

Counter-Terrorism International Conference 2007

15-16 October 2007
Sofitel Hotel, Melbourne, Australia

Conference Papers



International Conference on Counter-Terrorism Policing and Culturally Diverse Communities
Sofitel Hotel, Melbourne

Convened by
Victoria Police
Victorian State Government
Australian Multicultural Foundation
Monash University

Referee Process: All papers have been refereed by at least two readers.

Published by Victoria Police and Monash University

Conference Publication Editor(s):

Dr Hussein Tahiri and Associate Professor Sharon Pickering

Published July 2008

Printed and Distributed by Monash University

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Introduction

Message from the Chief Commissioner of Victoria Police

In recent years Australians have seen the catastrophic capacity of terrorist groups in attacks such as September 11, the Bali bombings, the Madrid train bombings and attacks in London.

These events have caused mass casualties and are indicative of a changed national and global environment in which the threat of terrorism exists. The challenge to combat global terrorism has become a high priority for the public and policy makers.

The International Conference on Terrorism, to be held in October, aims to present cutting edge research and enhance dialogue between leading policy makers, academics, law enforcement agencies, community and other stakeholders.

We will explore the best ways to create a safe and harmonious community while countering the terrorism threat, and develop common understanding between various agencies who deal with the issue of terrorism and counter-terrorism.

There is broad consensus regarding the significance of the terrorist threat. However, debate surrounds the most effective means of countering domestic and international terrorism.

Can terrorism be prevented through strong legislation and policies? Are intelligence and law enforcement the solutions? Are there other broader challenges in combating terrorism?

There is still a great deal to learn about the root causes of terrorism and how it can be prevented. What is becoming clearer is that there is not just one solution to the issue.

To successfully combat terrorism, we need to engage with the community, show respect, compassion, understanding of religions and cultural differences, practise diplomacy, and utilise our legislation, intelligence, law enforcement and selective military action when necessary.

The London terrorist attacks on 7 July, 2005 shocked many people. Not only because of the mass casualties it caused, but also the fact that the suicide bombers were citizens of the United Kingdom. This, inevitably, raised questions about

multiculturalism and whether it is a solution or contributor to terrorism.

Multiculturalism has particular significance in Australia. As such, there will be an opportunity to discuss Australian multiculturalism in light of the global terrorism threat at this conference.

The conference speakers are renowned national and international academics, practitioners, media personalities and community leaders, which will ensure a rich, informative and lively forum.

Delegates will include national and international stakeholders including practitioners, academics, media, community, and policy makers.

Other forums on terrorism have often been a dialogue between policy makers and/or academics. At this conference the community, especially our multicultural community, will form an integral part, ensuring there is an inclusive approach to finding practical solutions to issues that concern us all.

I encourage you to participate in this rich and informative opportunity.

Christine Nixon, APM
Chief Commissioner

Searching for a best practice community policing model

Associate Professor David Wright-Neville
Monash University

Introduction

Although Australia has not evinced the types of marginalisation that have contributed to terrorist violence in other parts of the world, it was a perception that poorly calibrated counter-terrorism policies could inadvertently contribute to the development of such an environment that inspired Victoria Police to establish a scholarly partnership with Monash University's Global Terrorism Research Unit. Titled 'Counter-Terrorism Policing and Culturally Diverse Communities', the project was designed to develop a world's best practice counter-terrorism policing model through an investigation of the impact of counter-terrorism policy on Victoria Police as an institution, on individual police officers, on a wide variety of community groups and individual members of Victoria's diverse multicultural community. Investigators also factored into their analysis the effects on police and community members of legislative changes that have given police and other security agencies greater power as well as the saturation media coverage of the terrorism issue. In the case of legislative changes, an understanding of how such reforms have been operationalised by police and perceived by police and different communities is an essential ingredient to understanding how policy makers might avoid unintentionally alienating both police and community members. Research from the United Kingdom (House of Commons Home Affairs Committee 2005), for instance, shows that resentment towards enhanced counter-terrorism powers among certain communities can complicate their willingness to cooperate with police.

An interdisciplinary research approach

To incorporate all these perspectives into a multifaceted model of counter-terrorism policing, the Victoria Police–Monash University project adopted an interdisciplinary methodology. Such an approach was deemed necessary to produce a model that challenged the assumption that terrorism necessitates a largely paramilitary response to terrorism. It was an *a priori* assumption of the project—based on preexisting research into

contemporary terrorism—that such an approach risked escalating the social divisions upon which terrorists feed.

In other words, the potentially negative impact of counter-terrorism policing on police-community relations was identified early on. To this end the project reflected a commitment by Victoria Police to ensure that in an atmosphere of heightened social anxiety its officers remain well equipped to protect the rights and security of all Victorians regardless of cultural and religious differences.

