as theorised may provide new insights into how the structure of the GWoT has been normalised in UN missions and how the CT mandates in peacekeeping operations affect the communities, compromise the impartiality of the UN mission and contribute to the conflict dynamics. Second, a comparative analysis of the three pathways, discussed briefly in this research, holds interesting avenues for future research to improve our understanding of the fragile state problematique. A quantitative approach to such analysis would require operationalising the pathways using proxy indicators and assess their relative significance and association with state fragility using statistical tools. The findings, if based on a large number of cases, can help in making stronger claims about the impact of the GWoT on state fragility. At the same time a qualitative assessment focusing on what value each of the pathway exchange while interacting, can throw more lights around the significance of each pathway. Such a study could help in developing distinctions and also ascertain which domain matters more in a particular context. This is particularly relevant as this research indicates that the cognitive pathway of the GWoT enjoys more purchasing power in states that are practising some form of electoral democracy. Third, the research has demonstrated that, in the struggle for survival, regimes in fragile states adopt a varied nature of ‘tactical concession’. Thus the framework of analysing the capability pathways may be useful to assess and catalogue the nature of tactical concession practised by the fragile states. This could be useful to the external actors to design meaningful strategies for capacity building and engagement in fragile situations. It can also guide strategies and engagement by the external actors, in particular, the state building process in post-conflict during the transition to democracy or peace.

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**Annex 3A: Universe of Fragile States (2006-2016)**

Countries	Lack of Legitimacy (2006-2016)			Lack of Capacity (2006-2016)			Typology
	FIW score 5-7 in CL & PR	PTS score 3-5	BTI score below 4 in State Identity	BTI score below 4 in Control of Violence	BTI score below 4 in Basic Administration	Above threshold in U5 Mortality Rate	
Afghanistan	X	X		X	X	X	3
Angola		X				X	3
Bangladesh		X					2
Belarus	X						2
Benin						X	1
Brazil		X					2
Burkina Faso						X	1
Burundi		X				X	3
Cameroon	X					X	3
Cen African Rep		X		X	X	X	3
Chad	X	X			X	X	3
China	X	X					2
Cote d'Ivoire		X				X	3
Colombia		X					2
Cuba	X	X					2
Congo, D.R.	X	X		X	X		3
Congo Rep						X	1
Egypt	X	X					2
Eritrea	X						2
Ethiopia	X	X					2
Guinea						X	1
Haiti					X		1
India		X					2
Indonesia		X					2
Iran	X	X					2
Iraq	X	X		X	X		3
Jamaica		X					2
Kenya		X					2
Laos	X						2
Libya		X					2
Mali						X	1
Mauritania						X	1
Mexico		X					2

Continued...

Myanmar	X	X	X		X		3
Niger						X	1
Nigeria		X				X	3
North Korea	X	X					2
Pakistan		X					2
Philippines		X					2
Russia	X	X					2
Saudi Arabia	X						2
Sierra Leone						X	1
Somalia	X	X	X	X	X	X	3
South Sudan*						X	1
South Africa		X					2
Sri Lanka		X					2
Sudan	X	X	X	X	X		3
Syria	X						2
Thailand		X					2
Turkey		X					2
Uzbekistan	X						2
Venezuela		X					2
Vietnam	X						2
Yemen	X				X		3
Zimbabwe	X	X					2
<b>Total 55</b>	<b>Type 1: 10, Type 2: 31 Type 3: 14</b>						

Notes:

1. X indicated that the country's score in that dimension was below the specified thresholds for all six occurrences between 2006-2016.
2. Civil liberty and political rights data from Freedom in the World index (FIW) by Freedom House (FH).
3. PTS score from Gibney et al., (2016). Average of the state department and amnesty international is taken where available.
4. BTI scores are of alternate years starting from 2006.
5. Data for Under-five mortality rates are the upper estimates generated by the UN Inter-Agency Group for Child Mortality Estimation (IGME) in 2015
6. South Sudan became independent in July 2011.

#### Annexe 4A: Data Sources Used for Theorising and Tracing of the Pathways

<p><b>Armed Conflict Location &amp; Event Data Project (ACLED) Data</b></p> <p><b>Brief Description.</b> The ACLED defines a politically violent event as a single altercation where often force is used by one or more groups for a political end. Such events are disaggregated into nine categories, one of which is <i>violence against civilians</i> – defined as ‘when any armed/violent group attacks unarmed civilians.’ The actors are also defined under eight generic categories: government or mutinous force, rebel forces, political militia, ethnic militia, rioters, protesters, civilians, outside/external force (e.g. UN). The data also includes locations, and fatalities and protests and non-violent activity to capture the potential pre-cursors or critical junctures of a conflict. Data availability is limited for some countries and does not include all the years (Raleigh and Dowd 2015).</p> <p><b>How it is used.</b> The data is used to compare and contrast the trend in violence (particularly against the civilian) committed by different types of actors to validate or reject evidence for the theorised pathways and to explore and analyse the changes.</p>
<p><b>Cingranelli and Richards (CIRI) Physical Integrity Rights Index Data</b></p> <p><b>Brief Description:</b> The CIRI dataset contains standards-based quantitative information on the government’s respect for 15 internationally recognised human rights for 202 countries, annually from 1981-2011. The combined Physical Integrity Rights (PHYSINT) variable reports the government’s respect for torture, extrajudicial killing, political imprisonment, and disappearance indicators. The PHYSINT variable is based on a scale of 0 (no respect for all four rights) to 8 (full respect for all four rights). Scale 1 represents partial respect for disappearance but none for killing, imprisonment &amp; torture, scale 2 reflect partial respect for disappearance &amp; killing but none for the other two, scale 3 reflects full respect for disappearance, partial for killing but none for imprisonment &amp; torture, scale 4 is full respect for disappearance, partial for killing &amp; torture but none for imprisonment, scale 5 is for full respect for disappearance, partial for killing, imprisonment &amp; torture, scale 6 reflects full respect for disappearance &amp; killing, Partial for the other two while scale 7 stand for condition when states have full respect for disappearance, killing &amp; imprisonment but partial respect for Torture. (Cingranelli et al.2014; Cingranelli and Richards, 1999:414).</p> <p><b>How it is used:</b> To compare and contrast the global and fragile state’s trend in respecting the physical integrity rights for the period 2001-2011. Percentage of states instead of an absolute number of states are taken as the total number of states varies in different years.</p>
<p><b>Global Terrorism Database (GTD) Data</b></p> <p><b>Brief Description.</b> The GTD is an open-source database including information on terrorist events around the world from 1970. It includes systematic data on domestic as well as international terrorist incidents that have occurred during this period and now includes more than 170,000 cases. For each GTD incident, information is available on the date and location of the incident, the weapons used and nature of the target, the number of casualties, and--when identifiable--the group or individual responsible. The Global Terrorism Index (GTI), a yearly publication of the is produced by the Institute for Economics &amp; Peace (IEP) since 2013 and is based on data from the GTD. (GTD, 2017; GTI, 2016) (GTD Codebook ,2017a),</p> <p><b>How it is used.</b> To compare and contrast the trend in terrorism-related incidents for the pre and post-9/11 era. It is also used to analyse the ‘actors’ identified as ‘terrorists’ and compare their activities over time.</p>

<b>Major Episode of Political Violence (MEPV) Data</b>	
<p><b>Brief Description.</b> The Centre for Systemic Peace data on societal MEPV (CIVTOT) includes country-year data on the magnitude score of the episode(s) of ethnic warfare, ethnic violence, civil warfare and civil violence. The magnitude score is based on a scale of 1 (lowest) to 10 (highest) for each MEPV reflecting the destructive impact/ magnitude of the episode on the directly-affected society or societies. The scores are based on multiple factors including state capabilities, area and scope of death and destruction, population displacement, and episode duration. Data available from 1946 to 2016 for almost all states. (Marshall, 2017; Codebook (MEPVv2016))</p> <p><b>How it is used.</b> To compare and contrast the global and fragile state's trend in societal violence for the period 2001-2016. Percentage of states instead of an absolute number of states are taken as the total number of states varies in different years.</p>	
<b>Political Terror Scale (PTS) Data</b>	
<p><b>Brief Description:</b> Focusing on the state, the PTS measures actual violations of physical integrity rights by the state more than general political repression. It uses a scale of 1 (countries under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional and political murders are extremely rare) to 5 (countries where murders, disappearances, and torture are part of life and has been extended to the whole population) to assign annual score for a country. The coding is inter-subjective, focusing on the scope, intensity and range of state violence. It contains country-scores given by the U.S. State Department, Amnesty International and Human Rights Watch (HRW) using the same scale. Covers almost all states. Data since 1976 are available. (Gibney et al. 2017).</p> <p><b>How it is used.</b> To compare and contrast the global and fragile state's trend in PTS scores for the period 2001-2015. Percentage of states instead of an absolute number of states are taken as the total number of states varies in different years.</p>	
<b>Press Freedom Index Data</b>	
<p><b>Brief Description.</b> Press freedom index published by Reporters without Frontiers (RFS) measures the degree of freedom available to journalists in a country on a scale of 0 (good) -100 (very bad). It is based on expert assessment combined with quantitative data on abuses and acts of violence against journalists during the period evaluated. Countries are grouped into five categories: good (0 to 15 points), fairly good (from 15.01 to 25) problematic (from 25.01 to 35), bad (from 35.01 to 55) and very bad (from 55.01 to 100 points). (RSF, 2017a; 2017b)</p> <p><b>How it is used.</b> To compare the global trend in press freedom for the period 2002-2015 of 167 countries on which data are available for all the years. For a nuanced picture, the data is projected is in terms of percentage of states and the magnitude of press freedom grouped into five clusters at 20 points intervals where a score between 81 to 100 indicate severe restrictions on press freedom.</p>	
<b>Ratification Data on UN CT and Human Rights (HR) Conventions</b>	
<p><b>Brief Description.</b> the UN Treaty Collection Database contains data on state's ratification/accession to the HR/CT convention (1965-2017). The ratification data of ten of pre-9/11 CT and HR conventions that were available for ratifications since 1965 and introduced around similar timeframe are used to make the comparison of a global trend. The HR conventions include the 1965 Convention on the Elimination of Racial Discrimination (CERD), 1966 Covenant on Civil and Political Rights (CCPR), 1966 Convention on Economic, Social, and Cultural Rights (CESCR), 1979 Convention on the Elimination of Discrimination Against Women (CEDAW), 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW), 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), 1989 Convention on</p>	



<p>the Rights of the Children (CRC), 1990 Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (CMW), 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and 1998 ICC Statute.</p> <p><b>How it is Used.</b> Data used to compare the pre and post-9/11 ratification trends of the CT instruments and to contrast it with the ratification trend of the HR instruments. A similar method is applied in the case study to capture the ‘mind’/commitments of the state to CT and HR issues.</p>
<p><b>Global Financial Integrity (GNI) Data on Illegal Financial Flow (IFF) from Developing Countries</b></p> <p><b>Brief Description.</b> The Global Financial Integrity (GFI) reports IFF from developing countries. Illegal finance includes the drug cartel’s trade-based money, mis-invoicing to evade customs duties, corruption, human trafficking and <i>terrorist financing</i>. (GFI, 2016; Kar and Spanjers 2014).</p> <p><b>How it is used.</b> To compare the global trend in IFF for the year 2004-2013 (available years). The global trend is based on 149 countries, and fragile states trend is based on 55 countries. Projected in terms of total outflow of IFF in a particular year.</p>
<p><b>Stockholm International Peace Research Institute (SIPRI) Military Expenditure Data</b></p> <p><b>Brief Description.</b> The SIPRI military expenditure database gives the annual military spending of countries since 1949, allowing comparison of countries’ military spending, and as a share of GDP. The availability of data varies considerably by country, but for a majority of countries that were independent at the time, data is available from at least the late 1950s. There are several missing data on fragile states. (SIPRI, 2017).</p> <p><b>How it is used.</b> To compare and contrast the global and fragile state’s trend in military spending for the period 1990-2015. Reports in terms of expenditures in constant 2014 US\$ m to project the overall increase/decrease in global and fragile states context for the pre- and post-9/11 era.</p>
<p><b>US Drone Strikes Data</b></p> <p><b>Brief Description.</b> The Bureau of Investigative Journalism reports data on US drone strikes in Afghanistan (since 2015), Pakistan (since 2004), Somalia and Yemen (since 2011) from the government, military and intelligence officials, and from credible media, academic sources, including Bureau researchers. Data reflects a number of strikes (minimum and maximum), best casualty estimates (including civilians and children), and qualitative data in narrative timelines.</p> <p><b>How it is used.</b> The minimum estimates are taken to project the trend in strikes and casualties for each state for the period as available.</p>
<p><b>US Overseas Loans &amp; Grants Data</b></p> <p><b>Brief Description.</b> This authoritative data set of U.S. overseas loans and grant, also known as the ‘Greenbook’, documents U.S. economic or military assistance to a country in accordance with the U.S. Foreign Assistance Act, Section 634. It is reported by recipient country and organized by geographic region, without distinction between developed and developing countries. Data is available for any country which has received cumulative economic or military assistance over \$500,000 since 1945 and is considered an independent state by the U.S.</p> <p><b>How it is Used.</b> To compare and contrast the trend in U.S. military grants (global and fragile states) for the period 1990-2015. Reports in terms of total amount (US\$) to project the overall increase/decrease in global and fragile states context for the pre- and post-9/11 era.</p>

## Annex 5A: UN Terrorism-Related Conventions and Protocols

<b>Title</b>	<b>Type</b>	<b>Date Introduced</b>
1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention)	Convention	14/9/1963
1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention)	Convention	16/12/1970
2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol)	Protocol	10/9/2010
1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Sabotage Convention/Montreal Convention)	Convention	23/09/1971
1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Airport Protocol)	Protocol	24/02/1988
1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (Diplomatic Agents Convention)	Convention	14/12/1973
1979 International Convention against the Taking of Hostages (Hostages Convention)	Convention	17/12/1979
1980 Convention on the Physical Protection of Nuclear Material (Nuclear Materials Convention)	Convention	03/03/1980
1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	Convention	10/03/1988
2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	Protocol	14/10/2005
1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf	Protocol	10/03/1988
2005 Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf	Protocol	14/10/2005
1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Airport Protocol)	Protocol	24/02/1988
1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection (Plastic Explosives Convention)	Convention	01/03/1991
1997 International Convention for the Suppression of Terrorist Bombings (Terrorist Bombing Convention)	Convention	15/12/1997
1999 International Convention for the Suppression of the Financing of Terrorism (Terrorist Financing Convention)	Convention	09/12/1999
2005 International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention)	Convention	13/04/2005
2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention)	Convention	10/09/2010
2014 Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft	Convention	04/04/2014

Source: Author's compilation from UN CTC Website.

