

Islamic Cosmopolitanism in the Contemporary World: With Special Reference to the Contributions of Mohammad Hashim Kamali

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Introduction

The aim of this article is to examine the Islamic thought of Professor Mohammad Hashim Kamali, an international scholar of high caliber, originally from Afghanistan, and to demonstrate his contributions to what I call Islamic Cosmopolitanism. I will focus especially on his ideas of Wasatiyyah, Tajdīd and Ummah.

Professor Kamali is considered as one of the Afghan diaspora intellectuals who has acquired an international influence through his academic and educational careers in Malaysia and elsewhere. He has been the founding CEO of the International Institute of Advanced Islamic Studies (IAIS) in Malaysia since 2008.

Nowadays the Islamic world and Muslims face many problems, such as an economically inferior position within the global capitalist system, which many Muslim intellectuals criticize as non- or anti-Islamic, the terror / anti-terror dichotomy which has dominated international relations since 9/11, and the internal frictions within the Islamic world, to cite just a few. Prof. Kamali promoted the concept of Ummah as a potential solution to these problems, emphasizing Islamic renewal and revival (tajdid). He explained that Tajdid is necessary to solve Muslims' present problems. His concept of Wasatiyyah is closely related to the idea of justice. He also emphasizes that his concept of Wasatiyyah promotes coexistence not only among Christians, Jews and Muslims, but also includes Hindus, Confucians and Buddhists.

His ideas and theories have earned him an international reputation as an able, moderate Islamic legal scholar, both inside and outside the Islamic world. It is my contention that his achievements have been made possible not only by his gifted characteristics but also by his being a Muslim diaspora intellectual, resulting in what I call 'Islamic Cosmopolitanism'.

1. Mohammad Hashim Kamali, the Intellectual

1-1. Who is Mohammad Kamali?

Mohammad Hashim Kamali is considered an expert and a prolific writer on Islamic Law, and his publications have been quoted by many scholars. For example, *Principles of Islamic Jurisprudence* [Kamali 1989] is an excellent exposition of Islamic Jurisprudence, which made this difficult subject accessible in English to those who wish to learn the logic and system of the interpretation of Islamic law. It has been reprinted many times.

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Let us view Hashim Kamali's life in brief.¹ He was born in Nangarhār province in eastern Afghanistan in 1944. The region is mainly inhabited by Pashtun tribes. It is a home to the major transportation route through the famous Khyber Pass on the border with Pakistan. When wars occurred in Afghanistan, many people fled across the Khyber Pass into neighboring Pakistan as refugees. In addition, this area is known to be prone to conflict. On the other hand, according to UNHCR [2015b], in the past year (2015–2016), Nangarhār province was apparently selected as a return location for many Afghans, who had escaped the warfare earlier, as the domestic stability has been improved.

Hashim Kamali lived in Afghanistan until 1968, obtaining his Bachelor's degree of Arts in Law and Political Science at Kabul University. After graduating, he served as a public prosecutor in the Afghanistan Ministry of Justice for two years before leaving the country to receive higher education in Britain. He then completed his LLM in Comparative Law, and a Ph.D. in Islamic and Middle Eastern Law at the University of London (1969–1976). Meanwhile in Afghanistan, Gulbuddīn Hekmatyār formed the Islamic Party of Afghanistan and an anti-government movement was developed as part of an Islamic revival [Maeda and Yamane 2002: 142]. Three years later, facing a strong Islamic opposition to communism, Soviet troops invaded Afghanistan in 1979 in support of the communist dominated Kabul government.

After graduating from London University he was employed in the UK in a team of broadcasting support staff by the BBC from 1976 and 1979. By the end of this period, the Soviet invasion of Afghanistan had ignited fierce resistance, and a civil war had erupted. It made Dr. Kamali's return to his homeland extremely difficult, and thus, his journey and life as a member of the Afghanistan diaspora began.

His knowledge and capabilities earned him a teaching position in Canada. He taught at McGill University in Montreal as an assistant professor at the Institute of Islamic Studies from 1979 to 1984, publishing his book, 'Law in Afghanistan', in 1985, based on his expertise in both Islamic and modern law. He then moved to Malaysia, where he had a long academic career from 1985 to 2007, especially with the International Islamic University of Malaysia (IIUM). In the year when his hometown was occupied by the newly formed forces of the Taliban in 1996, he was promoted to the post of professor in IIUM. From 2004 to 2006, he served as Professor and Dean of the International Institute of Islamic Thought and Civilization (ISTAC) at IIUM.