It was hoped that a community informed model of counter-terrorism policing could work to strengthen multicultural democracy, seen as integral to stymieing the social and existential tensions that foster terrorist activity.

Defining 'community'

Underpinning this debate lies a deeper debate over the meaning of 'community'. In the post-9/11 environment, cultural and religious diversity has been seen by a growing number of individuals as a dangerous phenomenon that encourages a different Muslim culture which asserts itself against Western values. This view rests on the erroneous assumption that the terrorism of al Qaeda and like-minded groups is in fact a true reflection of Islam, supported by the majority of Muslims. As Waleed Aly observed in the days after the raids against alleged Muslim extremists in Melbourne and Sydney in late 2005,

Whereas support for previous raids was as rare as a pork chop in a mosque, this time the response is markedly more considered. A few are even predicting that in the long run Tuesday will mark a positive turning point for Australian Muslims. They want the scourge of terrorism eradicated more than anyone else, and are likely to feel much more comfortable about the police's conduct if a fair trial produces conviction. (Aly 2005)

Even so, despite repeated affirmations by the vast majority of Muslim Australians that they are committed to an Australia that embraces the principles of justice, equality and due process, the concept of 'community' has remained a subject of considerable debate. Comments by senior Howard government ministers that Muslim Australians should accept mainstream values 'or clear off' were

the most obvious manifestations of this discourse of exclusion.

Community consultation process

In designing consultations with the community stream attention was paid to securing the most inclusive and representative samples as possible. A diverse range of people, groups and communities were interviewed, taking into account age and gender differences. There was also careful attention paid to the need to be responsive and respectful of the sensitivities surrounding the issues of terrorism and counter-terrorism policing in some communities. This sensitivity was reflected through three core principles:

- an inclusive mode of data collection that fostered a sense of shared ownership of research projects;
- a community-based analysis of social problems; and
- an orientation toward community action.

Community-based interviews covered the leaders of more than 30 different community groups. Using these leaders as templates for a more focused set of surveys, the research then moved into focus groups comprised of cross-sections of community members and from there one-on-one interviews with individual community members. Peak cultural and religious bodies, various Migrant Resource Centres, and other organisations such as refugee, youth and women's advocacy groups were all consulted about the project.

Community policing

There are a number of features that characterise the changed policing environment in Australia in the post-September 11 environment. These include changes in the legal environment, a greater blending of police and military functions, the development of hybrid security/police agencies, increased federal involvement in law enforcement activities that were once the preserve of the states and territories and a move towards pre-emptive policing. Counter-terrorism policing which relies on 'exceptional powers' of the type now becoming commonplace in many Western societies in the context of the 'war against terror' reflects a strong belief that increasingly coercive force is essential to a successful counter-terrorism strategy.

However, there is little credible evidence to support the view that the use of hard power yields any tangible long-term benefits in counter-terrorism;

rather, that such an approach threatens to undermine the core principles of community-based policing.

Community-based policing is generally said to emphasise a conciliatory, rather than coercive, approach in police work. The community policing model concerns itself with including 'ordinary citizens in decision-making structures, so that operational strategies and techniques are conscious of 'community' as well as 'police' interests' (White & Perrone 1997, 27). In counter-terrorism terms, the efficacy of the community policing model lies in its ability to foster a sense of community ownership in the security framework. In other words, refining the community-based policing model to a counter-terrorism agenda promises to foster a sense of policing *with and on behalf of* the community, rather than *against* the community.

In so doing, community policing reduces the potential that a given community will feel victims of guilt by association, or that they must all suffer because of the actions of a tiny minority, which in turn reduces the capacity of would-be terrorists to use the community's sense of alienation as camouflage.

Findings and nascent concerns

In terms of establishing a wider attitudinal context within which individual community leaders looked at the issue of counter-terrorism policing, interviews with mainly Islamic community leaders suggested widespread unease with the popular view that terrorism is a religiously motivated phenomenon. Respondents underscored the discomfort felt by Muslim communities about the phrase 'Islamic terrorism', with most people failing to see any connection between their religion and terrorism.

Community leaders from the Muslim, Somali and Arab communities in particular expressed that the appellation 'Islamic terrorism' unfairly typecast their religion, and by implication themselves, as harbouring violent tendencies and hostility towards the West in general and Australian society in particular. As one community leader responded,

When they call it Islamic or Muslim terrorism I feel like I am being blamed for these acts. It is a major worry and headache for many in my community. Most [name of ethnic group] came to Australia as refugees, after fifteen years or more of civil war. We were fearful and scared in our country. And now we are more and more fearful and scared in Australia. We feel more and more

like we are not wanted here because we are Muslims. But please tell me, where can we go?

