

ADDRESS TO THE CASTAN CENTRE CONFERENCE
TERRORISM, COUNTER TERRORISM AND HUMAN RIGHTS

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ABSTRACT

This paper will explore some of the dilemmas and themes facing peaceful democratic nations in the way of countering the current threat of terrorism that relies on soft power and influence to coerce individuals to acts of violence. It describes these dilemmas in terms of the need to balance both hard and soft approaches to national security that simultaneously focus on punitive responses and preventative initiatives. Finally it offers a framework for reconciling traditionally competing hard and soft measures into a single cohesive agenda.

BIO

Dr Anne Aly is the recently elected Labor MP for Cowan.

Before then, Anne developed a national and international profile as one of Australia's foremost authorities on radicalisation, extremism and countering violent extremism. She is the author of over 50 publications including five books and her most recent publication is an edited collection on Terrorism and the Internet published by Routledge this year. Anne has received numerous awards for her work. In 2009, she received the Australian Institute of Professional Intelligence Officers publications award for her theoretical model of internet radicalization. In 2011, Anne was inducted into the inaugural WA Women's Hall of Fame for her contributions to national security and counter terrorism. In 2013 she was named one of WA's 50 most successful women by SCOOP magazine and one of Australia's most influential women in the Financial Review/ Westpac 100 Women of Influence Awards. This year she was nominated for Australian of the Year and received the Instyle Magazine/ Audi award for charity and community. Anne is also the Founding Chair of People Against Violent Extremism (PAVE) a not for profit organization focused on empowering communities to challenge violent extremism.

She is looking forward to her new role as the representative for Cowan.

THE OLD ADAGE 'ONE MAN'S TERRORIST IS ANOTHER MAN'S FREEDOM FIGHTER' IS MOST COMMONLY ATTRIBUTED TO GERALD SEYMOUR'S 1975 NOVEL 'HARRY'S GAME' ABOUT THE NORTHERN IRELAND CONFLICT.

THE PHRASE ITSELF HAD APPEARED IN VARIOUS FORMS BEFORE THEN AND SINCE THEN HAS BEEN USED IN REFERENCE TO A RANGE OF CONFLICTS.

IT'S A PHRASE THAT ENCAPSULATES THE CHALLENGE OF FINDING A COMMON UNIVERSAL DEFINITION OF TERRORISM.

THE TERM TERRORISM IS SO SUBJECTIVE THAT HOW IT IS DEFINED MOST OFTEN COMES DOWN TO A POINT OF VIEW- A JUDGEMENT THAT IS BOTH MORALLY AND POLITICALLY LADEN.

IT ALSO UNDERSCORES COMPETING CLAIMS TO HUMAN RIGHTS THAT BOTH SIDES IN A CONFLICT ASSERT: THE RIGHT TO LIFE, LIBERTY AND SECURITY; THE RIGHT TO FREEDOM OF MOVEMENT AND RESIDENCE WITHIN BORDERS; THE RIGHT TO NATIONALITY AND SELF DETERMINATION; THE RIGHT TO FREEDOM OF THOUGHT AND RELIGION; THE RIGHT TO FREEDOM OF EXPRESSION; THE RIGHT TO POLITICAL PARTICIPATION.

WHILE TERRORIST ACTORS WILL LAY CLAIMS TO THEIR OWN RIGHTS AND FREEDOMS, GOVERNMENTS AND AGENCIES CHARGED WITH PROTECTING THEIR PEOPLE MUST ALSO, NECESSARILY LAY CLAIM TO THE RIGHTS AND FREEDOMS OF THE INNOCENT TO LIBERTY AND SECURITY.

AS SUCH THE PRIME OBJECTIVES OF COUNTER TERRORISM ARE EXPRESSED DUALY AS BEING TO UNDERMINE OR DECIMATE THE VIOLENCE OF TERRORIST ACTORS AND TO ENSURE THE SECURITY AND SAFETY OF CITIZENS

THE UNITED STATES NATIONAL SECURITY STRATEGY FOR EXAMPLE STATES THAT AS PART OF ITS RESPONSIBILITY FOR PROTECTING THE AMERICAN PEOPLE, THE GOVERNMENT WILL, AMONG OTHER THINGS, PREVENT THE SPREAD AND USE OF WMD'S, REINFORCE HOMELAND SECURITY AND TAKE DECISIVE ACTION AGAINST TERRORIST ACTORS.