In 1991, he served as a visiting professor at Capital University, Ohio. Later, he served as a visiting professor at the Institute for Advanced Study in Berlin from 2000 to 2001. In 2004, he gave lectures at the International Peace College South Africa (IPSA).

¹ Descriptions of his life are based on the official web site of IAIS and the author's personal interviews with him from 2014 to 2017.

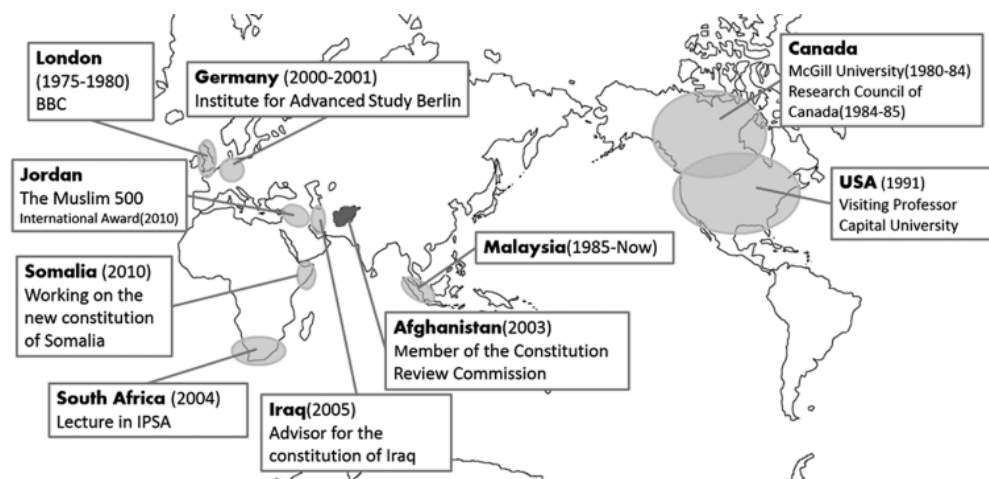
He was involved not only in the fields of education and research, but also in drafting new constitutions for Somalia, Iraq, the Maldives and Afghanistan. He also served as Chairman of the Constitutional Review Commission of Afghanistan in 2003.

In the field of Islamic economics, he was appointed Chairman of the Commerce International Merchant Bank (CIMB) Shariah Committee in 2007. From 2008 to the present, he has been serving as a non-executive director at CIMB Islamic Bank Bhd.

In 2007, when Tun Abdullah Badawi was the prime minister of Malaysia, as part of the initiatives to promote Islam Hadhari, that is, a Civilizational Approach to Islam, Dr. Kamali founded the International Institute of Advanced Islamic Studies in Kuala Lumpur, and has been its CEO to this day.

His contributions have been recognized in various forms. For one, he was awarded the King Abdullah II bin Hussein International Award in 2010 for his contributions to Islam and Muslims. He was also counted among the “Muslim 500: the World Most Influential Muslims.”²

I will describe what I consider as the major contributions made by Prof. Mohammad Hashim Kamali based on his global career and experiences.



Map1: Transboundary Work of Hashim Kamali

(Main Sources: Hashim Kamali.com. <<http://www.hashimkamali.com/>> and Marifa AcademyHP <http://marifaacademy.com/en/explore/inner_speaker/2>)

1-2. From Diaspora to Islamic Cosmopolitanism

The unfavorable conditions in Afghanistan forced Dr. Kamali to live as a diaspora intellectual. On the other hand, his specialization in Islamic law, which is by definition transboundary, also contributed greatly to making him an internationally active diaspora intellectual. Islamic law

2 <http://themuslim500.com/profile/prof-mohammad-hashim-kamali>

is based on Islam's sacred texts and their interpretation by legal scholars, Dr. Kamali being one of them. Since it is not a nationally bound statute law, its contents are not fundamentally different from one Islamic country to another. According to Prof. Yasushi Kosugi, "since the Islamic Law is applicable to a Muslim wherever he/she is, it results in the global nature of the Law" [Kosugi 2012: 459]. In other words, no matter where he/she is, as long as he/she is a Muslim, Islamic law applies. Islamic law goes beyond individual nation-states.