It was also noted by several community leaders that the Howard government's White Paper on combating terrorism perpetuated this misperception of Muslims by claiming that 'Islamist terrorism' posed the most significant form of terrorist threat to Australia. In the words of one respondent,

.... vicious mass murderers whose claim to acting in the name of Islam is no more valid than Timothy McVeigh's [who was responsible for the 1995 attack on the Oklahoma City Building in the US] claim to be acting in the name of Christianity.

Meanwhile, for another community leader,

When I see on the TV the police raiding the homes of Muslims, but not arresting or charging the people or when I read in the papers that these people are supporters of Muslim terrorism, I feel like I also might be considered a supporter of people like Osama bin Laden. Why don't they understand that Muslim people are also victims of terrorism? We are members of a community. We catch trains. Our children go to universities. We shop in the markets. So when I pray to God, I ask Him, 'please don't let there be terrorism in Australia, because we will be victims twice'.

There is also a fear that use of the term 'Islamic terrorism' risks inflaming anti-Muslim sentiment within Victorian society. Reports of anti-Muslim violence circulate widely and spread quickly, feeding concerns among the community.

Importantly, respondents signalled that communities attribute this rhetoric to political leaders and reported little evidence that Victorian police harbour these views. However, some community leaders suggested that young people often hold different views, and that there were occasional signs of growing hostility towards the police by young Muslims in particular, many of whom reported feeling harassed by police.

These concerns were borne out to a limited degree by focus group interviews with young Muslim people. Teenage respondents reported incidents of racial and religious abuse at a rate almost twice as high as that of their elders. Importantly, the impact on younger respondents also seemed to be more profound in a psychological sense. This is not to suggest that such experiences did not upset older respondents, but older respondents seemed to expect such harassment by dint of their 'newness'.

Compared to their elders, second and third generation Victorian Muslims evinced a significantly higher level of frustration and anger in the face of anti-Muslim hate crimes. They felt that their Australian identity and loyalty to the country was being called into question, that they were being compelled to choose between their religion and their status as 'real Australians'.

However, the research also suggests that these concerns should not be exaggerated and that despite such difficulties the overwhelming majority remain loyal to the state and the nation as a whole. In particular, the research points to a large reservoir of goodwill towards Victoria Police. Interestingly, it was young respondents who expressed a greater willingness to go to the police in the event that they might stumble across militant activity in their community.

Many community leaders drew sharp distinctions between Victoria Police and their federal counterparts. In the words of one respondent,

We applaud the Victorian Government and Victoria Police. I saw on the *Insight* TV show on SBS a Victorian policeman who spoke about the need to speak often to different ethnic groups—to understand them. And Victorian police have visited and spoken to my community. They were very nice. But when we see on TV the raids of Muslim houses by federal police or ASIO we feel frightened. Laws only create fear and terrorism. The understanding like that of the Victorian policeman was much better. ... However, many new [names ethnic group] to Australia, and many who do not have much education, don't really understand the differences between federal and state police policies. And these people are scared.

Several community leaders expressed doubts about the ability of federal authorities to deal with sensitive counter-terrorism issues.

Conclusion

Research within the community stream revealed a large reservoir of goodwill towards Victoria and Australia among the state's culturally, religiously and linguistically diverse groups. This goodwill is testimony to the extent to which these communities have embraced their new home, but also to the investments made by ordinary Victorians, successive state governments, and also Victoria Police in building a genuinely multicultural society.

Tensions unleashed within the post-9/11 world have caused some of this reservoir to ebb away. An increase in hate crimes against Muslims, perceptions of victimisation by federal authorities, and parallel perceptions of anti-Muslim sensationalism within the mass media have diluted some of the goodwill. Reversing this trend will involve a holistic approach that encompasses all levels of government, Victoria Police and parallel federal agencies, and the media. It will also require the willing participation of communities themselves. On this last point, research emphasises the important role of multiculturalism in combating terrorism.

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Counter-Terrorism policing and culturally diverse communities

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Following a three-year research partnership between Victoria Police and Monash University, supported by an advisory board and diverse communities, this presentation reported some of the findings of the police research stream.

The overall project made the following assumptions:

Terrorism is a phenomenon that is not confined to certain cultural or ethnic groups. Acts of politically motivated violence have throughout history been utilised by a wide variety of individuals and groups—religious and secular, Christian and others.

Evidence from other jurisdictions indicates that counter-terrorism policing can be a key element in fostering alienation and increasing risks of radicalisation.

Research indicates that there is a need to expand the conventional counter-terrorism policing model to incorporate fundamental tenets of the community-policing model.

Counter-terrorism policing is multidimensional: the approach taken in this project is one important dimension.