### Annexe 5B: CT Related Resolutions Adopted by the UNSC between 2001-2017

UN Symbol and Date	Title/ Topic
S/RES/2368 (20 Jul-17)	Reaffirming UNSC's resolve to combat terrorism highlighting various measures such as asset freeze, travel ban, an arms embargo, listing criteria and the measures for implementation ( <i>Chapter VII</i> )
S/RES/2331(20-Dec-16)	Condemnation of instances of trafficking in persons in areas affected by armed conflicts.
S/RES/2322(12-Dec-16)	International law enforcement and judicial cooperation
S/RES/2309 (22-Sep-16)	Aviation Security
S/RES/2255 (21-Dec-15)	Threats to international peace and security caused by terrorist acts ( <i>Chapter VII</i> )
S/RES/2253 (17-Dec-15)	Threats to international peace and security caused by terrorist acts (Chapter VII)
S/RES/2249 (20-Nov-15)	Threats to international peace and security caused by terrorist acts
S/RES/2199 (12-Feb-15)	Threats to international peace and security caused by terrorist acts ( <i>Chapter VII</i> )
S/RES/2195 (19-Dec-14)	Preventing the movement of terrorists or terrorist groups, international and regional cooperation, capacity-building and the UN coordination.
S/RES/2185 (20-Nov-14)	Role of UN Police Components (where mandated), in strengthening the rule of law in conflict and post-conflict situations for CT.
S/RES/2178 (24-Sep-14)	Addressing the growing issue of foreign terrorist fighters ( <i>Chapter VII</i> )
S/RES/2170 (15-Aug-14)	Condemnation of the terrorist acts by ISIL ( <i>Chapter VII</i> )
S/RES/2133 (27-Jan-14)	Knowingly financing, planning and inciting terrorist acts are contrary to the purposes and principles of the UN.
S/RES/2129 (17-Dec-13)	Threats to international peace and security caused by terrorist acts and Role of UN CT Centre (UNCCT) for capacity building of Member States.
S/RES/1963 (20-Dec-10) S/RES/1805 (20-Mar-08) S/RES/1787 (10-Dec-07)	Extension of the Mandate of the Counter-Terrorism Committee Executive Directorate (CTED) and related issues
S/RES/1631 (17-Oct-05)	UN cooperation with regional and subregional organizations on CT
S/RES/1624 (14-Sep-05)	Prohibition of incitement to commit terrorist acts, prevent such conduct and deny safe haven to any persons guilty of such conduct.
S/RES/1618 (04-Sep-05) S/RES/1611 (07-Jul-05), S/RES/1530 (11-Mar-04), S /RES/1516 (20-Nov-03), S/RES/1465 (13-Feb-03), S/RES/1450 (13-Dec-02), S/RES/1440 (24-Oct-02), S/RES/1438 (14-Oct-02) S/RES/1368 (12-Sep-01)	Condemnation of terrorist attacks in Iraq, London, Madrid, Istanbul, Bogota, Kenya, Moscow (hostage-taking by a terrorist), Bali and 11 September attacks in the U.S.
S/RES/1566 (08-Oct-04)	Creation of working group to consider measures against individuals, groups and entities other than Al-Qaida/Taliban ( <i>Chapter VII</i> )
S/RES/1535 (26-Mar-04)	Creation of Counter-Terrorism Committee Executive Directorate (CTED)
S/RES/1456 (20-Jan-03)	Declaration by Foreign Ministers on combating terrorism
S/RES/1377 (12-Nov-01)	Ministerial declaration on global effort to combat terrorism
S/RES/1373 (28-Sep-01)	CT measures for states and creation of Counter-Terrorism Committee (CTC) ( <i>Chapter VII</i> )

Source: Author's compilation from the UN CTC website.

## Annexe 5C: UNGA Resolutions on CT 1972-2017

UN Symbol, Date and Resolution Title/Topic
A/RES/71/291   15 June 2017   Strengthening the capability of the United Nations system to assist the Member States in implementing the United Nations Global Counter-Terrorism Strategy
A/70/L.55   1 July 2016 - The United Nations Global Counter-Terrorism Strategy Review
A/RES/68/276   24 June 2014 - The United Nations Global Counter-Terrorism Strategy Review
A/RES/68/187   18 December 2013 - Technical assistance in implementing international conventions and protocols on the fight against terrorism
A/RES/68/178   18 December 2013 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/68/119   16 December 2013 - Measures to eliminate international terrorism
A/RES/67/99   14 December 2012 - Measures to eliminate international terrorism
A/RES/66/282   29 June 2012 - The United Nations Global Counter-Terrorism Strategy Review
A/RES/66/50   2 December 2011 - Measures to prevent terrorists from acquiring WMD
A/RES/66/178   19 December 2011 - Technical assistance for implementing the international conventions and protocols related to counter-terrorism
A/RES/66/171   19 December 2011 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/66/12   18 November 2011 - Terrorist Attacks on Internationally Protected Persons
A/RES/66/105   9 December 2011 - Measures to eliminate international terrorism
A/RES/66/10   18 November 2011 - United Nations Counter-Terrorism Centre
A/RES/65/74   8 December 2010 - Preventing the acquisition by terrorists of radioactive sources
A/RES/65/62   8 December 2010 - Measures to prevent terrorists from acquiring WMD
A/RES/65/34   6 December 2010 - Measures to eliminate international terrorism
A/RES/65/221   21 December 2010 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/64/38   12 January 2010 - Measures to prevent terrorists from acquiring WMD
A/RES/64/297   8 September 2010 - The United Nations Global Counter-Terrorism Strategy
A/RES/64/235   14 January 2010 - Institutionalization of the Counter-Terrorism Implementation Task Force
A/RES/64/177   24 March 2010 - Technical assistance for implementing the international conventions and protocols related to terrorism
A/RES/64/168   22 January 2010 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/64/118   15 January 2010 - Measures to eliminate international terrorism
A/RES/63/60   12 January 2009 - Measures to prevent terrorists from acquiring WMD
A/RES/63/185   3 March 2009 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/63/129   15 January 2009 - Measures to eliminate international terrorism
A/RES/62/71   8 January 2008 - Measures to eliminate international terrorism
A/RES/62/46   10 January 2008 - Preventing the acquisition by terrorists of radioactive materials and sources
A/RES/62/33   8 January 2008 - Measures to prevent terrorists from acquiring WMD

A/RES/62/272   15 September 2008 - The United Nations Global Counter-Terrorism Strategy
A/RES/62/172   20 March 2008 - Technical assistance for implementing the international conventions and protocols relating to terrorism
A/RES/62/159   11 March 2008 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/61/172   1 March 2007 - Hostage-taking
A/RES/61/171   1 March 2007 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/61/86   18 December 2006 - Measures to prevent terrorists from acquiring WMD
A/RES/61/40   18 December 2006 - Measures to eliminate international terrorism
A/RES/60/288   20 September 2006 - The United Nations global counter-terrorism strategy
A/RES/60/158   28 February 2006 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/60/78   11 January 2006 - Measures to prevent terrorists from acquiring WMD
A/RES/60/73   11 January 2006 - Preventing the risk of radiological terrorism
A/RES/60/43   6 January 2006 - Measures to eliminate international terrorism
A/RES/59/290   15 April 2005 - Convention for the Suppression of Acts of Nuclear Terrorism
A/RES/59/195   22 March 2005 - Human rights and terrorism
A/RES/59/191   10 March 2005 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/59/80   16 December 2004 - Measures to prevent terrorists from acquiring WMD
A/RES/59/46   16 December 2004 - Measures to eliminate international terrorism
A/RES/58/81   8 January 2004 - Measures to eliminate international terrorism
A/RES/58/48   8 January 2004 - Measures to prevent terrorists from acquiring WMD
A/RES/58/187   22 March 2004 - Protection of human rights and fundamental freedoms while countering terrorism
A/RES/58/174   10 March 2004 - Human rights and terrorism
A/RES/57/83   9 January 2003 - Measures to prevent terrorists from acquiring WMD
A/RES/57/27   15 January 2003 - Measures to eliminate international terrorism
A/RES/57/220   27 February 2003 - Hostage-taking
A/RES/57/219   27 February 2003 - Protecting human rights and fundamental freedoms while countering terrorism
A/RES/56/88   24 January 2002 - Measures to eliminate international terrorism
A/RES/56/160   13 February 2002 - Human rights and terrorism
A/RES/56/1   18 September 2001 - Condemnation of terrorist attacks in the USA
A/RES/55/158   30 January 2001 - Measures to eliminate international terrorism
A/RES/54/164   24 February 2000 - Human rights and terrorism
A/RES/54/110   2 February 2000 - Measures to eliminate international terrorism
A/RES/54/109   25 February 2000 - Convention for the Suppression of Terrorism Financing
A/RES/53/108   26 January 1999 - Measures to eliminate international terrorism
A/RES/52/165   19 January 1998 - Measures to eliminate international terrorism
A/RES/52/133   27 February 1998 - Human rights and terrorism
A/RES/51/210   16 January 1997 - Measures to eliminate international terrorism
A/RES/50/53   29 January 1996 - Measures to eliminate international terrorism
A/RES/50/186   6 March 1996 - Human rights and terrorism
A/RES/49/60   17 February 1995 - Measures to eliminate international terrorism

A/RES/49/185   6 March 1995 - Human rights and terrorism
A/RES/48/122   14 February 1994 - Human rights and terrorism
A/RES/46/51   9 December 1991 - Measures to <i>eliminate</i> international terrorism
A/RES/44/29   4 December 1989 - Measures to prevent international terrorism
A/RES/42/159   7 December 1987 - Measures to prevent international terrorism
A/RES/40/61   9 December 1985 - Measures to prevent international terrorism
A/RES/39/159   17 December 1984 - Inadmissibility of the policy of State terrorism and any actions by States aimed at undermining the socio-political system in other sovereign States
A/RES/38/130   19 December 1983 - Measures to prevent international terrorism
A/RES/36/109   10 December 1981 - Measures to prevent international terrorism
A/RES/34/145   17 December 1979 - Measures to prevent international terrorism
A/RES/32/147   16 December 1977 - Measures to prevent international terrorism
A/RES/31/102   15 December 1976 - Measures to prevent international terrorism
A/RES/3034(XXVII)   18 December 1972 - Measures to prevent international terrorism

Source: Author's compilation from UN CTC website.