AUSTRALIA'S COUNTER TERRORISM APPROACH TAKES A SIMILAR STANCE BASING OUR NATIONAL SECURITY STRATEGY ON THE PROTECTION OF LIVES AS AN ABSOLUTE PRIORITY THROUGH DISRUPTING TERRORIST ACTIVITY.

ULTIMATELY THE END GOAL OF ANY EFFECTIVE COUNTER TERRORISM APPROACH SHOULD BE TO SEEK AN END TO VIOLENCE.

IN CASES WHERE ACTIONS TAKEN BY A GOVERNMENT AGAINST TERRORIST ACTORS INCLUDE COLLECTIVE PUNISHMENT AND REPRISALS AGAINST ENTIRE GROUPS OF CITIZENS- EITHER ITS OWN OR CITIZENS OF ANOTHER STATE- COUNTER TERRORISM FAILS AND OFTEN

ENDS UP PART OF A CYCLE OF VIOLENCE WITH THE POTENTIAL TO DESCEND INTO CIVIL WAR AND ONGOING CONFLICT IN FAILED STATES.

THERE ARE CERTAINLY CASES OF THIS THROUGHOUT HISTORY.

IN MY BOOK TERRORISM AND GLOBAL SECURITY: HISTORICAL AND CONTEMPORARY PERSPECTIVES, I MAKE THE POINT THAT TERRORISM IS NOT NEW AND INDEED HAS BEEN PART OF THE HUMAN CONDITION FOR CENTURIES- FROM THE SICARII IN THE FIRST CENTURY TO THE ISMAILI NIZARIS (BETTER KNOWN AS THE ASSASINS) IN THE THIRTEENTH CENTURY, TO THE ANARCHISTS, THE ANTI COLONIALISTS AND SEPARATISTS, THE NEW LEFT AND THE CURRENT WAVE WIDELY REFERRED TO AS THE RELIGIOUS WAVE OF TERRORISM.

TERRORISM IS BY NO MEANS A STATIC PHENOMENON BUT ONE THAT HAS TRANSFORMED IN RESPONSE TO GLOBAL EVENTS AND TRENDS- AMONG THEM GLOBALISATION AND THE TECHNOLOGICAL REVOLUTION.

SO TOO, OUR RESPONSE TO TERRORISM NEEDS TO BE AGILE AND ADAPTIVE TO BE ABLE TO RESPOND EFFECTIVELY TO THE THREAT OF VIOLENCE AGAINST INNOCENT CIVILIANS.

THE PERSISTENT THREAT OF TERRORISM TODAY GOES BEYOND THE REAL AND PRESENT DANGER OF VIOLENT ACTS- BOTH AT HOME AND ABROAD.

IN HIS ADDRESS TO CONGRESS SHORTLY AFTER THE HORRIFIC ATTACKS ON THE UNITED STATES IN SEPTEMBER 2001, THEN PRESIDENT GEORGE W BUSH DEFINED THE ATTACKS AS A 'NEW' KIND OF WAR: ONE THAT EXTENDED BEYOND PREVIOUSLY ESTABLISHED MARGINS OF COMBAT TO THE UNCHARTERED BATTLEFIELDS OF IDEOLOGICAL WARFARE.

FIVE YEARS LATER, ON THE ANNIVERSARY OF THE 2001 TERRORIST ATTACKS, PRESIDENT BUSH REAFFIRMED THE 'NEW' BOUNDARIES OF THE 'WAR ON TERROR', STATING "THE WAR AGAINST THIS ENEMY IS MORE THAN A MILITARY CONFLICT. IT IS THE DECISIVE IDEOLOGICAL STRUGGLE OF THE 21ST CENTURY, AND THE CALLING OF OUR GENERATION.

FROM THE FIRST DECLARATION OF 'WAR', IT WAS CLEAR THAT THE 9-11 TERRORIST ATTACKS IN 2001 WOULD INSTIGATE THE CONDITIONS FOR A HARD POWER RESPONSE.

