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Does Australia Have a Coherent Counter-Terrorist Strategy?

Andrew O'Neil¹

Introduction

Does Australia have a coherent strategy to counter the threat of terrorism? This question is rarely addressed in either academic circles or public commentary more generally. It is certainly not a question that any level of Government is keen to focus on publicly. Yet given the massive taxpayer dollars and political energy the Howard Government has injected into combating terrorism² since 9/11, along with the substantive changes to domestic laws that impact on civil liberties, it is one of the most critical policy-related questions of our time. In particular, ascertaining whether the former Howard Government did everything within its power to mitigate the threat of a terrorist strike against Australia's onshore and offshore national assets is central to assessing the degree of coherence underlying Australia's counter-terrorist strategy.

Critics of Australia's approach to counter-terrorism have tended to fall into two main camps. The first comprises those who are concerned with highlighting what they regard as the Howard Government's over-reaction to the threat of terrorism in the form of unnecessarily draconian legislation at the domestic level. A number of observers who adhere to this perspective claim that the Howard Government has used the "terrorist threat" as a pretext to reinforce its control over the domestic political agenda, analogous to the way it exploited the border security issue in 2001 to outflank Labor electorally.³ According to this view, the "threat" has been deliberately inflated by a conservative government looking to exploit feelings of insecurity among ordinary Australians.⁴ Some even claim that John Howard and his senior ministers have engaged in "dog whistling" by subtly equating Muslims with terrorists in the hope of capitalising on an underlying racism in the Australian electorate.⁵

The second camp endorses the view that Australia has compromised its capacity to counter terrorist threats by becoming too closely involved in supporting the American-led Global War on Terrorism (GWOT) and associated (mis)adventures, especially the invasion and occupation of Iraq in 2003. Advocates of this position argue that Australia's "blind allegiance" to US global objectives has provoked a backlash among Islamic jihadists, unnecessarily raising the risk of further attacks against Australia's on-shore and off-shore assets.⁶ This thesis claims that the Howard Government has in fact acted directly against Australia's interests by increasing the terrorist threat through the irrational pursuit of closer ties with the United States. One commentator has even claimed that the Government's commitment in Iraq has been driven by



Howard's personal "romantic attachment to American civilization" rather than by any "rational calculation".⁷

In this paper I question both of these interpretations of Australia's counter-terrorism strategy as unduly reductionist. Contrary to the one-dimensional Government approach to terrorism implied by some of the critics (i.e. mini-US version, conservative ruse to suppress domestic dissent), Australia continues to pursue a suite of varied, overlapping instruments as part of a fairly well defined counter-terrorist strategy. These instruments are incorporated within three key pillars of strategy: domestic legislation, intelligence, and regional assistance and engagement.⁸ While I argue that Australia's counter-terrorist strategy is characterised by greater policy coherence and deliberation than many of the critics are willing to concede, I also identify several areas where the Howard Government needed to devote increased emphasis. These included improving Australia's regional and international image through a more active use of public diplomacy, and making a more persuasive case about how specific new anti-terror laws will contribute to raising the *practical* threshold for terrorists seeking to target Australian territory and national interests.

Defining and Benchmarking Counter-Terrorism

Since the end of the Cold War, international terrorism has evolved from being regarded as a peripheral issue on the margins of the global threat spectrum to assuming a central starring role in almost all discussions of international security.⁹ This dramatic reconfiguration of the threat began to evolve well before the events of 9/11. The twin shocks in 1995 of the Oklahoma City bombing by a ragtag US militia group and the botched sarin gas attack in the Tokyo subway by the well-resourced Aum Shinrikyo cult appeared to underscore the reality that modern terrorists were less concerned about sending a political message, and more focussed on killing as many people as possible in their attacks.¹⁰ This perception stoked widespread concern—some probably justified, some clearly exaggerated—about whether "new" terrorists would eventually avail themselves of nuclear, chemical, and biological weapons for use in mass casualty attacks on major urban centres.¹¹ The increased attention devoted to suicide terrorism has largely been a consequence of recent high profile attacks (9/11, the first Bali attack in 2002, the 2005 London bombings), but has also reflected and reinforced long-standing concerns over mass casualty terrorism.¹²

In broad brush terms, counter-terrorism can be defined as an instrument of state policy that actively seeks to manage and degrade the risk of terrorist attacks against national interests. Counter-terrorist strategy not only aims to disrupt planned attacks before they occur, it ideally also endeavours to deter terrorists from planning such attacks in the first place and, if necessary, use coercive measures to pre-empt terrorist



threats from emerging. As Boaz Ganor points out, there are a number of alternative goals, and several “sub-goals”, that drive states’ counter-terrorist strategies—eg eradication of terrorism (addressing “root causes” of terrorism, destroying the motivation of terrorist groups, completely eliminating terrorist enemies), damage control (preventing certain kinds of attacks, minimising potential casualties and property damage), and prevention of escalation (prevent worsening of attacks, prevent conflict from spreading).¹³ In an increasingly globalised world, the protection of national territory and state interests entails, by necessity, bilateral and multilateral counter-terrorist cooperation between countries in the areas of intelligence gathering, assessment, and distribution, law enforcement, and the coordination of domestic anti-terrorism legislation.