Some policing organisations are considering a more nuanced approach to terrorism from that of their political masters, one that is informed by an understanding of terrorism which takes seriously critical accounts of the causes of terrorism and the risks seemingly inherent to the criminalisation and suppression approaches of traditional counter-terrorism policing. Policing has good reason for undertaking this rethink. Policing organisations have the most to lose in the counter-terrorism environment in terms of their historical role in reacting to crime generally, as well as their evolving role in relation to terrorism. At the coalface of crime, security and civil society, police engagement with communities and the resulting relationships are the primary generators of police legitimacy critical for their effective function. The relationship between police and diverse communities stands to redefine how this most powerful state agent can offer not only a more effective counter-terrorism contribution, but can work to realign its own position in a time of perceived insecurity through actively enhancing social cohesion.

Historical and contemporary approaches to counter-terrorism policing

If we accept that terrorism is a process, and that approaches of suppression and criminalisation present risks that are unacceptable, there is an onus on scholars and practitioners to develop clear alternatives for counter-terrorism policing. The contemporary work of leading police scholars can be used to present our, not entirely distinct, frameworks through which to understand current challenges to counter-terrorism policing and community engagement.

First is the continuation of a long-practised approach to counter-terrorism, developed in the 1970s and 1980s in places such as Northern Ireland, whereby an overwhelmingly militaristic approach of suppression and criminalisation was taken to eradicate terrorism, resulting in long-term negative consequences for police-community relations.

Second is a Community Intelligence model of counter-terrorism/community engagement that has been taken up in jurisdictions in Europe and North America. Increasingly informed by the work of Martin Innes and Wesley Skogan, such approaches have prioritised the importance of increasing levels of community-police interaction to achieve police priorities informed by the concerns of the communities they serve. This has been characterised as a wide but shallow approach to community engagement.

Third, a model of enhanced Belonging can be read through the application of Ian Loader's writing on increasing a sense of political community through explicitly rights-based approaches to democratic policing which attempt to overcome the negative consequences of increasing police-community contact—specifically to avoid the dominance of police-community interactions by the most vocal and robust members of society. This has been characterised as a narrow but deep approach to community engagement.

Fourth, a Social Cohesion model will be considered. In bringing together elements of the Belonging and Community Intelligence models it will articulate an approach based on increased trust and legitimacy

between the community and police with clear operational imperatives for policing organisations. This final model has been developed through the collection and interpretation of Victorian data.

In considering these approaches and attempting to explicate alternative approaches we need to begin with how counter-terrorism is currently experienced and made sense of by police members. In doing so this research undertook 50 interviews with serving police members in three busy metropolitan stations with 32 members from the ranks of constable to senior sergeant. Eighteen interviews were conducted with members of specialist units from the rank of senior constable to inspector. It also undertook a force-wide online survey which solicited 541 responses. Respondents broadly reflected force-wide demographics: gender, rank, location etc.

Through this research strategy we sought to identify the potential for a counter-terrorism policing that prioritises social cohesion. We wanted to explore this in relation to both a broad and a narrow counter-terrorism impact on policing and communities. What became clear is how counter-terrorism policing could contribute to enhancing social cohesion and a sense of belonging whilst having clear operational import for police members. From the research it became possible to categorise first order and second order benefits of both broad counter-terrorism approaches (such as Social Cohesion) as well as for narrow counter-terrorism policing approaches that focus on the individual operational capacity of members.

The research identified some clear challenges for a Social Cohesion approach to counter-terrorism policing for both broad and narrow conceptions of the policing function. A summary of the research findings for each of these challenges are as follows.

Challenge 1: COMMUNITY TRUST

The research found that trust is rarely proactively built by operational members. It also found that trust is more proactively built by members in specialist units. Respondents reported varying levels of community trust. Community trust was rated one of the most significant challenges of working with Culturally and Linguistically Diverse (CALD) communities.

Specifically in relation to building trust with members of CALD communities, police members identified building trust with newly settled communities to be extremely challenging. Issues of language were highlighted: one member described it as like trying to ‘work through a blanket’. Cultural and religious understanding was also highlighted as a key challenge for building trust with CALD communities. 62.3% of police members rarely (less than annually) spend time developing relations with CALD communities. In contrast consultations with diverse communities reported moderate to high levels of trust in Victoria Police.

Challenge 2: COMMUNITY POLICING

The research found that the existing community policing approach is ad hoc both in terms of how members understand it and how they implement it as a policing style. Interviews indicated that while community policing was often considered central to police business it was often still considered ‘soft’ policing. Positive perceptions of community policing and proactive approach to it was highly dependent on station leadership. Members also considered their approach to community policing to be highly dependent on scarce resources and time availability. The research found that understanding of and approach to community policing was far better developed in specialist units. Overall interviews revealed that there is a dissonance between community policing and counter-terrorism policing in minds of operational members.