However, while Islamic law is transboundary, there are different schools of law, and each school has particular geographical areas of following due to historical reasons. There are actually four major schools of law,³ the largest being the Hanafi school (45%) and the second largest being the Shafi'i school (28%) [Schleifer et al. 2018: 16]. Since Dr. Kamali comes from Afghanistan, a country under the Hanafi school of law, and he works in Malaysia, a country under the Shafi'i school, his expertise on the Islamic legal system is quite comprehensive.

Dr. Kamali's inclination toward Islamic Cosmopolitanism apparently stems from his dedication to the study of Islamic law. He has published more than 20 books and over 120 academic articles, mostly in English. They have also been translated into Indonesian, Malay, Persian, Dari, Pashto, Arabic, and Turkish. Through English publications and their translations, his works have been widely distributed all over the world.

His work on Islamic Jurisprudence [Kamali 1989] has been referred to above. He has energetically written on Islamic law in modern society, or Islam and modernity, often arguing for new innovative interpretations. Such works include *Maqasid al-Shari'ah Made Simple* [Kamali 2008a], *The Right to Life, Security, Privacy and Ownership in Islam* [Kamali 2008a], *Citizenship and Accountability of Government: An Islamic Perspective* [Kamali 2011a], and *The Right to Education, Work and Welfare in Islam* [Kamali 2011b].

More recently, Dr. Kamali has written on new issues such as the Halal industry [Kamali 2013] and Wasatiyyah and moderation [Kamali 2015]. The latter are more directly related to Islamic cosmopolitanism.⁴

2. Understanding the Afghanistan Contexts

2-1. Outward Flow of Afghanistan Peoples

Significant numbers of Afghanistan people have become diaspora, due to chronic warfare in their home country. Since the 1970's, there has been a series of long term ongoing wars in Afghanistan. It has created two major waves of people flowing out of Afghanistan during the last four decades, as seen in Figure 1.

³ This statement includes only the Sunnis, the great majority of Muslims. They constitute 90 % of the Muslims, while there are a few more schools of law among the rest of the Muslim populations.

⁴ The author is currently studying the global expansion of the halal industry as a practical manifestation of Islamic cosmopolitanism.

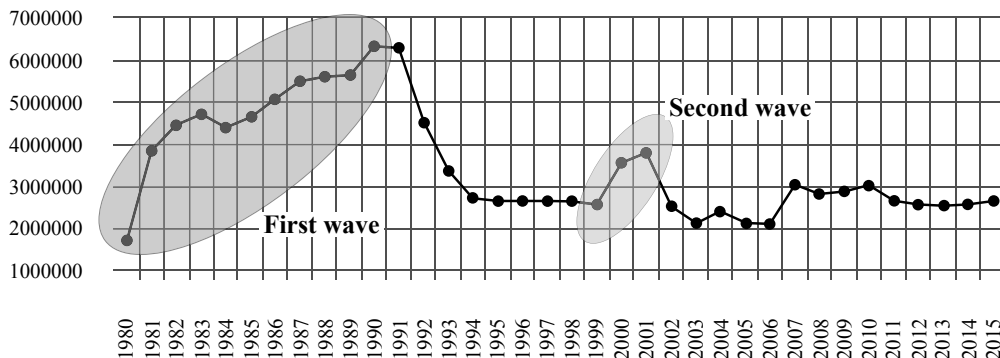


Figure 1: Overview of Afghan Refugee Phases 1980–2015

(Source: UNHCR Historical Refugee Date website < <https://data.unhcr.org/dataviz/#> >)

The first wave was due to civil wars after the invasion of the Soviet troops; the number of refugees peaked in 1989 [Schmeidl 2014: 5]. As of the end of 1990, about 6 million people who had been forced to flee their homes in Afghanistan were living in exile.⁵ Some of them reached Europe and America in the early 1980's [Maeda and Yamane 2002: 160] while many fled to Pakistan and Iran,⁶ immediate neighbors. There was no drastic change from 1994 to 1999 while the Taliban held control, since civil security was largely restored by the Taliban, though their harsh rule was strongly criticized by the Western countries. The second wave was caused by warfare after the 2001/9/11 incidents.

