

## Chapter 2

# International Counter-Terrorism Lessons: A Victorian Case Study

### Introduction

It is stating the obvious to point out that policing is as fundamental to preventing and limiting the threat of terrorism as it is with regard to other forms of violence. Following from this it is similarly clear that when communities feel insecure police have historically been given greater powers. However, the lessons from history indicate a need for caution: if it is poorly calibrated to existing social realities policing can inadvertently add to a climate of fear and exaggerate the level of threat by exacerbating tensions and adding to the insecurity of targeted groups. Against this background, in the current climate there is a general concern that insufficiently thought out increases in police powers are contributing to an increase in the threat of terrorist violence around the world. For example, a recent report by the Commonwealth Human Rights Initiative entitled ‘Stamping Out Rights: The impact of anti-terrorism laws on policing’ considers the response of a range of commonwealth countries and concludes that: ‘where counter-terrorism policing should be ensuring security of person and state, it often undermines the very institutions it is designed to serve, further spreading public fear and in some countries directly threatening the life and liberty of people it is supposed to protect’ (Commonwealth Human Rights Initiative Report 2007). This chapter considers the ways in which the conventional approaches to counter-terrorism policing can detract from security by fuelling threats.

The state of Victoria, where the study took place that informs much of the research of the subsequent chapters in this book, is the second-largest state of Australia in terms of population size and economic wealth. Like the rest of the country, even by Western standards Victoria is a relatively crime-free and harmonious society, which in light of its rich multicultural character renders it something of an anomaly in much of the post-9/11 world. Victoria Police serves a population of more than 5 million, or approximately one quarter of Australia’s population of approximately 20 million. Most Victorians live in the state’s capital city, Melbourne, which, behind Sydney, is the second-largest city in Australia, with a population of 3.3 million. More than 1 million of Victoria’s current population was born overseas. Victoria is recognised as a leader in multiculturalism (Victoria State Govt 2005:14). Victoria Police has a budget of AUS\$1.4 billion and employs 13,600 people.

The research on counter-terrorism policing and culturally diverse communities can serve as a model for other police forces attempting to navigate the challenges and opportunities arising from the intensified focus on counter-terrorism and national security.

As an island continent located at the southern edge of the world, far from global hot spots, Australia has long managed to avoid many of the internecine rivalries that have bedeviled many other parts of the world. With the obvious exception of its indigenous population, along with New Zealand to its south-east and Canada and the United States in the northern hemisphere, Australia constitutes a part of the ‘new world’—settler societies that have overcome many of the exclusionist prejudices of ‘old world’ Europe. This is not to say that Australia and other ‘new world’ societies have not suffered from racism or other forms of exclusion, but compared to other Western societies they have been remarkably successful in avoiding many of the security challenges that are ubiquitous in many other countries. Nor is this to suggest that Australia has been completely immune from acts of politically motivated violence. In contemporary times the most notable amongst these was a bombing outside the Hilton hotel in Sydney in 1978. At that time the hotel was hosting a number of Commonwealth Heads of State who were in Australia for a Commonwealth Heads of Government Meeting. Placed in a rubbish bin outside the hotel, the bomb killed two garbage collectors and a police officer and was Australia’s ‘baptism into terrorism’ (McCulloch 2001:53-54). However, Australia’s first major experience of mass casualty terrorism was the attack against two night clubs in Bali on the evening of 12 October 2002 by the al-Qaeda-linked Jemaah Islamiyah. The attacks killed over 200 people, including 88 Australians compared to the three Australians who died in the attacks of 9/11. This event brought the risk of terrorism and its consequences into sharper focus in Australia and formed the backdrop to its initial anti-terrorism laws. Australia’s involvement in the 2003 United States-led invasion of Iraq has added to fears that Australia could be the target of international terrorists.

## **Victoria Police: Towards a New Approach**

The research that forms the focus of this book was born out of a concern to ensure that counter-terrorism policing avoids the problems of unintended consequences and acts as a positive force for security. The research considers the contemporary counter-terrorism environment in which Victoria Police operates and seeks to develop a model of counter-terrorism policing that promotes security, enhances rights and promotes social cohesion. Victoria Police is at the forefront of developing policies, frameworks and approaches to policing through active engagement with academics. The research on counter-terrorism policing set out in this book is part of a raft of research projects supported by Victoria Police spanning a range of policing issues. This commitment to policing research is unique in the history of Australian policing and significant internationally. Victoria Police has committed

itself to partnerships with university researchers to develop a program of 'evidence informed continual improvement and reform' (Nixon 2007).