Table 1: Counter-Terrorism Impact on Communities and Police

	Broad Counter-Terrorism Impact: Social Cohesion	Narrow Counter-Terrorism Impact: Capacity & Incident Prevention
First Order	Decrease alienation, perceptual and actual harm Increase community trust and legitimacy	Increase operational capability across prevention, preparation, response and recovery.
Second Order	Increase community intelligence	Increase robust understanding of community policing and counter-terrorism approach

Table 2: Summary of counter-terrorism capability perceptions

	Proactive Community policing/ counter-terrorism approach	Reactive emergency management Approach
High Confidence		Response Recovery
Lower confidence	Preparedness Prevention	

Challenge 3: Counter-Terrorism CAPABILITY

The research revealed high levels of uncertainty reported by members in relation to individual and force-wide counter-terrorism capability. Police reported high levels of confidence in the force in relation to Response and Recovery functions and reported lower levels of confidence for prevention and preparedness functions.

Most members failed to identify counter-terrorism training they had received. This may have informed their reporting of their individual capability as also being higher in relation to response and recovery functions (for which police receive wide ranging emergency management training) than preparation and prevention functions.

Opportunities for individual and organisational approaches to counter-terrorism

The above findings present opportunities for both individual and organisational approaches to counter-terrorism policing. These include:

- Members have greater confidence in themselves if counter-terrorism more clearly related to ordinary/community policing approach.
- Opportunity for better connection between specialist areas and station-based members.
- Proactive (not ambient) approach to the community most likely to improve community trust.

The research indicates that an approach to counter-terrorism policing based on community policing can result in more than simply increasing community intelligence. Community intelligence was widely viewed as different from other forms of intelligence because of the depth of relationships with communities upon which it is based. However, an overly narrow focus on community intelligence

without due consideration for issues of trust and legitimacy may be considered a flawed approach.

There remain some organisational challenges for moving beyond community intelligence in a Social Cohesion approach to counter-terrorism. These include but are not limited to:

- Counter-terrorism policing was overwhelmingly considered a specialist concern.
- Within community policing approach, while considered important, CALD-related aspects are often 'left' to Multicultural Liaison Officers (MLOs).
- Interface between specialist counter-terrorism units and stations still developing.
- Challenges of the inter-agency environment.

The research also indicated some ways to overcome these organisational challenges.

These include:

- Increased focus on proactive community engagement approach which:
- connects community and counter-terrorism;
- prioritises community engagement;
- increases cultural literacy.
- Improved communication of counter-terrorism approach within the force.
- Enhanced counter-terrorism training, capability perceptions.
- Layered and integrated approach to the community and to counter-terrorism policing.

A social cohesion approach to counter-terrorism

In the full report of the research the findings are discussed at length and recommendations made. Taken collectively they indicate a potential path towards a Social Cohesion Approach to counter-terrorism policing. This idea is more fully developed in Pickering, McCulloch and Wright-Neville (2008), but can be summarised as follows:

- **The primary Aim** is increased trust and legitimacy between community and police.
- **Emphasis** is on layered community trust. Dispersed community/police interaction. Diverse contributions to democratic policing.
- **Community Engagement** is focused on increasing the community liaison of all operational members and the enhanced quality of interactions. It is underpinned by diverse forums of interaction.
- **The prevention of a terrorist incident** is at least partially informed by increased trust and legitimacy between police and the community and the availability of appropriate community intelligence to police.
- **Counter-terrorism capacity of all operational members** is increased by developing cultural literacy and confidence in working with diverse communities.
- **The organisation approach to social cohesion is diffuse with some centralisation.**
- **The intended outcomes include the** increased legitimacy of police and enhanced social cohesion.

Muslim media interventions: Social capital, social cohesion and human security in the struggle against terrorism

Dr Pete Lentini
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Introduction

The mass media, particularly television, newspapers, radio and increasingly the internet, are the primary means through which citizens in democratic states receive their information. Moreover, recent research indicates citizens are increasingly forming their opinions of themselves, people like them and others who differ radically from them on sex, class, national and religious grounds based on the information they receive, and the images they consume, through global media culture. How people perceive groups framed by the media has political repercussions. Positive media portrayals often enhance an individual's, a group's or an institution's stature, which may increase prestige or material and other rewards. In contrast, negative coverage can generate social stigma, fuel antagonisms, or even create atmospheres that may be conducive or supportive of incidences of violence. For governmental agencies, such as police, the type of media coverage can impact upon increased or decreased budgets or further complicate or improve their relationships with the constituencies they serve (see Lentini 2003; Kellner 1995; Jordan & Weedon 1995). Additionally, contemporary terrorism is very strongly associated with the rise of mass media, although most current research strongly suggests that media coverage tends to concentrate on the perspectives of those countering terrorism, rather than those perpetrating it (see Schmid 1989; Crelinsten 1997).