**Annexe 6A: Registered Political Parties in Bangladesh (As 25 August 2017)**

Ser	Political Party (1)	Registered Established	Chairman/ President/Amir	Electoral Alliance (2)	Remarks
1.	Bangladesh Awami League (AL)	03/11/2008 23/06/1949	Sheikh Hasina	Grand Alliance with AL (3)	Founded in 1949, AL led the autonomy movement in East Pakistan in the 1960s and later the independence war that created present Bangladesh. It is one of the two major political parties of Bangladesh. The party suffered a severe setback when on 15 Aug 1975, its leader and the prime minister of the country Mujib was assassinated in a brutal military coup that brought Mushtaq, an AL leader and the then Foreign Minister, and later General Zia in Power. In 2001 JS Election it fielded 300 candidates winning 62 seats and 40.13% votes and became the main opposition party. In 2008 it fielded 264 candidates securing 48.04% votes winning 230 votes and formed the government. In 2014, AL was criticized for holding an election in which 153 MPs (out of 300) were elected unopposed as the major political parties boycotted the election.
2.	Bangladesh Nationalist Party (BNP)	03/11/2008 01/09/1978	Begum Khaleda Zia	20 Party Alliance with BNP (4)	Founded in 1978 by the by former Bangladeshi President Zia, BNP is one of the two major contemporary political parties of Bangladesh. The party suffered a severe setback when Zia was assassinated in 1980 in a military coup that brought Ershad to power. The party fielded 252 candidates in 2001 JS election securing 40.97% votes, 193 seats and formed the government. In 2008, it fielded 260 candidates, secured 32.50% votes and won 30 seats to become the main opposition party. It did not participate in the 2014 JS election as the provision of CTG was scrapped.
4.	Bangladesh Jamaat-e-Islami (JI) (1)	04/11/2008	Rafiqul Islam Khan	20 Party Alliance with BNP	JI's origin is rooted in Jamat-e-Islami Pakistan that fundamentally opposed the creation of Bangladesh and actively supported Pakistan during the liberation war. The party was banned in 1971 for its active opposition to the liberation war and the constitutional ban on the practice of religion-based politics. The ban was lifted after the killing of Mujib in 1975 and JI members participated in 1979 election under the banner of Islamic Democratic League and later on as JI. In 2001 JS election, JI fielded 31 candidates winning 17 seats (4.28% votes), and was part of the government having several cabinet ministers. In 2008 JS election, it fielded 39 candidates winning 2 seats (4.70% votes) and joined the main opposition in an alliance. It is the largest Islamist political party in Bangladesh. Several JI leaders accused of war crime during the liberation war has been tried by the International Crime Tribunal commissioned by the AL government in 2009 to investigate and prosecute suspects for the genocide committed in 1971. On August 2013, the high court ruled that

					the registration of JI is illegal and the party is unfit to contest national elections pending the verdict of the Supreme Court.
6.	Bangladesh Tariqat Federation (BTF)	09/11/2008 03/10/2005	Alhaj Syed Mijibor Boshor Maizbhandari, MP	Grand Alliance	A splinter group from BNP alliance with a Sufi orientation and bitterly opposed to Jamat-e-Islami. The party fielded 31 candidates in 2008 JS election securing 19905 (0.03%) votes but did not win any seats. In 2014 JS election boycotted by the main opposition, it secured 2 seats as part of the Grand Alliance.
7.	Bikolpo Dhara Bangladesh (Party of Alternate Stream – Bangladesh)	03/11/2008 May 2004	Professor A.Q.M. Badrudozza Choudhury		Professor Badruddoza was formerly a member of the BNP and the President of the country. Following a rift with the party, he had to quit the office of the Presidency in 2002 and formed this party in 2004 as a ‘third force’ in politics. The party fielded 63 candidates in 2008 JS election securing 146827 (0.21%) votes but did not win any seats.
8.	Liberal Democratic Party (LDP)	20/10/2008 26/10/ 2006	Dr Oli Ahmed, BB		Initially formed by Professor Badruddoza, Dr Oli Ahmad, and 24 other former BNP members of parliament and ministers abolishing 'Bikolpo Dhara'. However, shortly after formation, it faced internal rift forcing Professor Badruddoza to leave back to Bikalpa Dhara. The party fielded 18 candidates winning 191679 (0.27%) votes and one seat in 2008 JS election.
9.	Gono Forum (People’s Forum)	13/11/2008 1992	Dr Kamal Hossain	Grand Alliance	Dr Kamal was the first foreign minister of Bangladesh and the architect of the Bangladesh constitution. He parted with AL and formed Gono Forum along with some prominent civil society personalities in 1992. The party fielded 17 candidates in 2001 and 45 candidates in 2008 JS election securing 8,494 (0.02%) and 72911 (0.10%) votes but did not win any seats.
10.	Gono Front (People’s Front)	13/11/2008	Dr Zakir Hossain		Fielded 14 candidates in 2008 JS election securing 4,009 (0.01%) votes and no seats.
11.	Gonotantri Party (Democracy Party)	03/11/2008	Barrister Muhammad Arosh Ali	Grand Alliance	Fielded 11 candidates in 2001 and five in 2008 JS election securing 3,190 (0.01%) and 2550 (0.00%) votes respectively and no seats.
12.	Islami Oikya Jote (Coalition of Islam)	17/11/2008	Maulana Mohamad Abdul Latif Nezami	20 Party Alliance	Fielded 7 candidates (two under BNP symbols) in 2001 securing 376,343 (0.68) votes and winning 2 seats. In 2008 fielded 4 candidates securing 108415 (0.15%) but no seats.



13.	Islamic Andolon Bangladesh (Islamic Movement Bangladesh)	20/11/2008	Mufta Syeed Muhammad Rezaul Karim		The aim is to establish a state based on traditional Islam and Sharia law. Highly critical of JI. The support base is primarily the followers of Pir or Mazar (i.e. religious shrine) lacking organizational structure and centred around individuals. Fielded 167 candidates in 2008 JS election securing 658254 (0.94%) votes but did not win any seats.
14.	Islamic Front Bangladesh (IBF)	16/11/2008	Syed Bahadur Shah Mozaddedi	Grand Alliance	The aim is to establish a state based on traditional Islam and Sharia law. Highly critical of JI. The support base is primarily the followers of Pir or Mazar (i.e. religious shrine) lacking organizational structure and centred around individuals. Fielded 18 candidates in both 2001 and 2008 JS election securing 30,761 (0.06%) and 31785 (0.05%) votes respectively but no seats.
15.	Zaker Party (ZP) (Party of the believers of Allah)	09/11/2008 1989	Mostofa Ameer Faisal		The aim is to establish a state based on traditional Islam and Sharia law. Highly critical of JI. The support base is primarily the followers of <i>Pir</i> or Mazar (i.e. religious shrine) lacking organizational structure and centred around individuals. Fielded one candidate in 2001 and 37 candidates in 2008 JS election securing 1,181 (0%) and 134933 (0.19%) votes but did not win any seats.
16.	Jomiate Ulamae Islam Bangladesh (JUI-B) (Islamic Clergy Party)	13/11/2008	Maulana Shaykh Abdul Momin	20 Party Alliance with BNP	The aim is to establish as 'pure' sharia-based Islamic state. Closely tied with the <i>Qwami</i> madrassa and in rural areas. Weak support base and organizational structure. Fielded one candidate in 2001 and seven candidates (two under BNP symbol) in 2008 JS election securing 19,256 (0.03%) and 17, 5245 (0.25%) votes respectively but did not win any seat.
17.	Jatiyo Gonotantik Party (JAGPA) (National Democratic Party)	20/11/2008	Jatio Gono Tantrik Party	20 Party Alliance with BNP	Fielded 2 candidates in 2008 JS election (one under BNP symbol) but did not win any seat.
18.	Jatiyo Party (Ershad) JP (National Party)	03/11/2008 1986	Hussain Muhammad Ershad	Grand Alliance	JP (Ershad) is the main faction of the original JP formed in 1983(initially known as <i>Janadal</i> ) by him under military rule. Between 1997 -2005, several splinter groups of JP emerged out of which only two (listed below) are currently registered in the BEC. Ershad was declared as the Chair for life of JP(E) in 2009. After much drama, JP (E) participated in 2014 election fielding 86 candidates and winning 34 seats ()
19.		20/10/2008			

	Jatiyo Party (Monju) (JP(M))	1999	Anwar Hossain Monju	Grand Alliance with AL	A splinter group of JP (Ershad), formed by the dissident JP Vice-Chair Mizanur Rahman Chowdhury and Anwar Hossain Manju. Mizan, an EX-PM of Bangladesh under military ruler Ershad died in 2006.
20.	Bangladesh Jatiyo Party	16/11/2008 2005	Professor Tasmina Matin		A splinter group of Bangladesh Jatiya Party (BJP), formed by the JP dissidents M. A. Matin and Naziur Rahman Manjur, initially(in 2001) known as Jatiya Party (M-N) and later emerged Bangladesh Jatiya Party (Naziur) in 2008 election.
21.	Bangladesh Jatiyo Party (BJP)	09/11/2008 2005	Barrister Andaleeve Rahman	20 Party Alliance with BNP	Another splinter group of BJP (M-N). The current president Barrister Andaleeve Rahman is the son of BJP's founding chairman Naziur Rahman Manjur.
22.	Jatiya Samajtantrik Dal (Inu) (Jasad) (Inu) (National Socialist Party)	03/11/2008 1972/2012	Hasanul Haque Inu		A splinter group of the original Jatiya Shomajtantrik Dal (JSD) formed in 1972 by dissident AL leaders Serajul Alam Khan, M. A. Jalil, ASM Abdur Rab and Shajahan Siraj. Inu was the leader of JSD's armed wing, Gonobahini, led by Colonel (retired) Abu Taher that led a violent left-wing insurgency between 1972-1977. In 2001 JS election Inu and Rab participated as JSD candidate with same symbols. However, by 2012 they emerged as separate political party namely Jasad(Inu) and JSD (Rab).
23.	Jatiyo Shomajtantrik Dal – (Rab) JSD (Rab) (National Socialist Party)	03/11/2008 2012	ASM Abdur Rab		A splinter group from original JSD. In 2001 JS election Inu and Rab participated as JSD candidate with same symbols. Formally emerged as a separate political entity in 2012.
24.	Bangladesh Shomajtantrik Dal (BASHOD)	09/11/2008	Comrade Khalequzzaman		A splinter group of original JSD launched in 1980. Fielded 37 candidates in 2001 and 57 in 2008 JS election, but failed to win any seats.
25.	Krishok Sramik Janata League (KSJL) (Peasants' and Workers' People's League)	03/11/2008 1999	Bangabir Kader Siddiqui	Not part of any alliance, but often leans to BNP.	Kader Siddique, a famous freedom fighter is a former AL member of parliament (in 1971). He left AL while it was still in power. Fled to India after Mujib was killed in 1975. On his return in early 90's he was given posts in Tangail district AL. He left AL launching his own party in 1999 and fielded 39 candidates in 2001 JS election winning one seat. In 2008, his party fielded 47 candidates but failed to win any seat.

26.	Bangladesh Worker's Party (BWP)	03/11/2008	Rashed Khan Menon, MP	Grand Alliance	Initially founded by Amal Sen in 1980 by merging Bangladesh Communist Party (Leninist), Revolutionary Communist League, Majdur Party. In 1984, it split into two factions, Menon as the leader of one and Amal Sen and Nazrul Islam of the other. They reunited in 1992. The party fielded 5 candidates winning 2 seats in 2008 JS election and 18 candidates in the controversial 2014 JS election securing six seats.
		26/10/2006			
27.	National People's Party (NPP)	13/11/2008	Babul Shordar Chakhari	20 Party Alliance with BNP	Fielded 30 candidates in 2008 JS election but failed to win any seat. A faction of the party led by Shawkat Hossain Nilu declared it was withdrawing its support from the 20 Party Alliance following its removal from the alliance in August 2014. (Daily Star 2014)
		19/07/2007			
28.	Khelafat Majlis (Assembly of the followers of Caliphate)	22/11/2008	Maulana Mohammad Ishaq		Fielded eight and two candidates in 2008 and 2014 JS election respectively but failed to win any seats.
29.	Oikko boddho Nagarik Andolon (United Citizens' Movement)	16/11/2008	Dr Quazi Farook Ahmed		Fielded 11 candidates in 2008 JS election but failed to win any seat.
5.	Bangladesh Shammobadi Dal (ML)	03/11/2008	Dilip Barua		Fielded one candidate in 2008 JS election but did not get any seat.
3.	Bangladesh Communist Party (BCP)	03/11/2008	Mujahidur Rahman Selim		Fielded 37 candidates (0.06% votes) in 2008 JS election but did not get any seat.
30.	Bangladesh Islami Front	20/11/2008	Allama M A Mannan	Grand Alliance with AL	Fielded two candidates in 2008 JS election but did not get any seat.
31.	Bangladesh Biplobi Worker's Party	20/11/2008	Saiful Haque		Fielded five candidates in 2008 JS election but did not get any seat
		14/06/2004			

32.	Bangladesh Kelafat Majlish	20/11/2008	Principal Maulana Habibur Rahman		Propagates establishing as 'pure' sharia-based Islamic state. Closely tied with the <i>Qwmi</i> madrassa and in rural areas. Weak support base and organizational structure. Fielded eight candidates (0.04% votes) in 2008 JS election but did not get any seat.
33.	Bangladesh Khelafot Andolon	13/11/2008	Hajrat Maulana Hafez Ataullah Ibne Hafezzi rah.		Propagates establishing as 'pure' sharia-based Islamic state. Closely tied with the <i>Qwmi</i> madrassa and in rural areas. Following the death of its founder Hafezzi huzur, in 1987, the party faced internal conflicts. Initially, the elder son Ahmadullah Ashraf, became amir of one faction while Aminee led another faction that subsequently merged with the Islami Oikko Jote. When Ashraf fell sick, his brother, Ataullah was elected as amir while Zafrullah Khan was re-elected as party's secretary general. The party fielded 33 candidates (0.02% votes) in 2008 JS election but did not get any seat.
34.	Bangladesh Kalyan Party	16/11/2008	Maj Genl (Retd) Syed Mohammad Ibrahim	20 Party Alliance with BNP	Fielded 39 candidates (0.03% votes) in 2008 JS election but did not get any seat.
35.	Bangladesh Muslim League	13/11/2008	Begum Jubeda Qader Chowdhury		Fielded 5 candidates in 2008 JS election but did not get any seat.
36.	Bangladesh Muslim League (BML)	02/06/2013	A.H. M Kamruzzaman Khan	20 Party Alliance with BNP	
37.	Bangladesh National Awami Party	03/11/2008	Professor Mozaffar Ahmed	Grand Alliance	An off-shoot of National Awami Party (Bhasani) formed on 15 May 1974. After Maulana Bhasani's resignation from the party in 1974 due to various infighting, it underwent further fragmentation, and as many as thirteen factions were traceable in the political arena during the anti-Ershad movement in the late 80's. The party fielded 14 candidates (0.03% votes) in 2008 JS election but did not get any seat. In 2014 controversial JS election, it fielded six candidates but did not get any seat.
38.	Bangladesh National Awami Party (Bangladesh NAP)	13/11/2008	Jebel Rahman Gani	20 Party Alliance with BNP	Supports Bangladeshi nationalism. Fielded 5 candidates (0.01% votes) in 2008 JS election but did not get any seat.