The positive and proactive engagement with university researchers and academic scholarship has been a result of the leadership of Victoria's Chief Commissioner, Christine Nixon. Appointed in 2001 the Chief Commissioner came to the position as a longstanding advocate of community policing and social justice, along with a postgraduate degree from Harvard University. The Chief Commissioner's approach to policing has seen Victoria Police emerge as a leader nationally, and increasingly internationally, in terms of policing reform and innovation.

Although Australia has not traditionally evinced the types of marginalisation that have contributed to terrorist violence in other parts of the world, the perception that poorly designed and enacted counter-terrorism policing could inadvertently contribute to the development of such an environment inspired Victoria Police to establish a scholarly partnership with Monash University. That partnership was designed to develop new approaches to counter-terrorism policing through investigating the impact of counter-terrorism policy on Victoria Police as an institution, on individual police officers, on a wide variety of community groups and on individual members of Victoria's diverse multicultural community. The research also considered the impact of new counter-terrorism legislation; these new laws have changed the legal environment significantly, in many cases providing law enforcement with novel new powers. An understanding of how these powers have been operationalised by the police, and how the laws and the operation of the laws are perceived by police and different communities, is an essential ingredient in understanding how effective these laws are likely to be in meeting their aim of preventing terrorism. Research from the United Kingdom (House of Commons 2005), for example, shows that resentment over strengthened counter-terrorism measures among certain communities can lead to deterioration in police-community relations, impinging on the willingness of those communities to cooperate with police and security agencies. Indeed, it has been a desire to avoid the kinds of tensions that impede the effective development of police-community relations in other parts of the Western world that has been a driving force in efforts by Victoria Police to develop a proactive approach to counter-terrorism policing. To this end, the events in London on 7 July 2005 had a profound impact on the psyche of law enforcement officers across Australia, perhaps even more so than the attacks of 9/11.

For Australians, the events of 9/11 contained an element of hyper-reality. The almost cinematic nature of the 9/11 strikes coupled with their dazzling audacity and murderous intent left many Australians numbed. To be sure, Prime Minister Howard, who was in Washington on the day of the attacks, rallied Australia quickly and for the first time in its 50-year history the strategic partnership that links Australia to the United States, the ANZUS Agreement, was invoked. Australia was one of the first countries to offer unequivocal support for US plans for an attack on Taliban controlled Afghanistan, and it was one of the few countries to support the US in its invasion of Iraq. Indeed, at the time of writing in late 2007 Australia still has a troop presence in both Afghanistan and Iraq.

However, the London attacks were different. Not only were they less spectacular and therefore more likely to strike a chord with the average Australian—who is more likely to commute by train than to fly—but more importantly the violence was perpetrated not by foreigners but by homegrown terrorists. In short, for most Australians the London attacks had a more profound psychological impact and brought the threat of terrorism much closer to home. At a crude empirical level, this was evinced by the level of hate crimes against Muslim (and occasionally non-Muslim) targets, which were higher in the weeks after the London bombings than in the weeks after 9/11.

## **Lessons to be Learned: the London Bombings and Western Europe**

Early on the morning of Thursday 7 July 2005, four young British men boarded different parts of the London public transport system and shortly after detonated bags loaded with home-made explosives, killing 52 people and injuring more than 700. Exactly two weeks later, four similar attacks failed when the booster devices attached to the explosives failed to detonate. As with the first wave of attacks, the perpetrators were mostly British-born Muslim men whose targeting of the public transport system was designed to not only cause the maximum number of civilian casualties but to shut down the transport system of one of the world's most important financial and political hubs. The attacks two weeks later were orchestrated mainly by East African asylum seekers.