While the literature on the changing nature of international terrorism is both plentiful and varied, by comparison there has traditionally been something of a shortfall of serious scholarly analysis of counter-terrorism. There remains, moreover, a striking dearth of mainstream academic analysis on comparative counter-terrorist strategies across different countries and regions. This is slowly changing, with the emergence of some thoughtful analysis of counter-terrorist developments worldwide in recent years.¹⁴ Yet, surprisingly, there remains little meaningful theoretical scholarship on what constitutes effective counter-terrorist strategy. Those studies that do address the subject in detail are more concerned with America’s strategy since 9/11 and implications for US policy than with exploring possible benchmarks for successful counter-terrorist strategies internationally.¹⁵

As a consequence, analogous to the struggle to gain consensus on defining the term “terrorism”, there is little agreement on what, if any, baseline criteria should exist for assessing the success or otherwise of a state’s counter-terrorist strategy. The obvious criterion for judging success, prevention of a terrorist attack, is virtually impossible to affirm given the reluctance of governments to risk compromising intelligence methods and sources to publicly substantiate a claim along these lines. The fact that Australian territory has not been subject to a terrorist attack since the Sydney Hilton Hotel bombing in 1978 may provide confirmation of the highly effective counter-terrorist strategies of successive Governments over three decades. Or it could simply be that Australian territory has not been targeted for an attack since 1978. Either way, from the vantage point of an academic observing the processes of Government, there is simply no way to verify whether counter-terrorist strategy has been (and continues to be) successful via an examination of open sources on the public record.

This quandary would seem to negate altogether any point of examining the issue of counter-terrorism in the Australian context. Perhaps Government officials should be taken at their word when they reassure us that numerous plots have been foiled by



authorities.¹⁶ Or perhaps not, given the all too convenient option of claiming, but not demonstrating, success in the secretive world of counter-terrorism. Should we instead give greater credence to those who argue that Australia’s “counter-terrorist” strategy is little more than a useful tool for “the pre-emptive control of political conflict and dissent”?¹⁷ This interpretation is too dismissive of the real risks of a terrorist attack on Australian shores for my taste and errs excessively on the conspiratorial side. To assume that the Australian Government is motivated by a desire to suppress legitimate domestic dissent in framing its counter-terrorist strategy downplays the genuine apprehension at all levels of Government over the prospect of a large-scale terrorist attack against national interests inflicting potentially significant casualties among the Australian population. Even if the motive of Government in seeking to prevent terrorist attacks is less than pure—and there are certainly grounds for concluding that Ministers at the Commonwealth and State level are very much focussed on being able to demonstrate that they did everything within their power to prevent an attack should one take place—there is scant evidence to assume that counter-terrorism is an elaborate “whole of government” ruse to roll back civil liberties.

In rejecting both of the evaluative frameworks sketched above, the following analysis assesses Australia’s contemporary counter-terrorist strategy according to the extent to which there exists observable coherence (ie logic, consistency, minimal contradictions, appropriate overlap) between the three pillars of that strategy: domestic legislation, intelligence, and regional assistance and engagement.

The Fundamentals of Australia’s Approach

The Australian Government remains unequivocal in its denunciation of terrorism and regards it as a strategic level threat to Australia.¹⁸ Readers of the 2003 *Defence Update 2003* were left in no doubt as to the enormity of the challenge:

While terrorists lack the resources of the nation-state, particularly conventional military forces, they have discovered that this is not a barrier to strategic effect. The reality is that terrorism has gained strategic advantage by turning the strengths of tolerant and open societies into weaknesses, and then striking at vulnerable points to devastating effect. For Australians, this reality was brought home in Bali. There remains a great risk that the mass casualties inflicted in recent attacks have set the terrorists’ sights even higher, possibly including the acquisition and use of weapons of mass destruction.¹⁹

The former Howard Government outlined Australia’s overall approach to countering terrorism as dual level in nature. While safeguarding domestic population centres and infrastructure against attack or serious threat of attack remains central to counter-terrorism strategy, the need to take the fight to terrorism beyond Australia’s shores is equally important. In the words of former Defence Minister Robert Hill, “we have



learnt that we cannot run away from terrorists. They must be defeated or they will come to us”.²⁰ While echoing US official views on the need to “take the fight to the enemy, to keep them on the run”²¹, this approach is in keeping with a strong tradition in Australian strategic thought. The concept of confronting adversaries in theatres far removed from national shores as part of coalition operations lay at the heart of the post-Federation strategy of imperial defence and, later, Australia’s Cold War strategy of forward defence.

As is the case with most other states, at the core of Australia’s counter-terrorist strategy is effective management of the “threat assessment dilemma”, which can be summarised as follows.²² On one level, government needs to be careful not to overstate the threat from terrorism. The need to avoid doing the terrorists’ work for them by fostering a climate of unnecessary fear and anxiety in the community, and alienating important domestic constituencies useful to the gathering of intelligence are just some of the specific challenges for governments. But, more importantly, as citizens tend to dismiss each successive warning when the previous warnings fail to materialise. On the other hand, the threat from terrorism cannot be underestimated to the extent that government is deemed to be partly or even wholly culpable in the event of an attack.²³ The 2002 Bali attacks brought home forcefully to the Howard Government that the Australian public believes Governments have a legal and moral obligation to do all they can to protect the welfare of their citizens at home *and* abroad.²⁴ As noted above, this acts as a very powerful political incentive for Governments to be seen doing all they can to prevent terrorist strikes.