39.	Progotisheel Gontanrik Party (PDP) (Progressive Democratic Party)	13/11/2008	Dr Ferdous Ahmed Qureshi		Launched during the emergency rule of CTG. Fielded 21 candidates securing 0.02% votes in 2008 JS election but failed to win any seat.
		21/06/2007			
40.	Bangladesh Nationalist Front (BNF)	18/11/2013	ASM Abul Kalam	Grand Alliance with AL	Initially formed in August 2012 by Nazmul Huda, a dissident of the BNP. Participated in the controversial 2014 JS election. Fielded 22 candidates getting 1 seat in the JS.
		2012			
41.	Bangladesh Shanshkritik Mukti Jot (Muktijot) (Bangladesh Cultural Freedom Party)	08/10/2013	Abdur Razzaque Mullah, Razu Shikdar		Yet to participate in any national election.

Source: Author's compilation from the Bangladesh Election Commission (BEC) reports on party registrations, election results, political parties websites, Riaz (2016) and Refworld of UNHCR (<http://www.refworld.org/cgi-bin/texis/vtx/rwmain>).

#### Notes

1. Includes only the parties that are listed as registered in the BEC website. For example Freedom party, (comprising of the killers and conspirators of 1975 military coup) is no more a registered political party in Bangladesh though it was allowed to participate in several JS election until 2008 but failed to win any seats. The party was banned in 2009.
2. The electoral alliance in Bangladeshi politics is transient, and parties/factions of parties often move from one to the other. For example, LDP came out of the Grand Alliance before the election of 2008 and contested independently. The LDP joined the 18 Party (Later 20 party) Alliance in 2012. BNF a dissident faction of BNP led by Nazmul Huda joined the AL-led Grand Alliance.
3. Sheikh Hasina, current Bangladeshi Prime Minister and Leader of the Bangladesh Awami League is the head of Grand Alliance.
4. Begum Khaleda Zia, a former prime minister and the BNP chairperson, is the head of the 20 party alliance.

## Annexe 6B: Cluster of Political Parties Based on their Ideological Orientation, Alliance & Support Base

Party/ Clusters	Ideological Orientation and Alliance	Support Base and votes
<b>Bangladesh Awami League (AL)</b>	Centrist. A proponent of Bengali nationalism, secularism, democracy and socialism (in the sense of establishing an exploitation-free society and social justice). Endorses limited role of religion in politics and promote building a state-system imbued with the spirit of Liberation War. Leading the Grand Alliance.	Strong and long-standing grass root level support base is expanding all parts of the country including the Bangladeshi community abroad. The party is able to field a candidate for all 300 constituencies. Active front organization for students, workers, peasants and professionals. Since the declaration of GWoT, AL was in power in two terms (2009 – till now) garnering 40.13% to 48.04% votes.
<b>Bangladesh Nationalist Party (BNP)</b>	Centre-right. A proponent of Bangladeshi nationalism, liberal social values, multiparty democracy, socialism (in the sense of social and economic justice). Endorses Islam as the central element of social and political life, but do not profess for introducing sharia law. Leading the 20 party Alliance.	Fairly strong and grass root level support base are expanding all parts of the country including the Bangladeshi community abroad. Able to field candidate for all 300 constituencies. Active front organization for students, workers, peasants and professionals. Since the declaration of GWoT, BNP was in power for one term (2001 -2006). Votes obtain between 40.97 % in 2001 to 32.50% in 2008.
<b>Jatiyo Party (JP)</b>	Centre-right. An advocate of Bangladeshi nationalism, democracy, Islamic ideals and progress. Supports significant role of Islamic ideals and values in politics but not sharia-law. Bitter infighting and defection divided the party into factions such as JP (Ershad), BJP, JP (Monzu). Fleeting allegiance but mostly part of the AL-led Grand Alliance	Despite national visibility, JP's support base has gradually become localized. JP (Ershad)'s support base is North Bengal in general and Rangpur in particular (Ershad's home district). JP (Monzu)'s support base is Pirojpur (South). JP combined generally secures over 5-7% votes. Some front organization exist, and occasional party meetings and conventions are held. Bitter infighting and defection particularly prior to election reflect poor organizing ability.
<b>Bangladesh Jamaat-e-Islami (JI)</b>	Right wing Islamist party with the aim of establishing 'just and equitable Islamic rule' following the fundamentals of Islam. Pledges commitment to the 'democratic process' and at the same time implementation of Sharia Law. Believes in reviving the Islamic values and the Muslim identity of Bangladesh. Part of 20 Party Alliance.	Well-structured organizational base spread around the country. Meticulous recruitment and induction process. Active students, women and youth front organizations exist. However, JI's anti-liberation history and the failure to come clean about its leadership accused of war crimes together with its politicized interpretation of Islam has so far lent it just over 4-5% votes in any JS election.
<b>Left-leaning parties</b>	Centre-left. Supports secularism, liberal social values and Bengali nationalism. Ideological variation ranges from Marxists- Leninist to Mao's view of socialism. Generally supports the AL-led Grand Alliance or remains free of any alliances. Parties include JSD, Based, Jasad, BCP, BWP.	Suffers from the weak organizational structure and limited activities centred on the capital, lacking resources. The very small pool of dedicated workers/activist visible during important national issues. Generally garners around below 2% votes in JS elections.
<b>Pir and Mazar Based Islamic Parties</b>	Right-wing ideology but generally critical of JI. The aim is to establish traditional Islam. Ideological position	Supporters of <i>pir</i> (Islamic preacher) and the support bases are highly localized around the mazar (shrine) in different parts of the country. Garners around 1%

	fluctuates. Parties include Zaker Party, BIA, BTF (allied to AL led-Grand Allainace).	votes in JS. Highly individualistic organizational structure centred on the <i>pir</i> and his family.
<b>Proscribed Militant/Extremists Parties</b>	Except for Purba Banglar Communist Party (PBCP), all other groups such as Harkat-Ul- Jihad al Islam – Bangladesh (Huji -B) Jamaat-ul-Mujahedeen Bangladesh (JMB), Hijbut Tawheed, Shahadat-e- Al Hikma, Neo –JMB, Ansarullah Bangla Team (ABT), pursue a militant, ‘jihadists’ ideology. Fundamentally oppose democracy, ‘man-made law’ and aims to establish their version of the ‘rule of Allah’ using terrorism as a means. PBCB is staunchly nationalist, secular, and opposes feudalism and imperialism. Follows a leftist ideology using armed violence to capturing state power.	Operating from the periphery of Bangladeshi life and society, the support base of these proscribed parties are very limited, often restrictive within the family members, coming from different strata including the indoctrinated ‘vulnerable’ and ‘willing’ youth, <i>Awami madrasa</i> , Rohingya refugees and a small section of the intelligentsia. PBCP used to enjoy localized 'pockets' of support in 13 north-western and southern district.
<b>Islami Oikko Jote (1)</b>	Orthodox Islamic, Espouses highly conservative social values and supports Bangladeshi Nationalism.	20 Party Alliance

Source: Author’s compilation from Riaz (2016), National Election Commission (2008, 2001), Immigration and Refugee Board of Canada (1999, 2011, 2017), Party Constitutions.

Annex 6C: Summary of 7th, 8<sup>th</sup> 9<sup>th</sup> and 10<sup>th</sup> JS Election Results (1996-2014) (Includes parties that have own/acquired at least one seat in JS)

Political Party	7th JS Election 1996			8th JS Election( Oct 2001)			9th JS Election (Dec 2008)			10th JS Election (Jan 2014) (4)		
	Seat Contested	Seat Own	Vote %	Seat Contested	JS Seat Own	Vote %	Seat Contested	Seat Own	Vote %	Seat Contested	Seat Own	Vote %
Awami League (AL)	300	146	37.44	300	62	40.13	264	230	48.04	247	234	72.14
Bangladesh Nationalist Party (BNP)	300	116	33.6	252	193	40.97	260	30	32.5	Did not participate as a party		
Bangladesh Jamat-I-Islami (JI)	300	3	8.61	31	17	4.28	39	2	4.7	Did not participate as a party		
Jatiya Party (1)	293	32	16.4	Participated as part of Islami Jatiya Oikya Front			49	27	7.04	86	34	7
Islami Jatiya Oikya Front	Did not exist			281	14	7.25				Did not participate as a party		
Independent	284	1	1.06	484	6	4.06	151	4	2.94	104	16	15.06
Islami Oikya Jote	166	1	1.09	7	2	0.68				Did not participate as a party		
Jatiyo Shomajtantrik Dal (JASHOD)	67	1	0.23	76	0	0.21	7	3	0.72	24	5	1.19
Jatiyo Party (Monju)/JP. (2)				140	1	0.44				28	2	0.73
Bangladesh Jatiya Party (N-F) (3)				11	4	1.12				Did not participate as a party		
Krishok Sramik Janata League				39	1	0.47				Did not participate in the main election. Wanted to participate in the by-election but was disqualified		
Bangladesh Worker's Party							5	2	0.37	18	6	2.1
Liberal Democratic Party							18	1	0.27	Did not participate		
Bangladesh Jatiya Party							2	1	0.25	Did not participate		
Bangladesh Nationalist Front										22	1	0.63
Bangladesh Torikot Federation										3	2	1.04
Total	1710	300	98.43	1621	300	99.61	795	300	96.83	532	300	99.89



Source: Author's compilation from BEC (1996), BEC (2002), BEC (2012), BEC (2015), BEC (2017).

**Notes**

1. In 2001 JS Election, Jatiya Party (Ershad) participated under the banner of Islami Jatio Oikya Front with its party symbol plough.
2. The Jatiya Party (Manju) faction was formed in 1999 by dissidents Anwar Hossain Manjur and Mizanur Rahman Chowdhury. It is registered as Jatiya Party JP.
3. Jatiya Party (N-F), another splinter group of Jatiya Party was created in 2001, by Naziur Rahman Manjur and Kazi Firoz Rashid. In the 2001 elections, the Jatiya Party (N-F) was part of the four-party Alliance led by the BNP, along with Jamaat-e-Islami and Islami Oikyo Jote (IOJ).
4. In 2014 JS election all major opposition political parties boycotted, and 154 MPs were elected uncontested.

Annexe 6D: Major Proscribed Terrorist Groups in Bangladesh: Origin, Ideology, Activities, State (Punitive) Actions, and Funding Sources.

Party, Personalities and Ideology	Brief history, Funding and Punitive Actions by the State	Support Base and Activities
<p><b>Name: Purba Banglar Communist Party (PBCP)</b> (The Communist Party of the East Bengal)</p> <p><b>Personalities</b>  <b>Past:</b> Mofakkar Chowdhury  Abdur Rashid Malitha alias Tapan alias Dada Tapan (Janajuddho), Dr Mizanur Rahman Tutul (Lal Pataka)</p> <p><b>Present:</b></p> <p><b>Ideology</b>  Marxists-Leninist ideology and using armed violence as a means of capturing state power. Staunchly nationalist and secular; opposes feudalism and imperialism. Ideologically closer to the Naxalites of West Bengal and the global leftist's parties. Considers that fulfilling the dream of Bangladesh liberation struggle requires a second revolution. Externally PBCP is viewed as a pro-China group that perceives India as a hegemon in the sub-continent -- the 'principle contraction' facing Bangladesh.</p>	<p><b>Brief History</b>  PBCP's origin a clandestine armed communist party is rooted in the split of Bangladesh Communist Party in 1968. The bitter internal rivalry has split PCBC into hostile factions such as 'Jana juddha' (People's War) and 'Lal Pataka' (Red Flag).</p> <p><b>Funding</b>  Primarily the extortion money and 'tax' from the local landlords, businessman and contractors. Often indulges in settling land disputes in villages and in the process of adjudicating, extort money.</p> <p><b>Punitive Actions</b>  PBCB was outlawed in the 80's. Several key leaders have been killed or arrested between 2004-08 including Mofakkar Chowdhury (killed on 17 Dec 2004), Abdur Rashid Malitha (killed 18 June 2008) and Dr Mizanur Rahman Tutul (killed in 27 July 2008) in similar incidents of "crossfire" with the security forces.</p>	<p><b>Support Base</b>  Localized 'pockets' of support. Active in 13 north-west and southern district; <i>Janajuddo</i> was seen active in Rajshahi, Nature, Naogaon, Bogra, Pabna, Sirajganj, Kushtia, and in Gangni of Meherpur; Lal Pataka was seen active in Jhenidah, Chuadanga, Meherpur, Pabna and Kushtia. Party enjoys support from a small section of intelligentsia with views against class exploitation and imperialism.</p> <p><b>Activities</b>  <b>Past:</b> Activities include extortion, the murder of village/political leaders, businessman, police personnel/ informant, and rival terrorist groups at the local level. In May 2009, the <i>Janauddha</i> faction reportedly 'regrouped' and was linked to at least 20 killings and five explosions.</p> <p><b>Recent:</b> No significant terrorist activities since 2011 resulting civilian casualties except that 124 of PBCP cadres were killed by the security forces between 2011- March 2017. (SATP, 2017)</p>
<p><b>Name: Harkatul Jihad Al Islami (HuJI-B)</b></p> <p><b>Personalities</b>  <b>Past:</b> Ameer: Shawkat Osman alias Sheikh Farid (<i>on the run</i>), Secretary: Imtiaz Quddus, Operations Commander: Mufti Abdul Hannan (Executed on 2017)</p> <p><b>Present:</b> Hafez Abul Taher.</p>	<p><b>Brief History</b>  HUJI-B, believe to be an extension of Pakistan based HuJI, declared its presence in Bangladesh in April 1992 through a press conference at Dhaka. Core members claimed to be Bangladeshi mujahedeen returning from Afghanistan. The initial aim was to reach out to the Muslims in other parts of the region particularly the Rohingya refugees, using Bangladesh</p>	<p><b>Support Base</b>  Regionally dispersed and very small <i>qwami madrasa</i> based support in South Eastern part. Widely recruited Rohingya refugees who fled from neighbouring Myanmar for prosecution and the Pattani Muslims of Southern Thailand. Estimates of total strength widely vary from 15,000 to 700 core fighters. Central leadership and key activist have family ties (for</p>