AS THE WORLD WATCHED THE CAPTURE AND DEMISE OF OSAMA BIN LADEN ON MAY 2 2011, ALMOST A DECADE AFTER THE TERRORIST ATTACKS ON THE UNITED STATES, SCHOLARS REASONABLY ARGUED THAT THE PROLONGED WAR ON TERROR FAILED TO ERADICATE THE THREAT OF INTERNATIONAL TERRORISM.

WHILE THE HARD POWER APPROACH OF THE WAR ON TERROR SUCCEEDED IN DECIMATING THE OPERATIONAL AND TACTICAL CAPACITY OF AL QAEDA CENTRAL, THE BELIEF THAT THE DESTRUCTION OF TRAINING CAMPS WOULD SUCCESSFULLY ERADICATE AQ'S AFFILIATES AND ITS IDEOLOGY WAS MISPLACED.

THE CONVENTIONAL WISDOM OF EMPLOYING AN ORTHODOX MILITARY RESPONSE AGAINST AN UNORTHODOX ENEMY WHOSE REGENERATIVE CAPACITY RELIES ON ITS ABILITY TO EMPLOY 'SOFT' STRATEGIES OF INFLUENCE AND MOBILISATION HAS, RIGHTLY, BEEN QUESTIONED.

THE SO CALLED 'WAR ON TERROR' WAS CO-OPTED AND RECONSTRUCTED BY AQ AND ITS AFFILIATES AS A 'WAR ON ISLAM'- PROVIDING A POWERFUL RALLY CRY TO POTENTIAL RECRUITS AND SYMPATHISERS.

IT LAID EXCLUSIVE CLAIM TO THE RIGHT TO FREEDOM OF BELIEF- A CLAIM THAT RESONATED AND REGENERATED IN THE MINDS OF INDIVIDUALS IN FREE AND DEMOCRATIC NATIONS LIKE AUSTRALIA.

INDIVIDUALS WHO, REASONABLY, HAD NO SUBSTANTIAL CAUSE THAT WE COULD COMPREHEND FOR FEELING THAT THEIR RIGHTS HAD BEEN VIOLATED TO THE EXTENT THAT THEY FELT PERSONALLY MOBILISED TO TAKE UP ARMS FOR THE PROTECTION OF THOSE RIGHTS.

THE BELIEF THAT THE 'WAR ON TERROR' WAS CODE FOR A CAREFULLY CONSTRUCTED ATTEMPT TO UNDERMINE GLOBAL ISLAM IS NO LONGER LIMITED TO CONSPIRACY THEORISTS AND 9-11 TRUTH SEEKERS.

INSTEAD, IT HAS BECOME THE PILLAR UPON WHICH ISIS HAS BUILT A POWERFUL NARRATIVE THAT APPEALS TO DISCONNECTED AND DISPARATE MUSLIMS AROUND THE WORLD.

AMONG MUSLIMS WHO INTERPRETED JIHAD AS A CALL TO DUTY IN DEFENCE OF ISLAM, AND WHO MAY NOT HAVE SUPPORTED THE USE OF VIOLENCE DURING PEACEFUL TIMES, THE WAR ON ISLAM WAS AN INSTANT AND EFFECTIVE JUSTIFICATION FOR ARMED CONFLICT.

IN 2010, THE OBAMA ADMINISTRATION MADE A STRATEGIC DECISION TO CHANGE THE WAY THAT THE US GOVERNMENT TALKED ABOUT THE CONFLICT ANNOUNCING THAT THEY WERE NOT AT WAR WITH 'JIHADISTS', 'ISLAMISTS' OR "TERROR".

IN PLACE OF THE 'WAR ON TERROR', PRESIDENT OBAMA BEGAN REFERRING TO THE WAR ON AL-QAIDA REFERRING TO AQ AS THE ENEMY AND AQ'S MUSLIM VICTIMS AS FRIENDS.

THE NEW TERMINOLOGY REFLECTED A MUCH NEEDED AND LONG NEGLECTED UNDERSTANDING OF THE IMPORTANCE OF LANGUAGE AND PERCEPTION IN COUNTER TERRORISM.