The 9/11 attacks and subsequent Bali bombings in October 2002 prompted a comprehensive review of Australia’s approach to combating terrorism. In addition to raising the profile of terrorism in domestic political and foreign policy debates, 9/11 triggered a series of far-reaching initiatives designed to minimise obstacles to effective counter-terrorist coordination across all levels of Government. The most significant initiative was the creation of the National Counter-Terrorism Committee (NCTC) two weeks after the Bali attacks.²⁵ Comprising senior representatives from Government departments, line agencies, and police services at the Commonwealth, State, and territory levels, the NCTC’s role is to strengthen “inter-jurisdictional coordination” by promoting “an effective nationwide counter-terrorism capability” and ensuring the sharing of “relevant intelligence and information between agencies and jurisdictions”.²⁶ It also has responsibility for instituting revisions to the National Counter-Terrorism Plan (NCTP), the most recent iteration of which gained the imprimatur of the Council of Australian Governments at its special meeting on counter-terrorism in September 2005.²⁷ The NCTC also has responsibility for overseeing the (classified) National Counter-Terrorism Handbook which “sets out in detail the relevant procedures and protocols supporting the NCTP”.²⁸



Since 9/11, the Howard Government's counter-terrorist strategy developed around three key frameworks—domestic legislation, intelligence, and regional diplomacy. The aim of the following sub-sections is to provide a stock take of each framework of the Government's strategy between 2001 and 2006 with a view to suggesting areas of improvement in the final section of the paper.

Domestic Legislation

The most high profile, and by far the most controversial, element of Australia's counter-terrorist strategy has been the raft of anti-terrorist legislation and amendments to existing Acts passed over the last half a decade. Driven by the Commonwealth, these legislative initiatives have only been possible with the support of State and Territory governments. In the wake of the Bali bombing in 2002, State and Territory Governments agreed to "refer" legislative powers to the Commonwealth to allow it to legislate to ensure jurisdictional uniformity in Australia's anti-terrorism laws.²⁹ Another important factor has been support for the Government's anti-terror legislative agenda from the Federal Opposition. While the Opposition was able to insist on key amendments before supporting legislation prior to the Howard Government gaining a majority in the Senate on 1 July 2005, Labor has shown little inclination since then to oppose legislative initiatives, throwing its support behind the Government's *Anti-Terrorism Act 2005*, much to the chagrin of opponents of the legislation.³⁰

The major anti-terrorism legislative initiatives since 2001 have included amendments to the *Crimes Act 1914*, the *ASIO Act 1979*, the *Criminal Code Act 1995*, and two Anti-Terrorism Acts in 2004 and 2005.³¹ The overall impact of this legislation has been threefold. First, it has lowered the barrier to authorities detaining and charging those suspected of engaging in terrorism or having links with terrorists, even if no specific act of terrorism has actually taken place. Second, it has increased the penalties for individuals convicted of terrorism related offences—up to life imprisonment for those who engage in or prepare or plan terrorist acts, and up to twenty-five years' imprisonment for those convicted of being a member or supporter of a terrorist organisation which may or not appear on the Government's list of proscribed organisations. The third net effect of the legislation has been to grant Commonwealth and State police and the Australian Security and Intelligence Organisation (ASIO) greater latitude in determining the circumstances in which those suspected of involvement in terrorism are monitored.

Intelligence

John Howard has stated that "timely and effective intelligence is the best weapon that this country has against the terrorist threat to Australia".³² While questions remain about the politicisation of the Australian Intelligence Community (AIC) in the wake of



the children overboard affair and the absence of WMD in Iraq³³, the Howard Government has portrayed the role played by the AIC as the “front end” of Australia’s counter-terrorist strategy. It is a virtual truism that accurate and timely intelligence remain crucial to providing early warning of preparations for, or the impending execution of, terrorist attacks. This has been reflected in the streamlining of Australia’s intelligence agencies since 9/11 and the unprecedented resources diverted to the AIC, particularly ASIO. Greater emphasis overall has been placed on analytical capabilities relating to terrorism, with the lead Commonwealth agency, the Office of National Assessments (ONA) establishing a Transnational Issues Branch devoted largely to assessing terrorism trends worldwide, and operating as the AIC’s central point of contact for liaising with foreign intelligence agencies on the issue.³⁴ In May 2004, the Howard Government opened the National Threat Assessment Centre in Canberra which is designed to foster greater analytical input into ASIO threat assessments from ONA, the Defence Intelligence Organisation, and the Australian Secret Intelligence Service.³⁵

In terms of playing a frontline role in implementing the Government’s counter-terrorism strategy, ASIO remains the agency in the AIC responsible for preparing and distributing threat assessments and specific warnings regarding terrorism via the Australian Secure Network (ASNET). As noted above, ASIO has been granted substantially increased legislative powers at the “active” level of monitoring terrorist suspects, but the culture of the Organisation itself has also been recast significantly since 9/11 with almost exclusive priority now accorded to fulfilling a dedicated counter-terrorism role. In addition to its more traditional activity of monitoring suspected domestic threats, ASIO has (of necessity) embraced a much more proactive outreach program to Australia’s Muslim community. This has been aimed, at least in part, at breaking down negative perceptions of internal security agencies in a community comprising many immigrants from countries “where internal security agencies have reputations for arbitrariness, brutality and corruption”.³⁶ More broadly, of course, this outreach by ASIO has also been aimed at cultivating reliable and enduring intelligence networks in Australia’s Muslim community. But by far the most visible change has been ASIO’s budgetary position. It now routinely receives around half of all funds allocated to the AIC in federal budgets and its personnel numbers have more than doubled since 2001 and are projected to double again by 2010.³⁷

Regional Assistance and Engagement

Rhetoric on the Middle East aside, Southeast Asia remains the single most important region for Australia in its endeavours to prevent attacks against national targets domestically and abroad. This region is home to the largest Muslim country in the international system and is an acknowledged base for the group that perpetrated the



2002 Bali attacks, Jemaah Islamiyah (JI).³⁸ The Howard Government made it clear that it believed degrading the operational capacity of terrorist groups in Southeast Asia will have a direct bearing on Australia's capacity to protect national territory.³⁹ It also sought to counter terrorism in Australia's immediate region at two integrated levels.