<p><b>Ideology</b>  Radical Islamist ideology. Aims to turn Bangladesh a ‘land of Islam (Dar-ul- Islam)’ from being a ‘land of infidels (Dar-ul- Harb)’ using terrorism as a means. Staunchly opposed to key Bengali culture and traditions such as celebrating the new year, music, dance, arts etc. Draws inspiration from bin Laden and the Taliban. Infamously used the slogan 'Amra Sobai hobo Taliban, Bangla Hobe Afghanistan' (We will all become Taliban and Turn Bangladesh into Afghanistan), widely cited by the academia depicting HUJI-B as the ‘fountainhead’ of militant Islam in Bangladesh.</p>	<p>as a launching pad. It also forged a relationship with the JMB.</p> <p><b>Funding</b>  Reportedly received funds from Osama bin Laden front organization during formation. Suspected sources ‘funneling’ money to HUJI-B is reported to be several NGOs including South African-based Servants of Suffering Humanity, Adarsa Kutir, Al Faruk Islamic Foundation and Hataddin, apart from ISI of Pakistan. Local sources include some Qwami madrasa leaders and teachers.</p> <p><b>Punitive Actions</b>  State’s action ranges from denial to reluctant crack-down and subsequent prescription of the group following external/ internal pressure in October 2005. The first major action was in January 1996 when security forces arrested 41 militants busting its training camp in Ukhia, Cox’s Bazar, used for training the Rohingya rebels based in Bangladesh. Despite being awarded life imprisonment, they were released ‘on bail’ between 2001-06 many remains fugitive. One such fugitive (Muhibur Rahman) arrested on January 08, 2012 stated that he joined a training camp “impressed by the group and to help the poor and oppressed Muslims in Myanmar.” Another central leader Sheikh Abdus Salam, arrested in connection with 2001 CPB rally blast was released ‘on bail’ on July 19, 2009. However, several leaders including Mufti Hannan were arrested (in 2005), prosecuted and executed (in April 2017). HUJI-B was listed as an FTO by the U.S. (in May 2008) and UK (October 2005).</p>	<p>example Maulana Idris Ali and Mufti Monir Uddin are relatives of the central leadership).</p> <p><b>Activities</b>  <b>Past:</b> HUJI-B’s targets range from cultural events and intelligentsia to political personalities of AL. Significant acts of terrorism include: Bomb blast at the Udichi programme in Jessore on 6 March 1999 killing 10 and over a hundred injured. Planting explosive devices near the helipad and public gathering site to assassinate country's PM Sheikh Hasina during a scheduled visit to her native Gopalganj in July 2000; Explosions in the Bengali new year celebration at Ramna, Dhaka in April 2001; attack on the U.K High Commissioner to Bangladesh during his visit to a religious shrine in Sylhet. Grenade attack in a public meeting on 21 August 2004 attempting to kill the PM Sheikh Hasina, leader of the opposition at the time leaving 22 dead, with a few hundred AL leaders and activists, including Sheikh Hasina, injured. A bomb blast on 27 January 2005 at a public meeting in Habiganj in which former finance minister SAMS Kibria was killed.</p> <p><b>Recent:</b> The party is believed to be active under different names to hide intelligence watch. The Islamic Democratic Party (IDP) formed in May 2008 and rejected by the NEC for registration during the CTG is believed to be a HuJI platform attempting to re-emerge in open politics. Since 2013, HuJI-B has not been attributed to any violent activities leading to fatalities.</p>
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<p><b>Jagrata Muslim Janata Bangladesh (JMJB)</b> (Awakened Muslim Masses of Bangladesh) Leader: Siddiquil Islam alias Azizur Rahman alias Omar Ali Litu alias 'Bangla Bhai' (Brother of Bengal)</p>	<p><b>Brief History</b> Reportedly formed in 1998 but came into limelight in 2004 following graphic reports of several murder, torture and lynching by its leader 'Bangla Bhai' in the northeastern part of Bangladesh. Initially branded as a local Muslim vigilante group to neutralize left-wing extremist groups, primarily PBCP. JMJB's leadership, members and ideology have considerable overlaps with JMB, as such, often viewed as the same.</p> <p><b>Punitive Actions</b> See remarks under JMB</p>	
<p><b>Jamaatul-Mujahedin Bangladesh (JMB)</b> (Party of the Mujahideen, Bangladesh) <b>Personalities</b> <b>Past::</b> Shaykh Abdur Rahman (Founding Ameer) Siddiqur Rahman (Bangla Bhai) (Operation Commander) (till 2006) Maulana Siadur Rahman (Habiganj)(Till 2010) <b>Present:</b></p> <p><b>Ideology</b> JMB fundamentally opposes democracy and 'man-made law' and aims to establish their version of the 'rule of Allah' using terrorism as a means, often paralleled with the Taliban regime. Pressing their version of Islam as 'pure', JMB fundamentally opposes the long-held tradition of Bengali art, culture and shrines. The group also opposes NGOs.</p>	<p><b>Brief History</b> JMB emerged in the late 1990s and is believed to have links with the Ahle Hadith Andolon in Bangladesh (AHAB) headed by Dr Mohammad Asadullah Al-Ghalib - a professor of at Rajshahi University that shares a similar goal of establishing an Islamic state in Bangladesh. Dr Asadullah has denied any such links with the JMB claiming that AHAB's way of 'invitation and jihad' are 'devoid of terrorism' (Ali 2005). Dr Asadullah was arrested in Feb 2005 and released after three years. The spat of allegation resulted in 49 leaders resigning from the AHAB. For JMB, most of its founding leaders were captured and executed (see state action below) in 2007. Following their death, Maulana Saidur Rahman was running JMB until his arrest on May 25, 2010, and subsequent sentencing for 7.5 years of imprisonment on 25 May 2017.</p> <p><b>Funding</b> Reportedly received funding from Kuwait-based NGO Revival of Islamic Heritage Society and some individual Bangladeshi living in Europe and the</p>	<p><b>Support Base</b></p> <p>Most significant terrorist activity carried out by the JMB was the simultaneous detonation of 459 bombs in 63 out of the 64 districts on August 17, 2005, killing two people and hurting 100 others (The Daily Star, August 18 2005). They also carried out suicide attacks, very rare amongst the Bangladeshi terrorist outfits, that killed two judges in the southern district of Jhalokathis in November 2005. Between 2007 and 2014, 478 JMB men were tried in 177 cases. Of them, 51 top leaders of JMB were sentenced to death, 178 got life imprisonment, and 245 were jailed for different terms (Islam and Liton, 2016).</p> <p>Current activities</p>

	<p>Middle East. Local sources include earnings from <i>Qwami madrasas</i> built or operated by the JMB leadership through foreign funding.</p> <p><b>State Actions</b> Initially, the government denied JMB’s and Bangla Bhai’s existence describing it as ‘media’s creation’. Amidst serious reporting and international pressure, JMB/JMJB was banned in February 2005. Security forces captured/ arrested seven key leaders of the JMB in March 2006. They were prosecuted, and six including Abdur Rahman and Siddiqur Alam (Bangla Bhai) was sentenced to death and executed on 29 March 2007. The UK home office banned it in July 2007, and it was also listed as an FTO by the U.S.</p> <p><b>Present State</b> JMB reportedly re-grouped and emerged as a more ‘fearsome and radicalised’, dubbed as Neo-JMB in 2016 discussed separately below.</p>	
<p><b>Neo-JMB</b> <b>Personalities</b> Maulana Abul Kashem, alias Shaykh Abu Mohammad Ayman Hafizullah, alias “Boro Hujur” (Spiritual Leader)(Arrested in 2017 Tamim Ahmed Chowdhury (Operational Commander) (killed in a raid in 2016 )</p> <p><b>Ideology</b> The ideology of the so-called ISIS reportedly inspires Neo-JMB amidst holding its previous ideology of establishing an Islamic state in Bangladesh.</p>	<p><b>Brief History</b> Organizational disarray following the execution /sentencing of core JMB leaders and a convergence of interests by local and transnational extremist groups on Bangladesh reportedly resulted in the emergence of Neo-JMB in 2014. Maulana Abul Kashem, a former JMB leader, was named as the ‘spiritual leader’ of neo-JMB. Some Neo-JMB’s field level leadership were alleged to be Islami Chhatra Shibir activist – the student front of Jamaat-E-Islami. A key outsider was Bangladeshi-Canadian Tamim Ahmed Chowdhury, who reportedly held several meeting with Abul Kashem in 2013 leading to the formation of Neo-JMB. Some neo-JMB cadres were also reportedly ‘inspired’ by and ‘worked as coordinator’ for al-Qaida and ISIS in Bangladesh. Four such suspected ISIS-inspired</p>	<p><b>Support Base</b> Neo-JMB’s Gulshan Café attack shocked the nation when it was revealed that many of the attackers were from well-to-do families have studied in English medium school and foreign universities. It busted the myth of the group’s support base being limited to madrasa students only. The revelation that many of the attackers were ‘missing’ from the educational institute or family contact ensued a nationwide hunt for similar cases and alarming parents. However, a closer look at the profile indicates that neo-JMB members include both ‘willing’ and ‘vulnerable’ young people from all strata. Many of the key members were also relatives indicating close net support base. Police listed 5,000 such suspected militants, many of whom are believed to be Neo-JMB members.</p>

	<p>local operatives were arrested on January 20, 2015, along with their laptops, leaflets and IT equipment. As a result, transnational groups, for the first time, started claiming credits for acts carried out by local neo-JMB cadres without having any physical presence inside Bangladesh. Between Sep 2015 – Feb 2017 ISIS propaganda claimed credits for six such violent incidents, interpreted by many as expanding ‘footprints’ of the group whiteout any substantial proof. This also irked the government triggering several raids in ‘terrorist hideouts’.</p> <p><b>Funding</b> Not much is known about the funding sources of neo-JMB except the report of one transaction of US\$50,000 channelled to Tamim Chowdhury’s close associates via the informal hawala cash transfer network from a UK-based company founded by Siful Sujon, a Cardiff based IT, expert, killed in Syria.</p> <p><b>State Action</b> Action against the Neo-JMB intensified particularly after the group’s Gulshan Café attack on 1 July 2016. Within 12 hrs, a joint operation headed by the Army’s para commandoes stormed the café killing all five militants and rescuing the remaining hostages. Within months specialised security units launched several raids in militants ‘dens’/hideouts. Operation ‘Storm 26’ conducted on 26 July 2016 at Kalyanpur, Dhaka killed nine militants (5 were suicide squad member) and arrest of one. Information gained from this raid spiralled into several other raids like Operation “Hit Strong 27” in Narayanganj on 27 August 2016 that resulted killing the Canadian-Bangladeshi terror</p>	<p><b>Activities</b> Past: The Gulshan Café attack was the most shocking neo-JMB act of terror that shocked the nation. They also carried out some attacks against police, foreigners, and civilians killing. Between 2013 -2017, there were 332 fatalities attributed to the Islamist terrorism in Bangladesh, the majority of which are linked to neo-JMB. <b>Recent:</b> In 2017, the Neo-JMB activities reduced significantly. Only two violent incidents were reported leading to the injury of two police officers but no fatalities.</p>
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	<p>kingpin Tamim Chowdhury along with his two aids; In September 1, 2016, a raid in Mirpur killed a retired Major Jahid, trainer of Neo-JMB; Raid in Azimpur killed key neo-JMB cadre Tanvir Kadri on 10 September 2016, “Operation Spate 8” in Gazipur (killing nine suspected militants) and the raid in Tangail in 8 October 2016 killed two. In February 2017, a regional coordinator was killed by security forces in at Kahalu in Bogra District. On 3 March 2017, the ‘spiritual leader’ Maulana Abul Kashem was arrested. Operation Eagle Hunt on 27 April 2017 killed four militants in Chapainawabganj district. The pregnant wife of a Neo-JMB cadre killed in this operation along with her six years old daughter was rescued. Similar raids followed in Maulavi Bazar, Jhenedah, Bogra and Rajshahi blasting several another militant den of neo-JMB.</p> <p><b>Present State</b> The group is now believed to be ‘on the run’ without any effective leadership or organising strength as the police actions continue.</p>	
<p>Ansarullah Bangla Team (ABT)/ Ansar-al Islam. Global Islamic Media Front (GIMF) including GIMF Bangla Team</p>	<p>GIMF is an Islamist extremist propaganda organisation associated with AQ and other extremist groups around the world. Its activities include propagating a jihadist ideology, producing and disseminating training manuals to guide terror attacks and publishing jihadi news. GIMF releases products in some languages including Arabic, Urdu, Bengali, English, German and French. Bangladesh banned ABT in May 2015. The UK has banned the group.</p>	<p>Accused of the brutal murders of several secular activists and atheist bloggers between 2013 -2015 including Bangladeshi-American Avijit Roy. ABT is also linked to charges of making a hit list of Bangladeshi bloggers, writers living in or outside the country (including nine individuals based in Britain, seven in Germany and two in America, one in Canada and one in Sweden) in 2015. On 7 January 2016 GIMF Bangla Team published an infographic chronicling attacks carried out against “blasphemers in Bangladesh” from January 2013 to October 2015...</p>

