*Journal of Islamic Law Review, Vol. 15, No. 1, June 2019, pp. 125-128*

# BOOK REVIEW

***Suppression of Piracy Armed Robbery Against Ships and Maritime Terrorism: Global and Regional Perspectives.*** **By Muhamad Hassan Ahmad, Abdul Haseeb Ansari, Ashgar Ali Ali Mohamed & Mohammad Naqib Ishan Jan (IIUM Press, Kuala Lumpur, Malaysia.) 2017.**

When my dear friend Assistant Professor Dr. Muhamad Hassan Ahmad asked me to write this book review, I was reminded of the wisdom of one of my teachers in Los Angeles, so many years ago. He said that no book could be understood without first reading it carefully, and understanding its contents. Thus, that is what I set out to do, in the case of this weighty work. The book's scope was immediately revealed as exhaustive.

I had noticed that debates in the international high councils of the world generally tend to fracture into disagreements over definitions of the crime under discussion. This is why slavery fractures into servitude, modern slavery, chattel slavery, domestication, removal of bodily organs, serfdom, and many more. It explains why, despite carefully defining torture, the United States Bybee Memorandum still managed to redefine torture administratively, so that it would be virtually impossible to prove. It explains as to why Lemkin's efforts to define genocide met with a Convention definition that both allowed the genocide to take place, then allowed investigating and observing officials plenty of time to decide whether or not it even took place. And the authors of the work "Suppression of Piracy Armed Robbery Against Ships and Maritime Terrorism: Global and Regional Perspectives" appear to have worked their way around this seminal problem, by dealing so exhaustively with the subject and its multiple Convention sources.

In my ISI article - titled "Communis Opinio and Jus Cogens: A Critical Review on Pro-Torture Law and Policy Argument" - published in Journal of East Asia and International Law in 2018, I showed that none of these kinds of international law survives a State's lack of will to prosecute. Thus, we have seen the steady erosion of universal jurisdiction over the years since the Eichmann trial arguably exercised it in full, less State actors suffer from prosecuting the actions of their neighbors. This is so especially true of terrorism, after the failed League of Nations Convention of the mid 1930s, and which is why the authors go to so much trouble to define this vexed term.

The common law lacks many definitions, courts preferring to compare facts against named legal descriptions that satisfy rights. Definitions' general context comes from Plato, in his rotational metaphor for generating correct

knowledge. It began with naming the object, then defining it, followed by its accurate description, and then, with appropriate reflection, sufficient insight to constitute knowledge. Thus, the context of definition is name and description. The four points in the rotation follow the one after the other, meaning an irreversible process, weakened by beginning with description then followed with definition. It meant that the definition's probity depended on being a logical consequence of the name. Thus, with Piracy, we have a basic name whose meaning is opaque to the reader, and nowhere do we see any exhaustive analysis of this word. That leaves us with diffuse definitions of piracy, present in various forms in different instruments. The authors of "Suppression of Piracy Armed Robbery Against Ships and Maritime Terrorism: Global and Regional Perspectives" have carefully explained this phenomenon to the intrepid reader.

Bentham stated that definition per genus et differentiam was the logically strongest kind of definition, placing the defined object in its correct class. He added that logicians could identify no genus for such legal fictions as rights, obligations or powers, which would be why genocide could not be defined strongly from rights. Bentham observed that lawyers could invent a class of fictitious entities, and then simply associate this class with a right, or other fiction, a right not being a species of any genus, but itself having many species each explained by its conferred benefits. Have the authors told us that this is what has happened with piracy?

Thus, in my writings on genocide, I noted that by "genocide", Lemkin had meant the "destruction of a nation or of an ethnic group", not necessarily immediately, unless total. He synthesised this hybrid name "genocide" from the broadly described Greek (genos) and the Latin (cide). But, because of its very name, this kind of analysis seems either impossible or unimaginable in the case of the term "piracy".

I commend "Suppression of Piracy Armed Robbery Against Ships and Maritime Terrorism: Global and Regional Perspectives" to the scholarly world, and urge it be accepted as a major work in the field of analysis of the field of piracy.