According to Schmeidl [2014], there were two conspicuous waves of peoples' flowing out of the country caused by the major events in each era. Schmeidl discerned six distinctive phases for the Afghanistan refugee problem:

1. 1978–1989: The first phase started when a communist take-over occurred in 1978, followed by the Soviet invasion.
2. 1989–1995: The second phase started when the withdrawal of Soviet troops was agreed in 1989.
3. 1995–2000: The third phase was when the Taliban entered the conflict, and dominated the political scene of Afghanistan.
4. 2001–2002: The fourth phase was the 9/11 incident, and its immediate aftermath.
5. 2002–2006: The fifth phase started when a new government was established, backed by an international coalition of forces, mainly drawn from the Western countries.
6. 2007–2014: The sixth phase was characterized by the return of the Taliban as an opposition with the “Government increasingly losing legitimacy, a resurgence of insurgency, and violence on the rise.” [Schmeidl 2014: 5]

5 UNHCR Historical Refugee Date website < <https://data.unhcr.org/dataviz/#> >

6 UNHCR Historical Refugee Date website < <https://data.unhcr.org/dataviz/#> >

2-2. Destinations and Group Formation of Diaspora Peoples

As shown in Map 2, Afghans had two choices when they fled from their home country. Firstly, they headed to Islamic countries, such as Pakistan, Iran, the UAE or Malaysia. Secondly, they chose non-Islamic countries, especially, in Western Europe or North America.



Map2: Flight from Home Country, Afghanistan

(Sources: Mainly (Sakaguchi 2016), (UNHCR 2015a; 2015b) and IOM website < <https://www.iom.int/world-migration> >)

Afghans fleeing from their home country show three patterns. First, those who flowed out in the early 1980's migrated mainly to the EU and America. Many of them were royalists, cabinet ministers, affluent people and intellectuals. Some of them later formed the so-called "Roma Group". Among those who were settled in the United Kingdom, there were three main groups in London: The Islamists, the communists and the royalists. However, Reza [2009] reported that each group was not uniform and they could be subdivided into many smaller groups.

The second pattern was the case of those who fled out with the invasion of Soviet troops. They migrated to neighboring Iran and Pakistan, and tended to settle in these two countries. Some of them were assured of a steady income by engaging in the Persian carpet business, currency exchange, Afghan restaurants, and the like.

The third pattern was found among those who flowed out from the civil war after 1989. People at that time lived by receiving public aid in Refugee camps or by NGO groups [Maeda and Yamane 2002: 160–161].

In the case of Malaysia, many Afghans flew out from Afghanistan via Australia. This was partly because of the existence of historical Afghanistan communities in Australia. In the southern part of Australia, there are many Afghanistan communities, which go back to the 19th century. Actually, the first mosque in Australia was built by the Afghans employed

as cameleers. In the 19th century, there was a race to map the continent, locate natural resources or find new places in Australia, but traditional horses and wagons was unsuitable in the arid lands of Australia. Hence they imported camels, and Afghanistan peoples migrated to Australia to take care of the camels from 1860 to 1900. They were called “Afghan” or “Ghan”. Camels were brought not only by Afghans but also by people from Baluchistan, Kashmir, Sind, Rajasthan, and Punjab as well as from Egypt, Persia, and Turkey. These people spoke many languages, but they had one common bond which was Islam.⁷

The Afghan diaspora community in Malaysia shares the same Islamic denomination, but they also have different compositions of language, ethnicity and culture. I found two tendencies among them, first, assimilation with Malaysian culture, and second, building their distinctive cultural identity under the common bond of Islam. A further survey is necessary to find out how an Islamic commonality connects various Muslim diaspora communities in their host countries.

3. Hashim Kamali’s Contemporary Thought

3-1. What is Islamic Cosmopolitanism?

