ALMS OR ARMS?: COMMUNICATION OF COUNTER-TERRORISM FINANCING LAWS AND THE CONSEQUENCES FOR AUSTRALIAN MUSLIM ORGANIZATIONS

A THESIS

SUBMITTED TO THE

STANFORD PROGRAM IN INTERNATIONAL LEGAL STUDIES

AT THE STANFORD LAW SCHOOL, STANFORD UNIVERSITY

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS

FOR THE DEGREE OF

MASTER OF THE SCIENCE OF LAW

Advised under the faculty supervision of Professor Joshua Cohen

By

Agnes Hoi-Shan Chong

May 2010
Abstract

The aftermath of 9/11 saw the introduction of voluminous, complex and broadly-defined counter-terrorism laws at an unusually rapid rate, including laws prohibiting financing of terrorism. The complexity, ambiguity, and high penalties of these laws placed a huge burden on the communities affected by them. This thesis examines government communication of counter-terrorism financing laws to Australian Muslim community organizations. This research is the first empirical study on Australian Muslim community organizations and their perceptions of counter-terrorism laws, and contributes a substantial case-study to the sparse literature on the communication of law.

I examine three aspects of communication of law – the first is the transmission and reception of the counter-terrorism financing laws by the government and Muslim organizations respectively; the second is organizations’ perceptions of these laws; and the final aspect of communication studied is the way in which Muslim organizations have translated these laws into practice and the implications that follow.

Based on in-depth interviews and a review of public submissions made by Muslim organizations to Parliamentary and other inquiries into counter-terrorism laws, my research indicates that the government’s ineffective communication of counter-terrorism financing laws led to distorted perceptions of the legislation among Australian Muslim organizations. These distortions manifested in the behavior of both the organizations and their donors. Most notably donors and organizations exhibited: overly-cautious behavior, which resulted in the inefficient distribution of resource; and a reluctance to support sensitive or controversial causes that they would have otherwise supported. Distorted perceptions of counter-terrorism financing laws has also led to diminished trust, making it more difficult for
organizations and donors to work together and adding friction to the complex web of relationships between organizations as well as between organizations and their donor communities.