The first level has been the promotion of greater intelligence and law enforcement cooperation links with states in the region, along with providing direct support for the counter-terrorist strategies of individual states. This has included expanded intelligence exchanges with like-minded states, particularly Singapore, The Philippines, and Thailand, as well as enhanced cooperation with Indonesian authorities in bolstering joint investigative and forensic evaluation techniques. To give institutional "ballast" to these links, Australia has also concluded a series of counter-terrorist memoranda of understanding with selected regional states, including Indonesia.⁴⁰ In January 2003, Australia was invited to join a regional counter-terrorism task force instituted by the Association of Southeast Asian Nations aimed at enhancing regional communication and making terrorism an extraditable offence in the region.⁴¹ The Howard Government has also provided significant financial and in-kind support for the improvement of states' counter-terrorist capabilities in the areas of border control, anti-terrorist financing, and transport security.⁴² In the 2006-07 federal budget, the Government announced that it would provide an additional \$92.6 million over the next four years to specifically assist regional states improve their disaster response capacity and their ability to prevent nuclear, chemical, biological, and radiological terrorist attacks.⁴³ Renewed attention is also being devoted to helping regional governments formulate "counter-radicalisation" strategies to counter extremist propaganda.⁴⁴

The second level is the targeting of bilateral assistance packages with a view to addressing some of the problems of poverty and related issues such as public health in the region. Despite the Howard Government's frequent public dismissals of any causal link between poverty and terrorism, this sentiment is simply not reflected in Australia's aid program in Southeast Asia. Indeed, Australia's overseas aid program was quickly injected with a counter-terrorism dimension after Bali, with a 2003 AusAID paper on the topic noting that "poverty, conflict and weak governance create environments for the growth of terrorist networks".⁴⁵ The link between weak governance and the emergence of terrorist havens was explicitly cited by Howard himself as a reason for Australia's decision to lead and largely finance the Regional Assistance Mission to the Solomon Islands in 2003.⁴⁶ More recently, Australia's \$1 billion commitment to the Partnership for Reconstruction and Development to help Indonesia recover from the 2004-05 tsunami was transparently aimed at contributing to stability in the archipelago, improving Australia's image, and minimising opportunities for radical Islamists to exploit the societal and economic dislocation engendered by the crisis.⁴⁷



The Road Ahead

Australia's counter-terrorist strategy exhibits a degree of policy coherence that many critics have been unwilling to acknowledge. As argued above, the three key pillars of that strategy incorporate measures and initiatives designed to lower the risk of terrorist attack against Australia. In terms of effectively managing the counter-terrorist "threat assessment dilemma" outlined earlier in this paper, the Howard Government deserves some limited credit (in addition to the specific criticisms outlined below). Contrary to the view of some of its critics, senior Government Ministers have been assiduous in reassuring the public that counter-terrorist measures, especially domestic legislation, are not directed solely at the Muslim community and that Australia's counter-terrorist strategy more broadly is not anti-Islamic.⁴⁸ Although condemned in some quarters for allegedly targeting Australia's Muslim community through permissive legislative provisions that allow security agencies to monitor terrorist suspects, the Government actually gained the support of the country's peak Muslim representative group for its *Anti-Terrorism Act 2005*.⁴⁹ In this sense, the Government has played an important role in discouraging a backlash against the country's Muslim population with a view to preserving social harmony, as well as an important source of future intelligence.

Moreover, in contrast with the US tendency to frequently upgrade terrorist attack alert levels on occasionally less than convincing grounds⁵⁰, the Australian Government has kept the national alert status at "medium" since introducing a four-tier alert system when the first NCTP was finalised in June 2003.⁵¹ Unlike the United States, where "alert fatigue" among ordinary citizens has become a real issue for government, there is little doubt that any shift in the alert level in Australia would have a significant impact on public vigilance. By resisting raising the national alert status following high profile terrorist attacks in Madrid in March 2004, on Australia's embassy in Jakarta in September 2004, and on the London underground in July 2005, the Howard Government has sought to safeguard the credibility of Australia's terrorist threat alert regime.

However, despite the policy coherence underlying Australia's counter-terrorist strategy, the Howard Government needed to turn its attention to addressing some of the weaknesses in its approach to terrorism at the domestic and foreign policy level. The first weakness which the Government needed to address was its less than convincing articulation of the case in favour of updating existing anti-terrorism legislation. This writer endorses the logic that if one accepts the need for a counter-terrorist strategy, then one also needs to accept that pursuing such a strategy will inevitably entail the derogation of certain civil liberties. Thus quite often the issue is not *whether* certain civil liberties are sacrificed, but rather the *extent* of this sacrifice. In an ideal world, law abiding citizens would accept the derogation of specific civil liberties (eg authority for security agencies to detain individuals suspected of possessing knowledge of a



terrorist threat to the country) if the expected payoff is a more secure environment for themselves and their loved ones. In this connection, the Howard Government needed to be more explicit about why specific changes to domestic legislation will make it harder for terrorists to attack Australian national assets.