Some readers may find the term ‘Islamic Cosmopolitanism’ paradoxical, since “Cosmopolitanism” usually refers to a world of citizens free from traditional ties, including those of religion. However, a secular connotation of Cosmopolitanism may stem from its western historicity, whereas in the Islamic world, cosmopolitan attitudes may not be separated from the Islamic tradition based on its long civilizational history, where religious harmony was a norm rather than an exception.

Then, our readers may ask: “Why not just cite Islam, on the assumption that Islam is cosmopolitan and universal?” However, Islam as advocated by Muslim intellectuals today is not ahistorical, and intellectuals’ causes and discourses are bound with their times. It ought to be so if each intellectual is sincere and serious in responding to the needs of their societies.

Dr. Kamali presents a truly global position on Islam, matching the realities of the globalized age in which we live, rather than nationally defined positions, which might have been demanded by Muslim societies in previous decades. His vision of Islam is to promote a just balance among the communities within the Islamic Ummah, as well as a just balance between the Islamic and non-Islamic countries.

In the post-secular era, after religious revivals in various parts of the world spread, especially in Islamic countries, since the 1960’s, a new form of cosmopolitanism seems necessary, so that universal values beyond national borders can also accommodate religious values. In order to understand Dr. Kamali’s works, ideas, thoughts, and wide-ranging

⁷ See Australian Government’s web site: “Afghan Cameleers in Australia” <<http://www.australia.gov.au/about-australia/australian-story/afghan-cameleers>>

visions in this rapidly changing global world, I employed the framework of “Islamic Cosmopolitanism”. It is based on the universal civilizational character of Islam, as presented by Dr. Kamali, embodied in the essential terms of Wasatiyyah, Tajdid and Islamic Ummah.

3-2. Wasatiyyah

Dr. Kamali started to introduce his Wasatiyyah theory in his lecture at International Peace College South Africa (IPSA) in 2004. His theory has three important points. First, while it is based on the Qur’anic concept of *wasat* (middle way, moderation), it is developed in a unique way to fit the realities of the global age; Second, in his theory Wasatiyyah needs to be implemented for the sake of justice (‘adl). The concept of justice cannot be separated from the concept of moderation; Third, Dr. Kamali’s Wasatiyyah theory is not confined to any period or bound by any particular episode. Certainly, the aftermath of 9/11 in 2001 brought a state of tension and what is known as Islamophobia, and calls for moderation may seem to be a response to such events. However, this is not the case with his Wasatiyyah theory, which addresses a broader spectrum of human problems.

On the other hand, there is a new trend in Malaysian politics, calling for Wasatiyyah. Malaysia Wasatiyyah theory marked its beginning in the September 2010 speech in the United Nations by the prime minister of Malaysia, Mohammad Najib bin Tun Haji Abdul Razak. Accordingly, the Malaysian version of Wasatiyyah was institutionalized in Malaysia, as the Global Movement of Moderates Foundation was established in 2010, and Institut Wasatiyyah Malaysia (Wasatiyyah Institute of Malaysia) in 2012. These two institutions represent the international and domestic dimensions of the Malaysian version of Wasatiyyah.

To explain why it needs an international dimension, that is to say a face toward non-Islamic countries, Dr. Nasharudin Mat Isa, the CEO of the Global Movement of Moderates Foundation, stated that Muslims are facing numerous challenges, and political or economic plans will not be enough to address Wasatiyyah.⁸

One might have the wrong impression that Dr. Kamali’s Wasatiyyah theory is related to the Malaysian policy to promote moderation, both domestically and internationally. The truth is that Dr. Kamali, with his diverse background and international experiences, discusses Wasatiyyah in the global context from a multi-layered perspective not limited to one nation or one continent.

3-3. Tajdid and Ummah

The second and third elements of Islamic Cosmopolitanism are Tajdid and Ummah thought. Since these two are intrinsically connected, we will discuss them together.

Geographically Afghanistan is situated in the middle of the Islamic world. Its importance

⁸ See GMMF web site: <<http://www.gmomf.org/about-us/introduction-on-gmmf/>> last access July 2017.

in relation to the Islamic Ummah, however, in recent history, is firmly connected with grave international events, such as the Soviet invasion of Afghanistan and Islamic resistance against it (1979–1989) and the 9/11 incident and its aftermath [Beeson and Bisley 2013: 124; Helmus 2011: 122]. According to Dr. Kamali, “[T]he greater the scope and severity of the crisis, the greater tends to be the need for a sense of individual identity, and an emphasis on Islam” [Kamali 1985: 54]. Given such backgrounds, the crises of the Islamic Ummah in the contemporary contexts could be understood as follows.