THE ATTEMPT TO SHIFT THE LANGUAGE OF THE WAR ON TERROR HOWEVER, CAME TOO LATE. THE TASK OF UNDOING A DECADE OF DAMAGE DONE BY A PROLONGED MILITARY CAMPAIGN REQUIRED MORE THAN A SHIFT IN THE LANGUAGE OF WAR.

SUBSEQUENTLY GOVERNMENTS HAVE HAD TO CONTEND WITH THE REALITY THAT NOW PRESENTS ITSELF IN THE FORM OF WHAT HAS BEEN VARIOUSLY DUBBED A 'WAR FOR HEARTS AND MINDS' AND A 'BATTLE OF IDEAS'.

THE DILEMMA WE FACE TODAY IS **NOT** HOW WE PROTECT THE RIGHTS OF OUR CITIZENS TO SAFETY AND SECURITY WITHOUT COMPROMISING THE FUNDAMENTAL HUMAN RIGHTS OF FREEDOM OF BELIEF AND RELIGION AND FREEDOM OF EXPRESSION.

THIS I BELIEVE IS THE BASIS OF THE CLAIMS MADE BY SOME CONSERVATIVE GROUPS WHO ARGUE THAT POLITICAL CORRECTNESS HAS INFRINGED ON THEIR RIGHTS TO FREEDOM OF EXPRESSION BY PREVENTING THEM FROM CRITICISING ISLAM.

THE LINK IS OFTEN MADE TO NATIONAL SECURITY AND THE NEED TO CTITIQUE AND CHALLENGE ELEMENTS OF ISLAMIC FAITH THAT ARE USED BY THE LIKES OF ISIS TO MOBILISE VIOLENCE.

FREEDOM OF BELIEF IS UNDERPINNED IN OUR CONSTITUTION AND IS THE CORNERSTONE OF OUR SECULAR DEMOCRACY.

BUT WE HAVE TO ASK WHY THESE FUNDAMENTAL DEMOCRATIC VALUES FAIL TO ENGAGE SOME YOUNG PEOPLE AND INNOCULATE THEM AGAINST THE VIOLENT MESSAGING OF ISIS.

THE TASK OF COUNTER TERRORISM TODAY PLACES EQUAL SIGNIFICANCE ON STOPPING TERRORIST ACTS THROUGH ACTIVITIES THAT ARE DESIGNED TO DECIMATE THEIR TACTICAL CAPABILITIES TO ORGANISE, PLAN AND CONDUCT VIOLENT ACTS (BOTH AT HOME AND ABROAD) AND ON UNDERMINING THE CAPACITY OF TERRORIST GROUPS TO ENGAGE, MANIPULATE AND MOBILISE INDIVIDUALS TO COMMIT ACTS OF VIOLENCE.

BOTH HOLD EQUAL IMPORTANCE FOR THE PROTECTION OF HUMAN RIGHTS.

THE FIRST APPROACH TO COUNTER TERRORISM PLACES EMPHASIS ON OFFENSIVE AND PUNITIVE ACTIONS USING INSTRUMENTS OF HARD POWER- THESE INCLUDE MILITARY, INTELLIGENCE, TARGET HARDENING AND CRIMINAL SANCTIONS.

THE SECOND APPROACH THAT PLACES EMPHASIS ON PREVENTION IS OFTEN REFERRED TO AS THE SOFT SIDE OF COUNTER TERRORISM OR COUNTERING VIOLENT EXTREMISM: LOOSELY DEFINED AS MEASURES THAT TARGET THE ROOT CAUSES OF TERRORISM AT THE SOCIETAL LEVEL.

UNLIKE HARD POWER TACTICS, SOFT POWER MEASURES ARE MUCH HARDER TO QUANTIFY AND OFTEN TAKE YEARS TO IMPLEMENT BEFORE ANY MEASURABLE RESULTS BECOME EVIDENT.

THUS HARD AND SOFT POWER ARE OFTEN REPRESENTED IN COMPETITION WITH EACHOTHER- WITH HARD POWER PROPONENTS ARGUING THAT IT IS A SWIFTER AND MORE IMMEDIATE MEASURE FOR ACHIEVING OBJECTIVES THROUGH COERCION.