Seeking to justify proposals for enhanced powers for security agencies and law enforcement authorities following a governmental review of existing legislation in the wake of the July 2005 London bombings, the Prime Minister noted vaguely that “the proposed legislation is a combination of best practice from overseas and innovative solutions that respond to Australia’s security needs”.⁵² At no point, however, did he provide any explanation of why existing laws were inadequate to deal with the array of potential threats from terrorist operatives (including suicide bombers), or how the new proposals would raise the bar for those seeking to attack targets within Australia. The Howard Government’s unfortunate decision to gag Parliamentary debate on the *Anti-Terrorism Act 2005* in early December by claiming that it was important the new laws be passed before Parliament adjourned for the year merely reinforced the concerns of those who were already uneasy about devolving greater authority to security agencies to monitor and detain those suspected of involvement in terrorist acts.⁵³ One initiative the Government could have taken was to release selective information to the public—without compromising intelligence sources and methods—demonstrating how laws which have already been passed have worked in practice to make Australia more secure from terrorist attack. Rather than engaging in vague justifications for new laws that impact on civil liberties, the Howard Government needed to be more transparent about how these laws will make the country more secure from terrorism. If it was unable to come up with a persuasive case, then the introduction of new laws is probably unnecessary.

The second area which the Howard Government needed to devote greater emphasis to is the role public diplomacy can play in improving Australia’s image abroad, particularly in Southeast Asia. To avoid Australia being tarred with a similar “image problem” to the United States, “as arrogant, self-indulgent, hypocritical, inattentive, and unwilling or unable to engage in cross-cultural dialogue”, more effort needs to be expended in promoting an image of Australia that emphasises tolerance, open-mindedness, and a commitment to values widely held in many Asian states—the central role of family, economic prosperity, cultural respect, and education.⁵⁴ To put it mildly, snazzy television commercials featuring scantily clad models and backdrops of Uluru interspersed with indecipherable “Aussie” idioms do not project an image that will improve Australia’s national profile throughout Southeast Asia, where many still see Australia as an alien state with little genuine connection to its regional neighbours. This perception can only aid the cause of those in the region who harbour deep-



seated grievances against Australia as an “apostate minion” of the United States. There needs to be less emphasis on Australia’s military contribution to the “war on terrorism” and more effort devoted to increasing Australia’s soft power in the Asian region. In the long term, this means diverting more resources to the Department of Foreign Affairs and Trade to lead a well coordinated diplomatic offensive in the region aimed at projecting favourable images of Australia, including images that mirror the genuinely positive role played by moderate members of Australia’s Islamic community in nation-building. In short, Australia needs to be better at conveying its own “narrative” in Southeast Asia.

The third area where the Howard Government should have changed its focus was to actively distinguish Australian counter-terrorism strategy from the counter-terrorism strategy of the United States. As a first step towards product differentiation, all references in official statements to a “war on terrorism” should cease. As one writer points out, “a ‘war against terror’ has no more meaning than a ‘war against poverty’”. It defines no specific threat, does not delineate a precise enemy, and thus defines no realisable political ends”.⁵⁵ From a more practical perspective, it merely serves to tie Australia to an American global counter-terrorist strategy that has, unfortunately, lost its way since the invasion of Iraq in March 2003. If was serious about combating the long term threat from Islamic terrorism in particular, the Howard Government needed to take the politically difficult step of communicating to Washington the view that the US-led invasion, occupation, and post-occupation role in Iraq continues to have a corrosive effect on America’s global counter-terrorism strategy. As a former deputy chief of the CIA’s Counter-Terrorist Centre has written, “Even though much of the violence that has plagued Iraq since the operation began is unmistakably attributable to terrorism, the US government undertook the military operation in Iraq primarily for reasons other than counter-terrorism, feeding Muslim misperceptions and fears that the United States also has ulterior motives every time it talks about fighting terrorism”.⁵⁶

The fact that the Bush administration has, rather unhelpfully, identified Iraq as “the central front in the global war on terror”⁵⁷ only makes it more difficult for allies such as Australia to distinguish between failure to stabilise Iraq in the face of an insurgency onslaught and victories against terrorism on fronts (eg Indonesia) that are more important to Australia’s national security in the longer term. That said, the Howard Government could have been more pro-active in making this distinction and in distancing itself from what looks to be an impossible mission of securing a peaceful, stable, united, and democratic Iraq. Ill-advised statements from senior Ministers that simply echo misguided policy settings in Washington make the task all that much harder.⁵⁸ It is one thing to talk up the great work the Australian Defence Force is doing to support nation-building in Iraq; quite another to subscribe to the US view that the



struggle against a patchwork quilt of insurgents in a manifestly dysfunctional state is a Manichean contest that will determine whether international terrorism is defeated. From Australia's perspective, supporting this simplistic "winner takes all" logic can only serve to detract from the coherence and credibility of its counter-terrorist strategy at home and in Southeast Asia.