### Annexe 6E: Ratification of UN CT Instruments by Bangladesh

Title	Entry into force	Bangladesh
1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention)	4 Dec 1969	23 Oct 1978
1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention)	14 Oct 1971	28 June 1978
1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Sabotage Convention or Montreal Convention)	26 Jan 1973	28 June 1978
1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Airport Protocol)	6 Aug 1989	
1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (Diplomatic Agents Convention)	20 Feb 1977	20/05/2005
1979 Convention against the Taking of Hostages (Hostages Convention)	03 June 1983	20/05/2005
1980 Convention on the Physical Protection of Nuclear Material (Nuclear Materials Convention)	8 Feb 1987	10/06/2005
1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	01 Mar 1992	07/09/2005
1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection (Plastic Explosives Convention)	21 Jun 1998	15/10/2005
1997 Convention for the Suppression of Terrorist Bombings (Terrorist Bombing Convention)	23 May 2001	20/05/2005
1999 Convention for the Suppression of the Financing of Terrorism (Terrorist Financing Convention)	10 Apr 2002	26/08/2005
2005 Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention)	07-Jul-07	07-Jun-07
2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention)	Not yet in force	
1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Fixed Platform Protocol)	01-Mar-92	27/07/2005
2005 Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf	28 July 2010	
1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Airport Protocol)	27 July 2005	22 May 1996
2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	28 July 2010	
2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol)	Not yet ratified	
2014 Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft	Not yet in force	

Reference: UN Treaty Collection (UNTC, 2017) Website.



**Annex 6F: Regional and Bi-lateral CT Conventions, Agreements and MoU's Signed by Bangladesh**

<b>Name</b>	<b>Type</b>	<b>Date and Place</b>	<b>Nature</b>
SAARC Regional Convention on the Suppression of Terrorism	Multilateral (SAARC)	4 November 1987, Kathmandu	Facilitates dealing with extraditable offences amongst SAARC countries
Supplementary Protocol to the SAARC Regional Convention for suppression of terrorism.	Multilateral (SAARC)	6 January 2004, Islamabad	Enhances legal cooperation on MLFT.
SAARC Convention on Mutual Legal Assistance in Criminal Matters	Multilateral (SAARC)	August 2008 Colombo	Harmonizing different domestic legal systems in the region for investigation, prosecution and resulting proceedings on criminal matters including terrorism.
BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking	Multilateral (BIMSTEC)	December 11, 2009, Myanmar	Includes, among others provision for Cooperation in Combating Terrorism (Article 3) and also Cooperation between the Law Enforcement Agencies (Article 6)
Saudi-led Counter-terrorism Coalition consisting of 34 Muslim nations.	Multilateral	Dec-15	Membership
Treaty Between the Kingdom of Thailand and The People's Republic of Bangladesh Relating to Extradition	Bi-lateral (Thailand)	9 March 2001 Bangkok	Covers extradition on terrorism-related matters.
Memorandum of Understanding on Cooperation to Combat International Terrorism	Bi-lateral (Australia)	24 December 2008, Dhaka	Cooperation and a framework for operational agencies for information and intelligence exchange, law enforcement activities, MLFT, and legal instruments.
Agreement between the Government of the Republic of India and the Government of the People's Republic of Bangladesh on Combating International Terrorism, Organised Crime and Illicit Drug Trafficking	Bi-lateral (India)	11 January 2010, New Delhi	
Extradition Treaty	Bi-lateral (India)	January 28, 2013	To combat cross-border terrorist connections and networks afflicting both the nations.
Counter-Terrorism Cooperation Initiative	Bi-lateral (U.S.)	22-Oct-13	Capacity-building, information sharing and enhance exchanges between the law enforcement agencies
Counter-Terrorism Training Assistance Programme with the United Kingdom	Bi-lateral (U.K.)		

## Annexe 7A: Major Timeline of Events - Myanmar 2001-2016

<p><b>2001:</b></p> <p><b>Oct</b> - Strengthening its previous bans, the EU imposes visa restriction on senior members of the SPDC, government officials, senior members of the military, and security forces who formulate, implement or benefit from policies that impede Myanmar's transition to democracy.</p> <p><b>Nov – Dec</b> - Chinese President Jiang Zemin visits Myanmar and issues statement supporting government. Myanmar reports to the UN CTC under UNSC Resolution 1310 expressing its ‘firm’ and ‘resolute’ support for the global CT efforts.</p>
<p><b>2002</b></p> <p><b>Jan</b> - Amnesty charged the Tatmadaw of killing and torturing hundreds of ethnic Shan villagers. Some 300,000 Shan villagers reportedly were forced to flee their homes.</p> <p><b>Mar</b> - Former dictator Ne Win and his daughter were put under house arrest. Ne Win died in December while in house arrest. Ne Win’s son-in-law Aye Zaw Win and three sons were convicted for an alleged plot to overthrow the junta and sentenced to death Sep 26.</p> <p><b>May</b> - The military released Aung San Suu Kyi (56) after 19 months of house arrest.</p>
<p><b>2003</b></p> <p><b>May</b> - Suu Kyi was taken into protective custody after reports of an attack on her convoy.</p> <p><b>Jul</b> - The U.S. imposes a new sanction under the Burmese Freedom and Democracy Act and Executive Order 13310 on various issues. The new law also requires the US to vote against the extension of any financial assistance to Myanmar by international financial institutions. This comes after Collin Powell remarked, “ it is time to turn the tables On Burma's thugs” in his Op-Ed, in The Wall Street Journal.</p> <p><b>Aug</b> - Khin Nyunt becomes prime minister and proposes to hold a national convention in 2004 on drafting a new constitution as part of a roadmap to democracy.</p>
<p><b>2004</b></p> <p><b>Jan</b>- The Karen National Union a major EAGs fighting the government agree to end hostilities.</p> <p><b>May</b> - Constitutional convention begins, boycotted by the National League for Democracy (NLD) whose leader Aung San Suu Kyi remains under house arrest.</p> <p><b>Oct</b> - Prime minister ousted and placed under house arrest amid reports of a power struggle. Lt. Gen. Soe Win takes over as the new Prime Minister.</p>
<p><b>2005</b></p> <p><b>Jan</b> - Condoleezza Rice calls Burma as one of six “outposts of tyranny” around the world during her confirmation hearing before the Senate Foreign Relations Committee speech.</p> <p><b>Apr-May</b> - Bomb exploded at a busy market in the tourist city of Mandalay killing at least two people. Three near-simultaneous explosions go off in shopping districts in the capital killing 23.</p> <p><b>July</b> – Myanmar turns down the 2006 ASEAN chairmanship.</p> <p><b>Nov</b> – Myanmar moves its capital from the sea facing the city of Yangon to Naypyitaw.</p>
<p><b>2006</b></p> <p><b>Jan</b>- The UN envoy to Myanmar quits his post after being refused entry for the past 2 The government adjourned a constitution-drafting convention. The slow pace of democratic reforms frustrates the EAGs, like the Karen insurgents claiming little chance of ending military rule.</p> <p><b>May</b> -Military acknowledged reports that it was attacking the Karen ethnic minority, saying the offensive is necessary to suppress bombings and other anti-government attacks. Estimated 15,000 Karen villagers are driven out from their homes amidst reports of widening offensive against the ethnic minority.</p>
<p><b>2007</b></p> <p><b>Jan - Apr</b> China and Russia veto a draft US resolution at the UNSC urging Myanmar to stop persecuting minority and opposition groups. The human rights group accused the military of killing, raping and torturing ethnic Karen women as part of its battle against the minority group over the past 25 years. Myanmar and North Korea signed an agreement to resume diplomatic ties.</p> <p><b>Aug –Sep</b>– The crackdown on mass protests in Yangon and elsewhere caused by the sudden removal of government fuel subsidies, leads to ‘saffron rebellion,’ headed by the Buddhist monks.</p> <p><b>Oct – Nov</b> - The U.S. issues Executive Order 13348, expanding sanctions. Japan cancelled a multimillion-dollar grant to protest the crackdown on the pro-democracy group. China called for speeding up reforms.</p>

**2008**

**Feb** – The regime announces it would hold elections in 2010 under a new constitution.

**May** - Cyclone Nargis hits Myanmar's causing widespread devastation and deaths. US aircraft carrier, carrying relief waits off the coast for permission to start ferrying its cargo inland to affected areas. Amidst the devastation by the cyclone, the country holds the referendum on a new constitution.

**Jul** - US Congress passes the Tom Lantos Block Burmese JADE Act expanding sanctions on Myanmar.

**Aug** – U.S. President hosts a lunch for Myanmar’s exiled activists at the US Embassy during his visit to Thailand. First Lady visits a refugee camp and a clinic for victims of landmines at the Thai border.

**2009**

**Jun** – Reports of military forces mortar attacks on Karen guerrillas sending refugees out of the Ler Per Her camp in eastern Karen state into Thailand.

**Aug**- Reports of fighting in northeast Myanmar that more than 30 government troops. Hundreds of ethnic rebels fled clashes surrendering their weapons and uniforms to Chinese border police and crossing to safety after several days of skirmishes with Myanmar government troops. Reports of up to 30,000 civilian refugees streaming into China to escape the fighting.

US Senator Jim Webb meets Snr-Gen Than Shwe, becoming the most senior official to have direct contact with the reclusive leader of the Burmese regime in decades.

**Sep** - U.S. declares it will engage with the regime without abandoning sanctions. US Assistant Secretary of State visits Burma, as the highest-ranking American diplomat to travel to the county in 14 years, as part of its new policy of engagement with Burma.

**2010**

**Mar**- Ethnic groups in Shan State, killed 20 government troops in an ambush.

**Apr** - Three bombs exploded at a water festival in Yangon. A series of bombs exploded at a hydropower project site being jointly built by a Chinese company in northeastern part of the country.

**May** - A NLD faction declared it would form its political party to contest first elections in November.

**Jun** - A former senior UN nuclear inspector alleges that the regime is trying to develop nuclear weapons and long-range missiles with the help from North Korea

**Sep** – The junta leader, Gen. Than Shwe, began a 4-day visit to China.

**Nov** - Myanmar's junta holds its first elections for 20 years. Military-backed USDP wins an overwhelming majority. NLD boycotted the election. The U.S. describes the election as “neither free nor fair.”

Suu Kyi is released from seven straight years of house arrest.

**2011**

**Jan** - Parliament meets for the first time, with a quarter of the seats reserved for the army.

**Mar** - Former General Thein Sein becomes president. The junta is dissolved.

**Aug** - Suu Kyi and Thein Sein hold landmark talks in the capital Naypyidaw.

**Sep** - Foreign Minister meets with senior US officials in Washington. President announces the suspension of work on a massive Chinese-backed hydroelectric dam project in the country's north.

**Oct** - Around 200 political prisoners are released as part of a mass amnesty.

**Nov** - Peace talks begin between the government and armed ethnic minority rebels.

Hillary Clinton visits Myanmar, the first trip by a US secretary of state for more than 50 years.

**2012**

**Jan–Apr** NLD receives approval to contest April 1 by-elections. Suu Kyi wins a seat in parliament. Suu Kyi and UK Prime Minister jointly call for lifting sanctions. ASEAN also joins the call. Karen group meets the President and NDL leader for the first time for peace talks. U.S., Australia and EU lift the travel ban on some Myanmar senior leaders and eased investment restriction.

**May - Jul** South Korean president visits Myanmar promoting economic ties and political reforms. Violent unrest sweeps Rakhine between Buddhists and Rohingya Muslims leaving many dead. UN envoy warned that violence posed a threat to Myanmar’s shift towards democracy. The US formally eased sanctions.

**Nov**- US President makes his first visit to Myanmar aimed at encouraging reforms.

**2013**

**Jan** – The Military launches airstrikes against Kachin Independence Army (KIA) in the north and reports taking over its administrative headquarters in the hilltop.

**Mar** – President visits Australia and seeks closer ties and support for the country's transition. Unrest between Buddhist and Muslim residents erupted in Meikhtila resulting in many dead and injured. State of emergency declared. Anti-Muslim mobs rampaged through three more towns.

**Apr** - Buddhists group stormed Muslim villages in the north of Yangon destroying homes, shops and mosques.

**May**- Thein Sein became the first Myanmar president to be welcomed to the White House in 47 years. Rakhine State authorities imposed a two-child limit for Muslim Rohingya families, a policy that does not apply to Buddhists in the area, amid accusations of ethnic cleansing in the aftermath of sectarian violence.