BUT HARD POWER AND SOFT POWER ARE FAR MORE NUANCED THAN SIMPLE DEFINITIONS OF COERCION VERSUS ATTRACTION. SOFT INSTRUMENTS CAN BE USED IN HARD WAYS AND VICE VERSA.

IT IS INSTEAD, MORE USEFUL TO THINK OF HARD POWER AS BEING PURPOSEFUL IN ITS APPLICATION AND FINITE IN ITS EFFECT. SOFT POWER CAN BE BOTH PURPOSEFUL AND NON-PURPOSEFUL AND POTENTIALLY INFINITE IN ITS EFFECT.

NEITHER SOFT POWER NOR HARD POWER ALONE IS VERY EFFECTIVE IN ACHIEVING THE GOALS OF COUNTER TERRORISM.

INTEGRATING THESE TWO APPROACHES INTO A SINGLE FRAMEWORK THAT EFFECTIVELY BALANCES HARD AND SOFT POWER IS CHALLENGED BY THE INSTITUTIONS AND CONTEXTS WHICH GOVERN EACH FORM OF POWER.

SUCH AN INTEGRATED FRAMEWORK IS WHAT I HAVE PREVIOUSLY CALLED SMART COUNTER TERRORISM- BORROWING FROM THE APPROACH TO FOREIGN POLICY ADVOCATED BY THE AMERICAN SCHOLAR JOSEPH NYE.

PUNITIVE MEASURES INTRODUCED IN AUSTRALIA, CANADA, THE UK AND ELSEWHERE RESPOND TO THE PHENOMENON OF FOREIGN FIGHTERS IN WAYS THAT REFLECT HARD POWER IMPLEMENTED BY STATE INSTITUTIONS AND LAW ENFORCEMENT AGENCIES.

MEANWHILE, BROAD-BASED PREVENTION INITIATIVES THAT HAVE THE POTENTIAL TO INTERRUPT RADICALISATION IN THE EARLY STAGES ARE RELIANT ON THE CAPACITY OF THE NON-GOVERNMENT SECTOR.

IN A PREVENTION-ORIENTED APPROACH, THE "TRADITIONAL" HARD STRATEGIES INVOLVING MILITARY, POLICING, INTELLIGENCE AND LEGISLATION, BECOME INSUFFICIENT FOR ESTABLISHING AN EFFECTIVE LONG-TERM STRATEGY, BUT THEY ARE NOT ENTIRELY DISCOUNTED. RATHER, HARD POWER MEASURES ARE USED IN COMBINATION WITH SOFT POWER IN WAYS THAT EFFECTIVELY RESPOND TO THE ROOT CAUSES OF VE.

SMART CT IS ACHIEVED THROUGH AN INTEGRATED STRATEGY, RESOURCE BASE AND TOOL KIT THAT DRAWS FROM BOTH HARD AND SOFT POWER.

HOWEVER, SMART CT IS NOT SIMPLY A MATTER OF BALANCING HARD AND SOFT MEASURES. IT IS A MATTER OF GETTING THE RIGHT BALANCE RIGHT

SOFT MEASURES BASED ON FALSE ASSUMPTIONS THAT ARE DERIVATIVES OF A HARD POWER APPROACH MANIFEST AS SOFT MEASURES BEING USED IN HARD WAYS.

SINCE 2003, AUSTRALIA HAS ATTEMPTED TO DEVELOP ITS SOFT POWER MEASURES IN THE PREVENTION OF "HOME-GROWN" TERRORISM. FOR THE MOST PART THIS HAS BEEN THROUGH PROGRAMMES AND ACTIVITIES THAT FOCUS LARGELY ON SOCIAL HARMONY,

THE PROMOTION OF AUSTRALIAN (WESTERN) DEMOCRATIC VALUES AND THE INTEGRATION OF COMMUNITIES INTO THE BROADER AUSTRALIAN SOCIETY.

WHILE THESE INITIATIVES ARE VALUABLE IN THEIR OWN RIGHT AND SHOULD BE COMMENDED AS SUCH, THEY HAVE HAD LIMITED SUCCESS IN INCORPORATING SOFT POWER INTO AN INTEGRATED SMART FRAMEWORK.