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***International Refugee Law: Practice and Procedure*By Mohammad Naqib Ishan Jan, Ashgar Ali Ali Mohamed & Muhamad Hassan Ahmad IIUM Press, Kuala Lumpur, Malaysia. 2017.**

The book entitled "International Refugee Law: Practice and Procedure" is a very concise and well-written 200-page work. The book is blessed with a foreword by His Excellency Tan Sri Dato' Seri Dr. Syed Hamid bin Syed Jaafar Albar, former Malaysian Minister of Justice, Minister of Defence, Minister of Foreign Affairs and Minister of Home Affairs, who added his undoubted experience and insight as an attestation to the book's enduring quality. I acknowledge that I am well disposed towards this with the subject matter of the work, to some extent due to the participating authorship of my friend Assistant Professor Dr. Muhamad Hassan Ahmad.

The book is divided into eight substantive chapters, with an exceptionally worthwhile Chapter II discussing all relevant key terms. Arguably, the most important part for practitioners is the sequence of pages from pages 48 to 51. This sequence treats the central formula of "well founded fear of persecution" in depth. Chapter VI is a valuable piece of scholarship on the Islamic perspective of how to recognise and protect refugees. I know that it has the propensity to inform those high officials of Islam, in Malaysia, who might decide to gazette certain Islamic Laws. This is followed up in Chapter VII with a valuable review on how the Muslim national jurisdictions of Turkey, Pakistan and Jordan have determined to operate their own systems for treatment of refugees. Chapter VIII is a necessary coverage of Malaysian practice on the topic.

The authors have provided an excellent index, and the publisher, IIUM Press, has produced an attractive cover with some golden leaves, a highly readable font, for those who have to read all day, and as well, they have arranged an attractive page format.

The authors have presented, in Chapter IV, all the relevant fundamental principles of international refugee law. They have kept this chapter very clinical, as indeed they should, because this is where all the problems are, in determining and trying to apply international rules in complex and chaotic situations.

In my 2017 lecture to military members of the Indian National Security Council, in Pune, India, I dwelled at length on the prevailing view that international law was a rules-based international system of regulation. A Professorial colleague in attendance, from the United States Naval War College in Newport, Rhode Island, was adamant that international law was a rules-based order, and that these rules thus applied, just like municipal law, in the South China Sea. We had quite a debate on this, as I presented two hours of argument on how China saw international law in a very different way to those countries following the European principles of international law. It certainly is

not a rules-based order, according to my argument, which is now published in the Asia-Pacific International Journal of Law and Policy.

In centuries past, the world has seen a PAX Romana, and a PAX Sinitica, and later, a PAX Britannica. Today, we see a PAX Americana, somewhat in decline. All these international systems of keeping the peace, similar in many ways to the English common law's formula of 'in pacem regit' appended to tort pleadings, in the early middle ages, ran according to a kind of mass armed neutrality, and did not overlap into areas outside their jurisdiction. Just as in the case of the king's peace (pacem regit), they fell apart when the king died and had to be restored by the next monarch. For example, while Rome developed principles of law, later to enter the international domain, China already had its very own well-developed system, based on an international right to be the sole articulator of its symbols of sovereignty. That situation pertains to this day, and so, China does not follow principles of international law derived from the ancient Roman Imperial Law. Neither do they follow foreign case law. They prefer only international agreements that conform to their "just and equitable" formula, developed in conjunction with the Federation of Russia.

Further, governments of all colour, whenever convenient to them, often ignore the international law. As a matter of practice, this is quite normal in the international arena. Thus, non-refoulement, non-extradition, non-expulsion, non-discrimination and non-penalisation, as covered so well, and so clinically, by the authors in Chapter IV, are routinely ignored and even violated where convenient. As I wrote in my seminal work on jus cogens erga omnes, now published at both the ISI and SCOPUS levels of indexation, and sitting in print form in the Yale and Harvard Law Libraries, the very concept of jus cogens erga omnes has been developed by the international law scholars - not by the courts, not by international agreements, and not by judges in international tribunals. While jus cogens works well as an operative principle in the municipal law of nearly all countries, it has translated very badly into practice in the international law.

With these annotations, and novellae, in mind, I commend to all the new publication entitled "International Refugee Law: Practice and Procedure", so expertly written by Mohammad Naqib Ishan Jan, Ashgar Ali Ali Mohamed & Muhamad Hassan Ahmad, and beautifully published by IIUM Press in Kuala Lumpur, Malaysia.

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