Footnotes

- 1 Senior Lecturer, School of Political and International Studies, Flinders University. An earlier version of this paper was presented to the "Expert Workshop on Ensuring Accountability : Terrorist Challenges and State Responses in a Free Society", held at the Australian National University on 20-21 April this year. The paper is a work-in-progress, so comments are very welcome: <andrew.oneil@flinders.edu.au>.
- 2 For the purpose of this analysis, I define terrorism as a strategy of conflict carried out by non-state entities which use violence or the threat of violence to achieve political and/or religious objectives. On the vexing question of defining terrorism, see Clive Williams, *Terrorism Explained: The Facts About Terrorism and Terrorist Groups*, New Holland Publishers, Sydney, 2004, pp. 7-11.
- 3 See Michael Head, "Counter-Terrorism Laws: A Threat to Political Freedom, Civil Liberties and Constitutional Rights", *Melbourne University Law Review*, 26(3), December 2002, pp. 666-689. On the role of border security in the 2001 election campaign, see David Marr and Marian Wilkinson, *Dark Victory*, Allen and Unwin, Crows Nest, 2003.
- 4 Jenny Hocking, "Counter-Terrorism and the Criminalisation of Politics: Australia's New Security Powers of Detention, Proscription and Control", *Australian Journal of Politics and History*, 49(3), 2003, pp. 355-71.
- 5 Lyn Allison, "And at Least Another Ten Years to Undo the Damage", *On-Line Opinion: Australia's E-journal of Social and Political Debate*, 2 March 2006. Available at <<http://www.onlineopinion.com.au/view.asp?article=4216>> (accessed 24 March 2006).
- 6 Richard Woolcott, "Why We Are a Bigger Target", *The Age*, 10 September 2004.
- 7 Robert Manne, "Little America", *The Monthly*, March 2006, p. 24.
- 8 Some might point to Australia's military commitment to the US-led Global War on Terrorism as a fourth pillar of Australia's counter-terrorism strategy. Although a case could probably be made to support this claim in relation to Australia's military contribution in Afghanistan, counter-terrorist concerns have been marginal in determining Australia's military commitment in Iraq, notwithstanding the Howard Government's rhetoric. Unlike Afghanistan, where there is an observable counter-terrorist rationale, Australia's Iraq commitment has been driven almost exclusively by the objective of strengthening the bilateral security alliance with the United States, as well as the political and economic dimension of the relationship with Washington.
- 9 A number of international relations analysts—including this writer—have questioned whether the threat from terrorism actually merits the degree of concern it has attracted. As John Mueller observes, in contrast to the genuinely apocalyptic threat posed by East-West nuclear conflict, "for all the attention it evokes, terrorism, in reasonable context, actually



- causes rather little damage and the likelihood that any individual will become a victim in most places is microscopic". See John Mueller, "Simplicity and Spook: Terrorism and the Dynamics of Threat Exaggeration", *International Studies Perspectives*, 6(2), 2005, p. 220; and Andrew O'Neil, "A Failure of Perspective", *The Diplomat*, June-July 2004, pp. 55-56.
- 10 For a representative sample of the literature, see Bruce Hoffman, *Inside Terrorism*, Columbia University Press, New York, 1998; Peter Chalk, "The Evolving Dynamic of Terrorism in the 1990s", *Australian Journal of International Affairs*, 53(2), 1999, pp. 151-67; Audrey Cronin, "Behind the Curve: Globalization and International Terrorism", *International Security*, 27(3), 2002-03, pp. 30-58; Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill*, Harper Collins, New York, 2003; Walter Laqueur, *No End to War: Terrorism in the Twenty-First Century*, Continuum, New York, 2003; and James Kiras, "Terrorism and Globalization", in John Baylis and Steve Smith (ed.), *The Globalization of World Politics: An Introduction to International Relations*, 3rd edition, Oxford University Press, 2005, pp. 479-97.
 - 11 For an overview of the various debates, see Andrew O'Neil, "Terrorist Use of Weapons of Mass Destruction: How Serious is the Threat?", *Australian Journal of International Affairs*, 57(1), 2003, pp. 99-112.
 - 12 Robert Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism*, Random House, New York, 2005, pp. 8-24.
 - 13 Boaz Ganor, *The Counter-Terrorism Puzzle: A Guide for Decision Makers*, Transaction Publishers, New Brunswick, 2005, pp. 25-26.
 - 14 In particular, see Wyn Rees and Richard Aldrich, "Contending Cultures of Counter-Terrorism: Transatlantic Divergence or Convergence?", *International Affairs*, 81(5), 2005, pp. 905-923; David Omand, "Countering International Terrorism: The Use of Strategy", *Survival*, 47(4), 2005-06, pp. 107-116; and Brigitte Nacos, *Terrorism and Counter-Terrorism: Understanding Threats and Responses in the Post-9/11 World*, Pearson Longman, New York, 2006; and Oldrich Bures, "EU Counterterrorism Policy: A Paper Tiger", *Terrorism and Political Violence*, 18(1), Winter 2006, pp. 57-78.
 - 15 See, for instance, Audrey Kurth Cronin and James Ludes (eds.), *Attacking Terrorism: Elements of a Grand Strategy*, Georgetown University Press, Washington DC, 2004.
 - 16 In August 2003, Prime Minister Howard noted publicly that Australian authorities had helped prevent several terrorist attacks in Indonesia, while more recently senior police in Victoria and New South Wales arrested over a dozen people whom they claimed were preparing "to launch a terrorist attack in Australia". See Tom Allard, "We Foiled Terrorist Attacks: PM", *The Sydney Morning Herald*, 21 August 2003; and "Raids Foil Terrorist Attack: Police Chiefs", *ABC News Online*, 8 November 2005. Available at <<http://www.abc.net.au/news/newsitems/200511/s1499988.htm>> (accessed 14 September 2006).
 - 17 Jenny Hocking, "Counter-Terrorism and the Criminalisation of Politics", p. 371. More pertinent in my view is the question of how non-democratic and quasi-democratic governments in states with questionable human rights records have sought to capitalise on the threat of terrorism to further suppress (and in some cases repress) specific domestic constituencies. For discussion of the situation in Australia's own region, see Rosemary Foot, "Collateral Damage: Human Rights Consequences of Counter-Terrorist Action in the Asia-Pacific", *International Affairs*, 81(2), 2005, pp. 411-425.