Given the significance of international research into both media culture and the role that media play in community policing, the media stream of the Counter-Terrorism Policing in Culturally Diverse Communities project addressed two distinct areas of analysis: media coverage of counter-terrorism policing and the media's depictions of the communities to whom the police provide their services. Its main findings include:

It is unclear from the policing stream interviews with station police as to the nature of the impact of the

media on police-community relations. There was no indication from the interviews that media reporting had added value to police-community relations or increased understanding and awareness of relevant issues.

The media report that Victoria Police plays an active role in counter-terrorism policing. These findings tend to correspond with findings from previous studies.

Nearly half of the articles on Victoria Police's interaction with Muslim communities portrays very positive relations between the two groups.

The press cite Victoria Police and Muslim community spokespersons at about the same frequency on issues pertaining to police-community interactions.

While the press afford greater latitude in including Muslim contributions in articles on 'soft' issues such as community relations, they are far more likely to represent the views of the status quo on issues of national security. Out of 180 possible remarks recorded in the press, Muslims made only 8 or 4.4 per cent of statements related to Operation Pendennis.

This study's data reaffirm the strong presence of the state in establishing discourse on counter-terrorism. However, the pattern of quotes reflects the fact that counter-terrorism is a broader political issue. Federal and state elected officials were cited the most often in relation to counter-terrorism. However, it is significant to note that the press tend to cite state officials in respect to their functionality: state police are cited most frequently in matters of community policing. Federal police are quoted in the greatest numbers relating to specific counter-terrorism operations, and elected officials contribute most on issues with broader significance. Here too it is significant to note that Muslim leaders' comments constitute only about 4 per cent of the contributions to these matters.

Relatively few of the key words in the headlines of articles on Victoria Police and terror pertain to Muslims. This is a positive finding, suggesting that Muslims are not being overly singled out in the headlines when there is a terror-related article

dealing with Victoria or Australia. However, at the same time, Muslims are the only religious group picked out in these key words.

Terrorist activities attributed to Muslims are a significant factor driving the media coverage of Muslims and Islam in general. In this respect, the study's findings echo those of previous studies which suggest that Muslims tend to be associated with negative issues. Hence, even though some of the media analysed in this study demonstrate there is positive coverage of Australian Muslims, most information on Muslims is framed within the context of violent overseas events. Therefore, some aspects of coverage of Muslims resonate with an adversarial Orientalism, as well as studies that emphasise risk and moral panic.

There are instances in which the Australian media have diligently presented Muslim contributions to counter-terrorist activities and Australian officials' acknowledgements of their efforts. However, on some matters they fail to acknowledge respectively either Muslims' contributions to national security or Australian officials' appreciation of their efforts.

While many Muslims are critical of the Australian media's portrayal of them, they did not condemn the media universally. Rather, they acknowledged the media's diversity. Moreover, they did not see Muslims entirely as victims of media derision and demonisation. They acknowledged where Muslims were contributing positively to discourses on Muslim-related issues in the media and that Muslims needed to continue making constructive interventions in the public sphere.

It is this last point that is this paper's departure point: its aim is to generate new understandings of the roles of Australian Muslim public intellectuals and Australian Muslim-generated media in relation to terrorism and social cohesion, and the topics they discussed in public forums. This topic is addressed for two significant reasons. First, some popular commentaries and political discourses suggest that Muslims have not been speaking critically on issues pertaining to terrorism, gender relations, and integration into Australian society (see Albrechtsen 2005; Bone 2005; David 2005; Doepfner 2005; Stone 2005;. Second, some Muslim and Arab leaders and commentators, as well as Australian academics (Manning 2004; Collins et al. 2000; Poynting et al. 2004; Humphrey 2005; Mansouri; Hage 2003; Padgett & Allen 2003; Poynting & Noble 2003; Deen, 270-326; Jabbour 2001; HREOC 2004), but certainly not all (Basted 2001; Akbarzadeh & Smith 2005, esp. 14; Lentini 2006), suggest that media coverage of Muslims is

overwhelmingly Orientalist, or framed as threats to society. Edward W. Said argued that 'The Oriental was linked...to elements in Western society (delinquents, the insane, women, the poor) as having in common an identity best described as lamentably alien' (Said 1978). He posited that Western scholars and commentators have portrayed all 'Others' as the same. Additionally, he contended that Western opinion makers have depicted Oriental men as either barbaric or effeminate, while they wrote of Oriental women as highly sensual and/or subjugated, suggesting that they were for Western men to dominate or liberate, or both. Moreover, Orientalism was notable by the absence of the voice of the Oriental 'Other' with whom Western writers have juxtaposed the West.