I BELIEVE THAT A SMARTER APPROACH TO SOFT POWER IN CT IS TO BE FOUND IN THE CONCEPT OF SOCIAL COHESION DEFINED AS INTERRELATEDNESS AND UNITY BETWEEN INDIVIDUALS, GROUPS AND ORGANISATIONS IN SOCIETY.

THIS ENCAPSULATES WILLINGNESS TO COOPERATE BETWEEN INDIVIDUALS, GROUPS AND IMPORTANTLY INDIVIDUALS AND SOCIAL INSTITUTIONS, CIVIL PARTICIPATION AND INCLUSIVITY.

THE OECD LOOKS AT SOCIAL COHESION THROUGH THREE LENSES: SOCIAL INCLUSION REFERS TO THE DEGREE TO WHICH ALL CITIZENS CAN PARTICIPATE ON EQUAL FOOTING IN THE ECONOMIC, SOCIAL AND POLITICAL LIFE. SOCIAL CAPITAL REFERS TO TRUST BETWEEN PEOPLE AND IN INSTITUTIONS AND THE SENSE OF BELONGING TO A SOCIETY. SOCIAL MOBILITY REFERS TO EQUALITY OF OPPORTUNITY TO GET AHEAD.

BY INTEGRATING THESE THREE LENSES INTO A CT FRAMEWORK IN AUSTRALIA THAT ALREADY INCORPORATES HARD POWER MECHANISMS, THE GOAL OF SMART CT BASED NOT JUST ON BALANCING HARD AND SOFT BUT ALSO (AND IMPORTANTLY) EFFECTIVE SOFT MEASURES CAN BE ACHIEVED.

IN GOING ABOUT THIS TASK WE SHOULD REMAIN COGNISANT OF THE TRADITIONAL TENSIONS BETWEEN HARD AND SOFT POWER INSTITUTIONS AND INSTRUMENTS.

IN THIS SENSE, GOVERNMENTS NEED TO THINK SIMULTANEOUSLY ABOUT HARD AND SOFT STRATEGIES AND HOW ONE MIGHT AFFECT THE OTHER AS WELL AS RECOGNISE THAT THEIR LIMITATIONS IN INCORPORATING SOFT ELEMENTS OF POWER ARE OUTSIDE THEIR SPHERE OF INFLUENCE AND EXPERTISE.

SINCE SOFT POWER RESOURCES GENERALLY EXIST OUTSIDE THE GOVERNMENT REALM, GOVERNMENTS MUST LEARN TO CONDUCT BUSINESS IN A MORE FLUID, DYNAMIC AND FLEXIBLE WAY WITH SMALLER LESS FORMAL/BUREAUCRATIC GROUPS.

THE TOOLS OF SOFT CT RESIDE IN SMALL, ADAPTABLE, TRANSNATIONAL NETWORKS, WHICH WORK TOWARDS PREVENTION, INTERVENTION AND REHABILITATION.

IN THIS SENSE, SMART CT IS DEPENDENT ON HARNESSING THE POWER OF GRASSROOTS CIVIL SOCIETY MOVEMENTS IN WAYS THAT ADDRESS THE SHORTCOMINGS OF INSTITUTIONALISED POWER.

PERHAPS MOST IMPORTANTLY THOUGH, A SMART CT APPROACH ADDRESSES THE VERY DILEMMA POSED BY THE CURRENT WAVE OF TERRORISM FOR PEACEFUL NATIONS AROUND THE WORLD.

IT OFFERS A MECHANISM FOR GOVERNMENTS AND LAW ENFORCEMENT TO EXERCISE HARD POWER IN THE PREVENTION OF TERRORIST ATTACKS FOR THE PROTECTION OF CITIZENS AND THEIR RIGHTS TO SAFETY AND SECURITY.

IT ALSO ACCOMMODATES A SPACE FOR CIVIL SOCIETY ACTORS TO PARTICIPATE IN THE PREVENTION ASPECTS OF COUNTER TERRORISM BY PROMOTING INDIVIDUAL RIGHTS THROUGH PARTICIPATORY CITIZENSHIP.