**Jun** - Malaysia urged Myanmar to take stronger action to prevent persecution of Muslims.

**Aug** - Hundreds of Buddhists went on a rampage in a village in north-western Myanmar, torching dozens of homes and shops following rumours that a Muslim man had sexually assaulted a young woman.

**Sep** - Sangha Maha Nayaka (Regulatory Committee of monks) prohibits the creation of formal organisations based around the 969 movements, led by Wirathu a movement aimed at isolating Muslims.

**Oct**- Security forces struggled to contain deadly sectarian violence in Rakhine state after mobs torched Muslim homes and Buddhist villagers were attacked on the third day of unrest. Myanmar takes over a long-coveted role as chairman of ASEAN. A blast at the Sule Shangri-La, in the heart of Yangon, wounded an American woman (43), believed to be carried out by KIA insurgents.

**2014**

**Jan**- President backs amending the constitution allowing Suu Kyi to lead the country.

**Apr** - Fighting between government troops and the Kachin groups continues leaving 22 people dead.

**Jul**- Buddhist mobs in Mandalay attacked minority Muslims for the 2<sup>nd</sup> night. Authorities imposed a curfew.

**Nov – Dec** - US President met with Suu Kyi and other Myanmar lawmakers during the East Asian summit. Military launched a new offensive against Kachin groups around Chinese border. Kokang groups in northern Myanmar attacked an army outpost. UNGA's human rights committee approved a resolution urging Myanmar to allow its Rohingya Muslim minority access to full citizenship.

**2015**

**Mar**- Police arrest scores of protesters calling for education reform in a violent crackdown. A Nationwide Ceasefire Agreement (NCA) is signed in the presence of international observers.

**Jun**- Suu Kyi arrives in China for a debut visit. Parliament votes against changing the military's effective veto on changes to the constitution.

**Aug**- President signs 4 Race & Religion Protection Laws championed by the Buddhists group Ma Ba Tha.

**Oct**- The Government signed a cease-fire agreement with eight EAGs. Military clashes with the Shan State Army-North that did not sign NCA. Kachin and Wa, groups, also did not sign the agreement.

**Nov**- First free nationwide election held in 25 years. NLD wins majority seats in Parliament to form country's first civilian government in more than half a century. Ruling USDP conceded defeat. No political party fielded any Muslim Rohingya candidate.

Source: Author's compilations

## Annex 7B: Basic Demographic Information of States and Regions in Myanmar

State/ Regions	Population Growth (Annual Average) (1)	Land Area (Km Sq) (1)	Land Area (%) (1)	Population Density (Per Sq Km) (1)	Structure (2)		Religious Diversity (in % of State/Region Population) (3)			
					District	Township	Buddhist	Christian	Muslim	Hindu
Kachin (a)	3.05%	88,980	13.30%	19	4	18	64.0	33.8	1.6	0.4
Kayah	2.60%	11,760	1.80%	24	2	7	49.9	45.8	1.1	0.1
Kayin (a)	1.90%	30,327	4.50%	52	3	7	84.5	9.5	4.6	0.6
Chin	1.25%	36,277	5.40%	13	3	9	13.0	85.4	0.1	0.0
Sagaing (Region) (b)	1.55%	93,873	14.00%	56	8	34	92.2	6.5	1.1	0.1
Tanintharyi (Region)	2.05%	41,061	6.10%	32	3	10	87.5	7.2	5.1	0.2
Bago (Region)	1.20%	38,867	5.80%	123	4	28	93.5	2.9	1.2	2.0
Magway (Region)	0.90%	45,025	6.70%	87	5	25	98.8	0.7	0.3	0.1
Mandalay (Region)	1.40%	30,999	4.60%	206	7	29	95.7	1.1	3.0	0.2
Mon	0.95%	11,242	1.70%	167	2	10	92.6	0.5	5.8	1.0
Rakhine (a)	2.15%	35,020	5.20%	87	4	17	96.2	1.8	1.4	0.5
Yangon (Region)	3.00%	9,917	1.50%	723	4	45	91.0	3.2	4.7	1.0
Shan (c)	2.15%	155,672	23.20%	38	12	40	81.7	9.8	1.0	0.0
Ayeyarwady (Region)	1.00%	33,705	5.00%	176	6	26	92.1	6.3	1.4	0.1
Nay Pyi Taw	2.30%	7,069	1.10%	164			96.8	1.1	2.1	0.0

Sources: (1) Department of Population (2016), (2) Nixon et.al (2013) and (3) Department of Population (2014).

### Notes:

- The estimate of religious diversity estimates includes non-enumerated population.
- Sagaing region has one Self-Administered Zone (SAZ), Naga (SAZ comprising Lay Shi, Lahe and Nanyun Townships)
- Shan state has four SAZ and one Self-Administered Division (SAD). These are: Danu (SAZ comprising Ywangan and Pindaya), Pa-O (SAZ comprising Hopong, Hsihseng and Pinlaung), Palaung (SAZ comprising Namhsan and Manton), Kokang (SAZ comprising Konkyan and Laukkaing) and Wa (SAD, comprising Hopang, Mongmao, Pangwaun, Narpan, Matman and Pangsang Townships )

### Annex 7C. A brief overview of Ethnic Armed Groups and their Current Status

Name of the EAG	Area of operation	Estimated Strength	Remarks
All Burma Students' Democratic Front (ABSFD)	KIO, KNU & KNPP controlled areas	400+	ABSFD signed the NCA on October 15, 2015. It also had a bilateral ceasefire agreement with the govt. It is semi-aligned with United Nationalities Federal Council (UNFC) but not a member of National Ceasefire Coordination Team (NCCT).
National Democratic Alliance Army-Eastern Shan State (NDAA)	Eastern Shan State	4500+	NDAA was invited to sign the NCA. It has a bilateral ceasefire agreement with the government. It is not a member of UNFC or NCCT
National Socialist Council of Nagaland – Khaplang (NSCN-K)	Chin State; Sagaing Region	Less than 500	NSCN-K was invited to sign the NCA. It has a bilateral ceasefire agreement with the government. It is not a member of UNFC or NCCT
Restoration Council of Shan State/ Shan State Army-South (RCSS/SSA-S)	Southern Shan State	8000+	RCSS/SSA-S signed the NCA on October 15, 2015. It also had a bilateral ceasefire agreement with the government. It is not a member of UNFC or NCCT
United Wa State Army / Party (UWSA)	Wa SAD; Eastern Shan State	30000	UWSA was invited to sign the NCA. It has a bilateral ceasefire agreement with the government. It is not a member of UNFC or NCCT
Arakan Liberation Party (ALP)	Northern Rakhine & Kayin States	60-100	ALP signed the NCA on October 15, 2015. It also had a bilateral ceasefire agreement with the government. It is a member of NCCT and UNFC.
Chin National Front (CNF)	North-western Chin State; Sagaing Region	200+	CNF signed the NCA on October 15, 2015. It also had a standing bilateral ceasefire with the government. It is a member of NCCT and UNFC.
Democratic Karen Buddhist Army (DKBA)	Eastern Kayin State	1500+	DKBA signed the NCA on October 15, 2015. It also had a bilateral ceasefire agreement with the government. It is a member of NCCT but not UNFC.
KNU/KNLA-Peace Council (KNU/KNLA-PC)	Central Kayin State	Less than 200	KNU/KNLA-PC signed the NCA on October 15, 2015. It also had a bilateral ceasefire agreement with the government. It is a member of NCCT but not UNFC.
Karenni National Progressive Party (KNPP)	Kayah State	600+	KNPP was invited to sign the NCA. It has a bilateral ceasefire agreement with the government. It is a member of NCCT and UNFC.
Karen National Union (KNU)	Kayin and Mon states, Tanintharyi Region	5000+	KNU signed the NCA on October 15, 2015. It also had a bilateral ceasefire agreement with the government. It is a member of NCCT.
New Mon State Party (NMSP)	Mon and Kayin States; Tanintharyi Region	800-2000	NMSP was invited to sign the NCA. It has a bilateral ceasefire agreement with the government. It is a member of NCCT and UNFC.

Pa-O National Liberation Organization (PNLO)	Southern Shan State	400+	PNLO signed the NCA on October 15, 2015. It also had a bilateral ceasefire agreement with the government. It is a member of NCCT and UNFC.
Shan State Progress Party /Shan State Army-North(SSPP/SSA-N)	Northern Shan State	8000+	SSPP/SSA-N was invited to sign the NCA. It has a bilateral ceasefire agreement s with the government. It is a member of NCCT and UNFC.
Kachin Independence Organization (KIO)	Kachin & Northern Shan State	10,000+	KIO was invited to sign the NCA. It has <i>no bilateral</i> ceasefire agreement with the government. It is a member of NCCT and UNFC.
Arakan Army (AA)	KIO controlled areas; Chin, Karen & Rakhine State	2000+	AA has <i>not</i> signed any bilateral ceasefire and has not been invited to sign the NCA. It is an NCCT member but not UNFC
Myanmar National Democracy Alliance Army (MNDAA)	Kokang Region, North-eastern Shan State	3000+	MNDAA has <i>not</i> signed any bilateral ceasefire and has not been invited to sign the NCA. It is an NCCT and UNFC
Ta'ang National Liberation Army (TNLA)	(Northern) Shan State	4500	TNLA has <i>not</i> signed any bilateral ceasefire and has not been invited to sign the NCA. It is an NCCT and UNFC member
Arakan National Council (ANC)	Small group	n/a	ANC has <i>not</i> signed any bilateral ceasefire and has not been invited to sign the NCA. It is an NCCT and UNFC member
Lahu Democratic Union (LDU)	Small group	n/a	LDU has <i>not</i> signed any bilateral ceasefire and has not been invited to sign the NCA. It is an NCCT and UNFC member
Wa National Organization / Army (WNO)	Small group	n/a	WNO has <i>not</i> signed any bilateral ceasefire and has not been invited to sign the NCA. It is an NCCT and UNFC member

Sources: Author's compilation from ISDP (2015) and Oo (2014)

### Annexe 8A: Major Ethnic Groups and Demographic Information on Mali

Major Ethnicity	Brief Description	Areas/Regions	Population (Approx. %)
Mandé (Bambara, Malinké, Khassonké and Soninké/ Saracolé)	Mandé's constitute almost half of Mali's population. Amongst them, Bambara is the largest and dominant ethnic group. Most Malians speak Bambara. The Malinké also speak a Mandé language. Bambara, and to a lesser extent Malinké, dominates the political life of Mali through their geographical proximity to the capital and their Western education in the colonial period. Saracolé and Sonike speaking group trace their ancestral link from Dinga who came from the Middle East. Soninké traces their link to the Ghana Empire. Their society has a rigid caste system. Many are merchants and travel throughout West Africa and beyond. Around 80 per cent of Mandé's is Muslim while some practice traditional rituals.	Bambara occupies mostly the central and southern Mali along the middle of Niger Valley. Malinke live in the southwest and west. Mandé's also live in other countries in the Sahel region. Soninké, or, live in north-west Mali, in the Sahelian zone along the Senegal River.	Mande: 52 percent (Majority Bambara, 36.5 percent)
Peuhl/Fula/Fulani	A semi-sedentary herdsmen group with a highly stratified society with horizontal and vertical hierarchy. Their Fulfulde language is mostly spoken country's east.	Mainly in the vast inland delta of the Niger, region of Mopti.	Estimate varies 14.7 to 17
Songhais	Settled and semi-nomadic groups engaged mostly in farming, fishing and business. Sognhais horizontal social structure is organised by villages in which elders elect village chiefs. Trace their link to the Songhai empire of Gao.	Mostly lives in Timbuktu and Gao along the banks of the Niger River Dispersed across Niger and Algeria.	Around six
Kountas Tuareg and Moors/ Maure	The nomadic and semi-sedentary peoples in the north. The Kuntas and Turage are pastor-nomads. Tuareg society is organised into confederations, having 'noble' and 'vassal' clans with horizontal and vertical hierarchies. Each confederation consists of numerous clusters of noble clans, with each cluster associated with clusters of subordinate clans, as well as artisan clans and former-slave clans. At the top of the system is a chief known as an <i>amenokal</i> . Kel Adagh confederation is currently the dominant Tuareg confederation, and Ifoghas is the dominant noble clan. Moors are Arab-Berber nomads who migrate between Mali and Mauritania. Their society is divided into castes, with Beydan (White Moors) dominant over their former slaves and their descendants, the Haritins (BlackMoors).	Tuareg straddles in areas of the further north, beyond the Niger River along the mostly desert land with a few urban centres, the most important being Kidal. Tuareg presence also extends to the east to Algeria, Niger, and Libya.	Around 10
Voltaic (Senoufo/ Siena, Lobi)	Senoufo is the largest Voltaic group. Most are sedentary farmers. A Senoufo secret society plays a major role in the first thirty years of man's life. After this, Senoufo men are no longer obliged to perform agricultural work. Each village has a sacred forest for ritual activities. Lobi, another Voltaic group without village organisation or chiefs, based on matrilineal lineage. Most Senoufo adheres to traditional beliefs.	Mostly in south-east Mali. Some migrated to urban areas including France and Côte d'Ivoire.	Around 12

Sources: Author's compilation from Minority Right Group International (2017), Pezard and Shurkin (2015:6-8), Ronald (1987:37-38).