In the wake of these attacks the government of Tony Blair responded to public concerns by foreshadowing a fresh wave of reforms designed to enhance the capability of the UK's police and intelligence services to deal with the threat of homegrown terrorist violence. Embodied in the Prevention of Terrorism Bill and announced by Prime Minister Blair just several weeks after the attacks, the proposal contained a range of initiatives designed to boost the hard power capabilities of the UK's police and intelligence services (House of Commons 2004-05). Coming on the back of the tragic shooting death of the Brazilian migrant Jean Charles de Menezes, mistaken by police for a suspect in the London attacks, the new powers that the legislation conferred upon police raised concerns among Britain's ethnic communities who feared that in an atmosphere marked by panic and an instinctive tendency to stereotype 'outsiders', they too could be innocent victims of mistaken identity. The problems this raises for community policing and counter-terrorism in the UK were summarised by the journalist Seamus Milne who opined that:

Any operational benefit to the police [from the new laws] is bound to be more than offset by the further alienation of exactly those sections of the Muslim community whose cooperation is needed to prevent more atrocities. If peaceful organisations are banned, Muslims are routinely locked up without charge and support for mainstream Muslim causes is criminalized, some will certainly be intimidated and keep their heads down. But others will conclude that participation in politics is pointless, that the tolerance and liberal democracy proclaimed by the political establishment is a fraud—and go underground.

(Milne 2005)

## Background to UK Community Relations Before the Bombings

A rarely mentioned but important caveat to such concerns is that it is not the enhanced police powers themselves that are the main source of community concern, but the wider social atmosphere and culture in which they are introduced. In a society where the vast majority of people feel an important and accepted part of a wider community, where inequalities of economic and social opportunity are minimal, and where instances of institutionalised racism and discrimination are rare, the prospect of wider and more coercive police powers are regarded with much less concern. In such instances, there is little prospect those disadvantaged and disenfranchised sections of the community will look at such powers as simply hardening the state's capacity to maintain the social status quo by enforcing their marginal status.

The UK, and many other Western European states, evince longstanding community schisms that are significantly deeper than those present in Australia, with the possible exception of the marginalisation of sections of Australia's Indigenous peoples. These fault lines are simultaneously social, cultural, economic and political in character, and they embrace discrepancies in income distribution, educational and employment opportunities, as well as being reflected in crime statistics. These divisions are also given institutional form through the existence of well-organised and sometimes well-funded anti-immigrant political movements, some of which have recently successfully contested political office. Moreover, in recent years the social divisions that divide Muslim and non-Muslim elements of European societies appear to have widened. The 2003 UK Home Office Citizenship Survey indicated that most people surveyed believed that race relations in Britain had deteriorated since September 11 2001, and that divisions between communities had increased. Responding to the survey, the Muslim Council of Britain reported that over 76% of its members felt the attitude of the general public towards Muslims had changed for the worse since September 2001 (House of Commons 2005:26). These views were also reflected in the findings of 'PeaceMaker', a youth-focused NGO committed to bringing together young Britons from diverse backgrounds to foster inter-faith harmony and understanding. Its research, undertaken on behalf of the House of Commons committee, reported that both Muslim and non-Muslim young people perceive an increasing sense of social segregation (House of Commons 2005:26).

In practical terms, life for an increasing number of second- and third-generation British Muslims had assumed an increasingly frustrating character. As with many of their counterparts across the channel, a growing number of young Muslims felt increasingly detached from mainstream European society. Scared and angry or bored and angry, they experienced life as often difficult and confusing. In the face of both subtle and overt forms of exclusion, real or imagined, acts of resistance become a leitmotif for existence. These acts can encompass a range of different forms, from seeking escape through drugs, to crime, random acts of violence, or in the crafting of new forms of oppositional identity. In the latter sense, belligerent assertions of Islamic identity can become a way of expressing their resistance and hostility

to the mainstream order. As Olivier Roy notes with regard to this phenomenon in contemporary France:

A second and third generation born of Muslim migrants may recast their feeling of being excluded by importing a psychological frontier to their spaces of social exclusion in suburbs and inner cities. Islam is cast as the 'otherness' of Europe and thus may be recast as an alternative identity for youngsters in search of a reactive identity.

(Roy 2004: 45)

This idea of a belligerent and potentially destructive form of cultural inventiveness is consistent with the observations of the psychoanalyst Eric Fromm, who observed that the capacity for human destruction is intimately connected with the parallel concept of creativity. This complex relationship is also captured by Anthony Elliott, who summarises Fromm's observation as follows: 'against the backdrop of biological need, the self-organization of creativity unfolds in both positive and negative forms. Creation and destruction . . . are both answers to the same need for transcendence, and the will to destroy must rise when the will to create cannot be satisfied' (Elliott 2002:48-49). Looked at from a slightly different angle, it might be postulated that the failure to create communities that facilitate human expression and the capacity for personal achievement is a recipe for the eruption of violent urges that lie dormant within all human societies, not just those, such as Muslim communities, that in the current environment are unfairly associated as having a greater cultural predisposition to terrorist violence.