This paper contends that critically interrogating the roles and contributions of Muslim public intellectuals and Muslim-generated media challenges the previously mentioned assumptions and indicates that, firstly, Muslims are engaging in these debates and, secondly, that Muslim media interventions challenge the notion that the Australian media comprehensively victimise Muslims. For the purposes of this paper I employ Robert Dessaix's definition of the public intellectual:

...an independent thinker and performer who, working from some core area of expertise, takes as his or her subject issues related to the public good (and particularly issues of social justice) and, by the grace of the media, and an outstanding ability to communicate with many publics (even society as a whole), has the attention of a significant segment of educated Australia. (Dessaix 1998)

Nevertheless, it may be necessary to question why the contributions of Muslim public intellectuals and other Muslim-generated media are significant to counter-terrorism. Firstly, it is possible to argue that such efforts help contribute to frameworks for human security. According to the Human Security Centre, 'The traditional goal of "national security" has been the defence of the *state* from external threats. The focus of human security, by contrast, is the protection of *individuals*'. More specifically, they argue that whereas a 'narrow' interpretation of human security protects individuals and communities from 'internal violence', a 'broad' interpretation will also engender protection against hunger, disaster, disease, economic insecurities and 'threats to human dignity' (Human Security Centre 2005). Muslim media interventions fall within the rubric of human security—in particular the maintenance of human dignity. Several studies, and

the words of terrorists themselves, suggest that many individuals engage in terrorist activities to regain a sense of lost dignity (see Khosrokhavar 2005; Hafex 2007; bin Laden 2005). Secondly, Muslim public intellectuals' contributions and Muslim-generated media help establish both 'bonding' and 'bridging' social capital, which assists in the maintenance of social cohesion. According to Robert Putnam, social capital refers to the '.. connections among individuals—social networks and the norms of reciprocity and trustworthiness that arise from them'. He argues that bonding social capital '...reinforces [sic] exclusive identities and homogeneous groups', whereas bridging social capital helps to establish 'outward looking networks that encompass [sic] people from across social cleavages' (Putnam 2000, 19, 22). Social cohesion is 'the capacity of a society to ensure the welfare of all its members, minimising disparities and avoiding polarization'. Social cohesion is concerned with the question of 'how to manage diversity so that it becomes a source of mutual enrichment rather than

a factor of division and conflict' (European Committee for Social Cohesion 2004, 2, 3). Thirdly, recent studies in the US and Australia suggest that increased knowledge about Muslims helps to reduce anti-Muslim attitudes (Pew Center for The People and the Press 2005).

Muslim Media Interventions

This paper concentrates on two areas. Firstly, it examines Muslim public intellectuals' contributions to nationally distributed newspapers. Secondly, it examines the contents of *Salam Café*, a Muslim-produced television show that appeared during the period 2005-2007 on public access television on Channel 31 and was broadcast from Melbourne. Tables 1-3 contain data respectively on selected Muslim public intellectuals' writings according to the newspapers in which they were published, the themes they addressed in them and the themes which panelists and guests on *Salam Café* discussed during 2005-2007.

Table 1: Distribution of Selected Muslim Public Intellectuals' Output According to Publication, 2001-2007*

Name	Newspapers				Total
	<i>Herald Sun</i>	<i>Australian</i>	<i>Age</i>	<i>Sydney Morning Herald</i>	
Tarveer Ahmed	0	5	2	11	18
Waleed Aly	9	13	37	7	66
Sherene Hassan	5	1	2	0	8
Shakira Hussein**	0	3	0	0	3
Rachel Woodlock	0	0	5	0	5
Total	14	22	46	18	100
* Derived from Factiva Database (1 Jan 2001–31 March 2007). Includes newspapers' Sunday and weekend editions.					
** This figure includes only the articles she wrote. In addition, she wrote eleven reviews during this period.					

Table 2: Muslim Public Intellectuals' Contributions According to Themes

Category	Commentator					Total
	Ahmed	Aly	Hassan	Hussein	Woodlock	
Social Cohesion	3	14	3	0	0	20
Condemnation of Terrorism	0	9	1	0	0	10
Gender	0	6	1	1	0	8
Challenging Stereotypes	1	5	1	0	0	7
Faith	0	2	0	0	4	6
Criticism of Muslim Leaders' Gender Politics	0	3	1	1	1	6
Sport	0	5	0	0	0	5
Health	5	0	0	0	0	5
Criticism of Iraq War/ World Politics	0	5	0	0	0	5
Law	0	4	0	0	0	4
Critique of Australian Muslim Leadership	1	3	0	0	0	4
Workplace	3	0	0	0	0	3
Criticism of Media Coverage of Muslims	0	2	1	0	0	3
Criticism of Islamist Extremism	3	0	0	0	0	3
Tsunami and Australian Generosity	0	2	0	0	0	2
Religious Vilification	0	2	0	0	0	2
Health/Workplace	2	0	0	0	0	2
Popular Culture	0	1	0	0	0	1
Muslim Living Conditions	0	0	0	1	0	1
Muslim Contributions to Counter-Terrorism	0	1	0	0	0	1
Inter-Faith	0	1	0	0	0	1
Critique of War on Terrorism's Effectiveness	0	1	0	0	0	1
Total	18	66	8	3	5	100