## Annexe 8B: Profile of the Major Armed Groups in Northern Mali

<b>Terrorist/ Jihadists Group</b>
<p><b>Ansar Dine:</b> Comprises Ifoghas Tuaregs, Berabiche Arabs and some northern ethnic groups who want to implement Sharia law. It is founded in 2012 by Iyad Ag Ghali, a veteran Tuareg rebel, a signatory of the Tamanrasset Accord, who later served as a diplomat in Jeddah, under President Touré. Ag Ghali also negotiates several ransom deals with AQIM raising suspicious about his links with the group. Initially, the group joined the MNLA but quickly switched its allegiance and joined with MUJAO. Despite denying its links, the group functions as a political umbrella for the AQIM in Mali. The U.S. designated it as a foreign terrorist organisation in March 2012 with the UN soon following suit. The group was initially engaged in the ECOWAS sponsored peace process.</p>
<p><b>Al-Qaida in Islamic Maghreb (AQIM).</b> Headed by Abdel Malek Droukdel, the AQIM emerged from the Algeria-based GSPC. Its Members are mostly Algerian and Mauritanian origin. Initial activities included kidnapping western tourists for ransom, drug and arms trafficking and providing health and monetary support to the local people. Many Malian, Senegalese, Nigerian <i>Tuaregs and Arabs</i> joined the AQIM following its association with Ansar al-Dine and formed the ‘Islamic Police’ in the captured territories. The group subscribes to Wahhabi (Salafi) Islam. The UN has called all Malian rebels to cut off all ties with the group and included AQIM in the Al-Qaida sanctions list. (S/RES/2085 (2012)).</p>
<p><b>Movement for Oneness and Jihad in West Africa (MUJAO).</b> A splinter group of AQIM allied with Ansar Dine and rival to MNLA and the government. It supports Sharia law. Members include both local and foreigner fighters from the region. The <i>Tilemsi Arab</i> drug lords from the Gao are alleged to be involved in funding MUJAO. Despite being a dissident group, MUJAO claims to be ‘proud of working with AQIM in Gao to fend-off mutual enemies.’ In June 2014, the US posted \$5 million bounties on MUJAO’s founding leaders (Hamad al-Khairi and Ahmed el-Tilemsi) due to their involvement in numerous kidnappings of foreigners and attacks on Western targets. The UN included MUJAO in the Al-Qaida sanctions list established by resolutions 1267 (1999) and 1989 (2011). MUJAO is regarded as a terrorist group, as such, it is not part of any peace process, and the UN has called all Malian rebel groups to cut off all ties with the group. (S/RES/2085 (2012)).</p>
<p><b>Al-Mourabitoun (The Sentinels) Signed-in-Blood Brigade.</b> A violent jihadist group designated by the U.S. and the U.N (2 June 2012). It seeks to impose sharia law in Mali, Algeria, southwestern Libya, and Niger. The group is the outcome of an August 2013 merger between two AQIM splinter groups: MUJAO and al-Mulathamun Battalion (AMB). The group claimed responsibility for a deadly attack on the Radisson Blue Hotel in Bamako in Nov 2015. Earlier that year, they claimed responsibility for a hotel siege in Sevare, central Mali that claimed the lives of nine civilians and four Malian soldiers.</p>
<b>Pro-Government Armed Groups (The Platform)</b>
<p><b>Ganda Koy</b> A <i>Songhai</i> vigilante group established after the 1990’s Tuareg rebellion by Soumeylou Boubeye Maiga, the then head of the Malian intelligence. The group’s action near Gao in 1994 gave an ethnic and racial component to the Malian crisis. It was ‘seen’ to be dissolved in 1996 during the Timbuktu ‘Flame of Peace’ event. However, the movement resurfaced after 2012, calling the Songhai and Fulani to join the MaAF to counter the Tuareg fighters. In 2014, the group merged with Ganda Izo and joined the ‘Platform’. The group is estimated to have 1,842 fighters.</p>
<p><b>Ganda Izo.</b> A <i>Fulani</i> militia group formed in 2008 to protect the local Fulani populace and counter the Tuareg fighters. Seydou Cissé heads Ganda Izo’s political branch while a Fulani Sergeant Amadou Diallo heads the military branch. After 2012, it expanded to include members from other ethnic groups. The estimated strength is 1,337. It has training camps in Mopti. In 2014, the group joined the Platform for peace negotiation.</p>
<p><b>Arab Movement of Azawad (MAA).</b> The MAA was formed in 2012 by <i>Arabs</i> from the Timbuktu when the MaAF retreated from the region. It is backed by former president Touré and led by Arab Colonel Ould Meydou and was made up of both Arabs and sedentary communities. It aims to protect Arab commercial interests—both legal and illegal—and communities. The MAA helped the AQIM to enter Timbuktu out of preference over the MNLA but later distanced itself</p>

from the jihadists. In 2013 the MAA split into two branches, the MAA-Platform led by Ahmed Ould Sidi Mohamed and the MAA-Coordination led by Ould Sidatti and allied with the MNLA and HCUA

**Imghad Tuareg & Allies Self-Defence Group (GATIA).** A pro-government militia is consisting Imghad Tuaregs primarily, historically at odds with the Tuareg elite castes belonging to the MNLA and HCUA. General El Hadj Ag Gamou leads GATIA. Despite government patronage and laudatory, GATIA cannot be reduced to proxy forces wholly controlled by the Malian state. They joined the Algiers peace talks under the ‘Platform’.

**Anti-Government Armed Groups (The Coordination)**

**National Movement for the Liberation of Azawad (MNLA).** The MNLA is the main nationalist armed group in the north headed by an Ifoghas Tuareg leader, Bilal Ag Acherif. The group was able to drive out the Malian military from the northern cities with the support of the jihadists and declared independence of the Azawad region on 5 April 2012. However, this was rejected by the international community. MNLA’s strength quickly receded as al-Qaeda-linked groups took over many cities. Although MNLA presents itself as a movement speaking for the northern people most of its members are Tuareg. After the UN intervention, many members of the group melted back into the population. MNLA is participating in the Algiers Peace Process under the banner of ‘Coordination’ of Azawad Movements (CMA).

**High Council for the Unity of Azawad, (HCUA).** Several Tuareg notables, headed by Mohamed ag Intallah, the son of the Kel Adagh amenokal, formed the HCUA renouncing their earlier association with the Ansar Dine following the French intervention in 2012. The group is a merger of the Higher Council for Azawad (HCA) and the Islamic Movement of Azawad (MIA). HCUA has joined the peace talks under the ‘Coordination’.

**Azawad People Coalition (CPA).** A 2014 splinter group of MNLA headed by Ibrahim Ag Mohamed Assaleh and participating in the peace talks under the ‘Platform’ of the pro-government militia. A dissident faction of the CPA is also party to the ‘Coordination’ group in the peace talks.

**Nat’l Front for the Liberation of Azawad (FLNA).** The FLNA is an Arab group loosely allied to the MNLA with a similar goal. They prefer self-determination and autonomy, through a referendum and do not support implementing Sharia law. They are estimated to have 847 men.

Source: Author’s compilation.

### Annexe 8C: Salient Aspects of the Inter-Malian Peace Accords

Title of the Accord (Translated from French)	Signatories	Brief Description
Agreement on the cessation of hostilities: The Government of the Republic of Mali and the MPA and the FIAA on the other, 6 January 1991 [Tamanrasset Accord -1991]	Azawad People's Movement (MPA) and Arab Islamic Front of Azawad (FIAA) represented by Iyad Aghali Secy Gen of the Movt. Moreover, Col Ousmane Coulibaly, Chief of Staff of MaAF, Malian Govt.	Contains 13 Articles. Declares end of military operations and any armed action in Gao and Timbuktu (Art 1). Gradual lightening of MaAF presence (Art. 4) and disengage from the management of the civil administration, abolish certain posts, transfer military barrack to another more appropriate site (Art 5). The MPA, FIAA combatants, may join the MaAF under the conditions defined by both parties (Art.8). The accord was not an internal autonomy or a federation or independence.
National Pact between the government of the Republic of Mali and the MFUA dedicating the special status of northern Mali, 11 April 1992 [National Pact 1992]	Unified Azawad Movements and Fronts (MFUA) represented by Zahabi Ould Sidi Mohamed and Colonel Brehima Siré Traor, The Min of Territorial Admin, for Malian Govt	The National Pact has seven Titles. Title I outline the guiding principles and sets the jurisdiction of the instrument applicable for Timbuktu, Gao and Kidal region and recognise them as 'Azawad'. Title II outlines the final arrest of hostilities and the settlement of questions from the armed conflict situation. Title III delineates the special status of northern Mali in details covering inter-regional (Chapter I), regional (Chapter II), and local (Chapter III) level and finally outlining the implementation process of the special status (chapter IV). Title IV deals with consecration, solidarity and the national unity in northern Mali outlining, among others special development program for northern Mali for ten years. Title V outlines sub-regional and international cooperation for the peace and development, Title VI outlines the schedule of implementation of the pact, and the Title VII contains the guarantee for the implementation.
Restoration of peace, security, and development in the region of Kidal, July 4, 2006 [Algiers Accords 2006]	Democratic Alliance for Change (ADC) represented by Ahmad Ag Bibi and Col Kofugouna Kone, Min of Territorial Admin, for the Govt.	Contains almost similar measures to create a regional council, organise a regional forum and joint special security units for the security and development of the Kidal region.
A preliminary agreement for the presidential election and inclusive peace talks in Mali, June 18, 2013 [Ouagadougou Accord -2013]	The MNLA (represented by Bilal Ag Cherif) and the HCUA (by Alghabass Ag Intalla). Moreover, the Government (presented by Col Moussa Sinko Coulibaly).	Contains 25 Articles in three Chapters outlining the process of holding Presidential elections and establishing a framework for inclusive peace talks. Provides for an immediate ceasefire and reaffirms the sovereignty, territorial integrity, national unity and secular nature of the Malian State.
Accord for peace and reconciliation in Mali emanating from the Algiers	The rebels for the first time were grouped under the pro-government	Contains 68 Articles grouped under six Sections defining (i) Principles, Commitments and Foundations of the peace (ii) Politics and & Institutions (iii) Defence & Security (iv) Socio-Economic and Cultural Development (v)

process, May 15, & June 20, 2015 [Algiers Peace Process 2015]	'Platform' and anti-government 'Coordination' groups.	Reconciliation and Justice, (vi) International Guarantees and Support and (vii) Final Provisions.
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1. The 'Coordination' consists of MNLA, MAA, HCUA, CPA (faction) and CMFPR-II. See Annex B for details about the groups.
2. The 'Platform' consist of pro-government militias: CPA, GATIA, MAA (dissident) and CMFPR-I.

**Annex D: CT Instruments Ratified/Accessed by Mali**

<b>United Nations CT Instruments</b>	<b>Date</b>
Convention on Offences Committed on Board Aircraft	31 May 1971
Convention for the Suppression of the Unlawful Seizure of Aircraft	29 Sep 1971
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation	24 Aug 1972
Convention on the Prevention and Punishment of Crimes against Int. Protected Persons	12 Apr 2002
Convention against the Taking of Hostages	08 Feb 1990
Convention on the Physical Protection of Nuclear Material	07 May 2002
Protocol for the Suppression of acts of Violence at Airports Serving Civil Aviation	31 Oct 1990
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	29 Apr 2002
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms	29 Apr 2002
Convention on the Marking of Plastic Explosives for the Purpose of Detection	28 Sep 2000
Convention for the Suppression of Terrorist Bombings	28 Mar 2002
Convention for the Suppression of the Financing of Terrorism	28 Mar 2002
Convention for the Suppression of Acts of Nuclear Terrorism	05 Nov 2009
Amendment to the Convention on the Physical Protection of Nuclear Material	27 Jan 2010
2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	Not Yet Ratified
Protocol to the 2005 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms	Not Yet Ratified
<b>West African Economic and Monetary Union (WAEMU) CT Instruments</b>	
Regulation No. 14/2002/CM on the freezing of funds linked to terrorist activities	19 Sep 2002
Regulation No. 15/2002/CM/UEMOA relating to payment systems in the Member States of the WAEMU	19 Sep 2002
Directive No. 07/2002/CM/UEMOA for establishing an FIU and imposing an obligation on the Member States to adopt a uniform law against money laundering.	19 Sep 2002
<b>Economic Community of West African States (ECOWAS) CT Instruments</b>	
Convention A/P1/7/92 on Mutual Assistance in Criminal Matters, (Dakar)	29 Jul 1992
Extradition Convention A/P.1/8/94 (Abuja)	6 Aug 1994
Moratorium on the illicit trafficking of arms and light weapons (Abuja)	31 Oct 1998
Inter-Governmental Action Group Against Money Laundering in Africa (GIABA) – Extended Mandate to the area of counter-terrorism financing.	12 Nov 1999
Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (Lomé)	10 Dec 1999
<b>African Union (AU) CT Instrument</b>	
Convention on the Prevention and Combating of Terrorism (Algiers)	14 Jul 1999
<b>Organization of the Islamic Conference (OIC) CT Instrument</b>	
Convention on Combating International Terrorism (Ouagadougou)	1 Jul 1999.

Source: Author's compilation from UNCT Website and UNODC (2008)