As discussed in the previous chapter, it is a feature of human societies throughout history that there have always been small pockets of individuals who are vulnerable to the efforts of terrorist entrepreneurs. It is also a sad historical reality that there have been governments unwilling to recognise that such individuals are usually unreceptive to suppression or criminalisation. Indeed, the injudicious use of coercive powers and excessive force against these elements of society, even before they subscribe to a terrorist cause, has more often than not had the reverse effect of confirming the hostile beliefs spread by terrorist recruiters, thereby spreading support for and active engagement with politically, religiously and ideologically motivated violence.

The counter-terrorism responses of and in the United States similarly demonstrate the extent to which measures designed to increase security can actually exacerbate any threat. A recent report from United States intelligence agencies, for example, warned that despite the draconian measures introduced into the US legal system through such legislation as the US PATRIOT Act, the threat of terrorist strikes against the US on its own soil remains undiminished. Indeed, there is even a suggestion that the threat might have increased since 9/11 (National Intelligence Committee 2007). However, there is a need to exercise a degree of analytical caution on this front, in that the reports such as the National Intelligence Estimate focus overwhelmingly on threats to US interests from overseas-based terrorists who might seek to strike at American interests overseas or infiltrate the homeland and strike from within. Within the US itself, there appears a somewhat lower level of concern than in Europe at the prospect of terrorism emanating from homegrown Muslim

sources. (Nor should we ignore the threat posed by fundamentalist Christian groups, who in the past have used terrorism to strike against women's health clinics as part of their campaign against abortion, as well as against gay and lesbian sites as part of their crusade for 'traditional values'.) It is reasonable to speculate that a significant part of the reason for this is that Muslims in the US (and Canada and Australia for that matter) express significantly higher levels of social satisfaction with their status than their counterparts in Western Europe (Pew Research Centre 2007). In other words, Muslims in the New World have developed a much deeper sense of investment in the societies in which they now reside and as a result the siren's call of extremism tends to resonate with a much smaller audience.

This is not to say that there are not pockets of these communities who are angry. For example, in June 2006 17 Canadians (a mix of locally born and overseas-born Muslims, as well as Canadian-born converts) hatched a plan to carry out attacks in Toronto and Ottawa, including an assault on the Canadian parliament and the killing of the Canadian Prime Minister (Canadian Broadcasting Corporation 2006). There are also cases of a roughly similar nature in Australia. Witness the circumstances surrounding Faheem Lohdi, an Australian citizen of Pakistani birth with connections to the al-Qaeda linked group Lashkar-e-Tayiba, who while employed as an architect in Sydney was working on plans to attack one of a number of possible targets in New South Wales. Yet compared to Western Europe such incidents are comparatively rare.

The question is, will the resilience of the New World continue? If the planned attacks in Canada and a series of successful counter-terrorism operations in Australia are any indication this appears unlikely. It is a simple fact of the modern world that anger, frustration and the urge for revenge are now highly mobile and as a result terrorism is losing its parochial character. In Australia's case, it appears likely that the Howard government's high-profile support for the US-led war in Iraq has fused with disquiet over local issues to forge a mixture of frustration and anger which in a limited number of circles could prove to be highly combustible.

## **The Importance of Policing**

Policing is a critically important weapon for managing and defusing the anger that can inspire a few to embrace terrorism. As mentioned above, to achieve this outcome there is a need to expand the conventional counter-terrorism policing model in ways that incorporate and adapt fundamental tenets of the community-policing model. As a preliminary step in this direction, Victoria Police has identified the actual and/or potential negative impact of counter-terrorism policing on their relationships with the entire Victorian community in general, but also with culturally, religiously and linguistically diverse groups in particular. These relationships are underpinned by the development of a series of initiatives designed to strengthen community relations during periods of calm but also, more importantly, contingency plans that will allow the police to quarantine these relationships from any social tensions that might flow from any future terrorist strikes.

To our knowledge no other jurisdiction, nationally or internationally, has sought to develop an alternative model for counter-terrorism policing prior to major inquiries or investigations into police practice. This reflects the desire of Victoria Police, and its Monash University partners, to proactively seek alternative models of policing: models that avoid the negative community experiences of counter-terrorism policing in countries such as the United Kingdom, the United States of America, and Northern Ireland.



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