There are two sides to the Ummah crises, internal and external. For the internal crises, Dr. Kamali says, “[A]s we watch the fighters of the so-called Islamic State group ISIS rampaging through the Middle East, tearing apart states and cities, and massacring innocent civilians, it may be difficult to believe we are living in the twenty-first century” [Kamali 2015: 41]. Such a crisis shows the growing disintegration among the Muslims at present. Under this condition, Dr. Kamali says, “It will be difficult to realize equilibrium and balance in a climate of tension, heightened Islamophobia, and mainstream media bias against Islam. When turbulent politics, extremism, and violence overwhelm the social climate, *tajdīd* is likely to decline” [Kamali 2015: 233]. Thus, the internal crises are directly interrelated with the external, and the prospective solutions demand serious and tireless efforts to bring *tajdid*.

To find a way out of these crises, Dr. Kamali emphasizes the necessary of *tajdid*, or renewal. According to him, there are four main types of *tajdid*. First, a *tajdid* to deal with new issues through *Ijtihād* (independent reasoning or judgment). Second, to give a rise to the Islamization of knowledge and an epistemological reform movement. Third, “[A]dvocacy of open *ijtihād* that reads scripture and rationality side by side” [Kamali 2015: 231]. Fourth, “*Tajdīd*-cum-globalization, which proposes a broader understanding of *tajdīd* that is not tied to any particular methodology or framework but seeks to address the challenges of modernity in their own context and the nature of the challenge” [Kamali 2015: 231].

In order to overcome the crises of the Ummah, these four types of *tajdid* must be employed to address different dimensions of these crises, so that Muslims can reach solutions not only for the internal problems within the Ummah but also the crises related to the relationship between Muslims and non-Muslims.

3-5. Hashim Kamali’s Contributions to His Home Country

I have been concentrating more on Dr. Kamali’s cosmopolitan aspects. However, this doesn’t mean that he lives only a life of diaspora, forgetting his home country, Afghanistan. When the reconstruction of the country started in the post 9/11 era, he served as the Constitution Commissioner in Afghanistan, as a member of the Constitution Review Commission of Afghanistan, a member of its Executive Board and a Senior Fellow of Afghanistan Academy of Sciences in 2003. He published a report on Afghanistan’s constitution [Kamali 2014], and

was invited as a speaker at an international conference in Kabul to discuss Wasatiyyah.

Recently, the influence of Dr. Kamali was felt when the Wasat Center was established in 2016 with the main purpose of “Working Toward a National Strategic Framework for Countering Violent Extremism in Afghanistan”.⁹ He is mentioned as the main scholar on the Wasat center website. It is obvious that Dr. Kamali’s Islamic thought has gradually influenced Afghanistan.

Conclusion

This article has described the contributions of Prof. Mohammad Hashim Kamali to contemporary Islamic thought, and named it “Islamic Cosmopolitanism.” It has introduced some of his important ideas, namely, Wasatiyyah, Tajdid and Ummah. In the present author’s evaluation, these three points are essential for Islamic Cosmopolitanism. While the term Wasatiyyah has been employed to address the policy orientation of Prime Minister Najib of Malaysia, Dr. Kamali’s own concept of Wasatiyyah is uniquely cosmopolitan, not nationally oriented.

After the review of the Afghanistan refugees / diaspora, and situating Dr. Kamali in these contexts, it is easy to discern the backgrounds against which his cosmopolitan characteristics were fostered as a diaspora Muslim intellectual. While he has served and contributed to the reconstruction of Afghanistan after 2001, he is committed to acting globally and transboundarily. His Wasatiyyah advocates moderation and rapprochement between Muslims and non-Muslims, or between various religions.

In order to realize what he calls for, he also emphasizes the importance of Tajdid and Ummah. His approaches clearly show an eminence, and can contribute greatly toward a better world based on Islamic cosmopolitanism.

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