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- 18 The Australian Government's definition of terrorism—contained in the *Criminal Code Act 1995*—is as follows: “[A]n act, or threat, intended to advance a political, ideological, or religious cause by coercing or intimidating an Australian or foreign government or the public, by causing serious harm to people or property, creating a serious health risk to the public, disrupting trade, critical infrastructure or electronic systems”. See Section 100.1 of the *Criminal Code Act 1995*. Available at <[http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/0DC145C8392196F5CA25705000825FFB/\\$file/CriminalCode1995_WD02.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/0DC145C8392196F5CA25705000825FFB/$file/CriminalCode1995_WD02.pdf)> (accessed 31 March 2006).
 - 19 Department of Defence, *Australia's National Security: A Defence Update 2003*, Commonwealth of Australia, 2003, pp. 11-12.
 - 20 Senator the Hon Robert Hill, Minister for Defence, “Australia's Response to Terrorism: Speech to the Menzies Research Centre, 25 May 2004”. Available at <<http://www.minister.defence.gov.au/HillSpeechtpl.cfm?CurrentId=3845>> (accessed 12 September 2004).
 - 21 The White House, *The National Security Strategy of the United States of America*, March 2006, available at <<http://www.whitehouse.gov/nsc/nss/2006/sectionIII.html>> (accessed 12 September 2006).
 - 22 This paragraph is drawn from Andrew O'Neil, “The Evolving Nature of International Terrorism and Australia's Response”, in Duncan Chappell and Paul Wilson (eds.), *Issues in Australian Crime and Criminal Justice*, LexisNexis Butterworths, Sydney, 2005, pp. 384-85.
 - 23 The following statement from Howard, which has become his standard response to inquiries about Australia's vulnerability to terrorist attacks, typifies the Government's public position: “I cannot look anybody in this country anywhere in the face and promise them there won't be a terrorist attack in Australia, because there is a real possibility of it. But there is no particular information, there is no particular event that has occurred which produces evidence there is a heightened risk of a terrorist attack”. “Howard Plays Down Terrorist Attack Prediction”, *ABC News Online*, 8 September 2006. Available at <<http://www.abc.net.au/news/newsitems/200609/s1735956.htm>> (accessed 14 September 2006).
 - 24 Following the Bali attacks in October 2002, the Howard Government came under intense criticism for not ensuring that travel advisories issued by the Department of Foreign Affairs and Trade were updated (as was the case with State Department travel advice to US citizens) to warn Australians of the heightened dangers from terrorism in popular tourist areas on the island.
 - 25 The NCTC supplanted the Standing Advisory Committee on Commonwealth-State Cooperation for Protection Against Violence (SAC-PAV) which itself was created in the wake of the 1978 Hilton Hotel bombing.
 - 26 Department of Prime Minister and Cabinet, *Protecting Australia Against Terrorism: Australia's National Counter-Terrorism Policy and Arrangements*, Commonwealth of Australia, 2004, p. 10.
 - 27 *Council of Australian Governments' Communiqué: Special Meeting on Counter-Terrorism, 27 September 2005*, p. 5.
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- 28 Department of Prime Minister and Cabinet, *Protecting Australia Against Terrorism*, p. 11.
- 29 Susan Harris-Rimmer and Nigel Brew, "Proposals to Further Strengthen Australia's Counter-Terrorism Laws", *Parliament of Australia E-brief*, 25 November 2005. Available at <<http://www.aph.gov.au/library/intguide/LAW/TerrorismLaws.htm>> (accessed 22 March 2006).
- 30 In a media release the day the Act was passed, the Law Council of Australia observed acidly that "Unlike the Labor Party, we've put up a decent fight". Law Council of Australia, "Law Council Vows to Monitor Use of Counter-Terror Laws", *Media Release*, 6 December 2005.
- 31 For the inventory of Government anti-terrorism legislation, see the Attorney General's Department website, <<http://scaletext.law.gov.au/>> (accessed 30 March 2006).
- 32 "Transcript of the Prime Minister the Hon John Howard MP, Opening of the National Threat Assessment Centre, Russell, Canberra, 5 May 2004". Available at <<http://www.pm.gov.au/news/speeches/speech844.html>> (accessed 10 September 2006).
- 33 See James Cotton, "Australian Foreign Policy and the Management of Intelligence Post-September 11", *APSEG Discussion Paper*, 06-03, Australian National University, 2006.
- 34 Department of Prime Minister and Cabinet, *Protecting Australia Against Terrorism*, p. 23.
- 35 "Transcript of the Prime Minister the Hon John Howard MP, Opening of the National Threat Assessment Centre, Russell, Canberra, 5 May 2004". Available at <<http://www.pm.gov.au/news/speeches/speech844.html>> (accessed 2 September 2006).
- 36 Peter Chalk and William Rosenau, *Confronting the "Enemy Within": Security Intelligence, the Police, and Counter-Terrorism in Four Democracies*, RAND Corporation, Santa Monica CA, 2004, p. 44.
- 37 "ASIO to Receive Huge Funding Boost", *The Sydney Morning Herald*, 16 October 2005.
- 38 As David Wright-Neville has argued, it is important to distinguish Islamist activists and militants in the region from groups that employ terrorism as a strategy of conflict. See David Wright-Neville, "Dangerous Dynamics: Activists, Militants and Terrorists in Southeast Asia", *The Pacific Review*, 17(1), 2004, pp. 27-46. There are conflicting views over the degree to which JI remains a viable force in the region. Some believe that JI is a spent force, while others maintain that incidents such as the suicide bombings in Bali on 1 October 2005 confirm its operational strength. For a relatively even-handed perspective from the most widely respected expert on JI, see Sidney Jones, "The Changing Nature of Jemaah Islamiyah", *Australian Journal of International Affairs*, 59(2) 2005, pp. 169-78.
- 39 For the most recent articulation of this view, see "Speech by the Hon Alexander Downer to the Indonesia Crime Prevention Foundation Seminar on International Cooperation Against Terrorism, Focus on Suicide Bombing as a Symptom of Terrorism, 27 February 2006". Available at <http://www.foreignminister.gov.au/speeches/2006/060227_icpf_seminar.html> (accessed 5 September 2006).
- 40 Department of Foreign Affairs and Trade, *Transnational Terrorism*, p. 86.
- 41 Jonathan Chow, "ASEAN Counter-Terrorism Cooperation Since 9/11", *Asian Survey*, 45(2), 2005, p. 317.



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- 42 Department of Foreign Affairs and Trade, *Transnational Terrorism*, pp. 85-93.
- 43 Minister for Foreign Affairs and Trade, Alexander Downer and Deputy Prime Minister and Minister for Trade, Mark Vaile, "Budget 2006-07", *Joint Media Release*, 9 May 2006. Available at <http://www.foreignminister.gov.au/releases/2006/joint_vaile_budget_060509.html> (accessed 14 September 2006).
- 44 Author's discussions with officials at the Department of Foreign Affairs and Trade, 7 September 2006.
- 45 AusAID, *Counter-Terrorism and Australian Aid*, Commonwealth of Australia, 2003, p. 4.
- 46 Mary O'Callaghan, John Kerin, and Martin Chulov, "1200 Troops for the Solomons", *The Australian*, 26 June 2003.
- 47 The \$1 billion tsunami aid package—composed of \$500 million in grant assistance and \$500 million in concessional loans—is in addition to the annual \$160 million in Australian aid to Indonesia. For details, see AusAID, *Australian Aid: An Integrated Approach, Thirteenth Annual Statement to Parliament on Australia's Aid Program*, Commonwealth of Australia, 2005, p. 9.
- 48 See, for instance, "PM Denies Raids Anti-Muslim", *ABC News Online*, 9 November 2005. Available at <<http://www.abc.net.au/news/newsitems/200511/s1500786.htm>> (accessed 30 March 2006); "Speech by the Hon Alexander Downer, Minister for Foreign Affairs and Trade, to the Centre for Muslim States and Societies, University of Western Australia, 21 November 2005". Available at <http://www.foreignminister.gov.au/speeches/2005/051121_centre_for_muslim_states.html> (accessed 1 September 2006).
- 49 "Muslim Leaders Endorse New Anti-Terror Laws", *ABC News Online* (PM Transcript), 6 October 2005. Available at <<http://www.abc.net.au/pm/content/2005/s1476483.htm>> (accessed 28 March 2006). While some may point out that members of the Muslim Community Reference Group are appointed by the Howard Government, it is worth noting that the Chairman of the Group, Dr Ameer Ali (who is also President of the Australian Federation of Islamic Councils), was one of the leading critics of Australia's support for the US-led invasion of Iraq. See "Howard and Islamic Leader Clash at Dinner", *The Sun-Herald*, 13 April 2003.
- 50 The Bush administration raised the US terror threat advisory level following the London subway bombings in July 2005, while at the same time acknowledging that it had no evidence that similar attacks were planned against the United States. This was the seventh time the level had been raised since the advisory regime was created in 2002. See David Stout, "US Raises Threat Level for Mass Transit", *The New York Times*, 7 July 2005.
- 51 Attorney-General's Department, 'National Counter-Terrorism Alert Level', available at <<http://www.nationalsecurity.gov.au/agd/www/nationalsecurity.nsf/AllDocs/F2ED4B7E7B4C028ACA256FBF00816AE9?OpenDocument>> (accessed 8 September 2006).
- 52 Prime Minister John Howard, "Counter-Terrorism Laws Strengthened", *Media Release*, 8 September 2005, available at <http://www.pm.gov.au/news/media_releases/media_release1551.html> (accessed 28 March 2006).
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- 53 Jewel Topsfield, “Anti-Terror Laws Rammed Through—Minus Debate”, *The Age*, 7 December 2005.
- 54 For an excellent discussion of the importance of effective public diplomacy in the US context, see Peter Petersen, “Public Diplomacy and the War on Terrorism”, *Foreign Affairs*, 81(5), 2002, pp. 74-96.
- 55 David Martin Jones, “Political Islam and the New Global Insecurity”, *Australian Army Journal*, 3(1), 2005-06, p. 187.
- 56 Paul Pillar, “Counter-Terrorism After Al Qaeda”, *The Washington Quarterly*, 27(3), 2004, p. 108.
- 57 US National Security Council, *National Strategy for Victory in Iraq*, November 2005, p. 3.
- 58 See the recent remarks by Defence Minister Brendan Nelson that “If Al Qaeda considers Iraq to be the key front in the war on terror, how can we not?”. Quoted in Greg Sheridan, “Inside the Fog of War”, *The Weekend Australian*, 9-10 September 2006.