Table 3: Distribution of Themes on Salam Café According To Time

Topic	Min/Sec Time (n)	Time (%)
Humour	80.34	17.9
Muslim Diversity/ Challenging Stereotypes	68.36	15.2
Muslim Role Models	67.55	15.1
Sport	52.55	11.7
Islamic Practices and Beliefs	45.05	10
Charity	26.21	5.8
Inter-Faith Issues	26.12	5.8
Hijab, Dress and Gender Issues	19.53	4.3
Salam Café (incl. Antenna Awards)	18.07	4
Muslims and Police	10.26	2.3
Islamic Leadership	8.45	1.9
Muslim Contributions to Australia & World	8.21	1.8
Negative Portrayals of Muslims	6.46	1.4
Australian Islam and the Muslim World	4.33	1
Islamic Schools	2.37	0.5
University Life for Muslim Students	1.28	0.3
Total	448.34	100*
*Due to rounding does not equal 100%.		

Discussion and Conclusion

Firstly, Muslim media interventions demonstrate the diversity of Australian Muslim communities—this is a challenge to some mainstream media and politicians’ Orientalist presentations of Australia’s Muslims, especially the misperception that Muslims constitute a monolith. Secondly, Australian Muslim commentators engage in discussions of Australia-wide issues, not only those that pertain to Australia’s

Muslim communities. Thirdly, Australian Muslim commentaries and Muslim-generated media address and acknowledge the significance of the Islamic faith within this country. However, they are not overwhelmingly concerned with religious practices. Fourthly, a significant proportion of Muslim commentaries and Muslim-generated media incorporate condemnations of terrorism, and strive to uphold social cohesion. Fifthly, Muslim-generated media engage beyond mere associations of Muslims and political violence. Finally, they serve to reclaim images of Muslims and generate counter-narratives to negative press portrayal.

Nevertheless it is imperative to acknowledge that these efforts cannot address all the problems concerning Muslims and the associations with violence, nor can they necessarily stop terrorism. Indeed, no single magical elixir can eradicate terrorism. It has been in existence for millennia, and it appears as if there will always be the potential for politically motivated violence. Individuals can play a role in denouncing terrorism. However, their efforts will not in themselves end terrorist activities. Additionally, there are over 300,000 Muslims in Australia from nearly 70 national/ethnic communities. It is absurd to think that a handful of individuals can be considered the communities’ official spokespersons. Although they are working diligently to engage in public discussions, Australia’s few Muslim public intellectuals cannot generate enough articles to counter negative reporting on Muslims. Finally, these media interventions may not be reaching the broadest possible audiences, especially those who may harbour negative or ambivalent opinions towards Muslims and Muslim communities.

In conclusion, it is possible to argue that Muslim public intellectuals and Muslim-generated media make several distinct contributions to Australian public life, security and social cohesion. First, they demonstrate diversity within Australian Muslim communities, such as presenting *People Like Us* to Australian Muslim and non-Muslim communities which helps to foster social cohesion. Second, they increase available knowledge of Islam, generated by Muslims. Third, they contribute to human security by increasing the potential for more dignified representations and engagements. Further, although there are limitations to these media interventions, they nevertheless challenge the discourses of Muslims as demons and victims by constructing counter-narratives of the diversity of Muslims and Islamic life in, and their contributions to, Australian society, discourse and social cohesion.

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Terrorism, counter-terrorism and the media

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Most analyses of the media focus exclusively on the relationship between terrorism and the media, ignoring the role of counter-terrorism in this interaction. The role of the media has policy implications for a wide range of counter-terrorism issues, including prevention, terrorist recruitment and radicalisation processes, terrorist crisis management and recovery from terrorist attack. Only by analysing all three elements together—terrorism, counter-terrorism, and the media—can we get a full understanding of their complex interactions.

This paper will examine four themes: the nature of terrorism; the nature of counter-terrorism; the nature of the media; and the environment in which all three interact.

What is terrorism?

Terrorism is a form of political communication that victimises certain people, the targets of threat and violence, in order to generate messages to other people. Tactics and targets are chosen according to whom is addressed and what message is intended. The messages can be explicit, as in specific demands to governments (targets of demands), or implicit, as in bombings or assassinations designed to intimidate or deter others (targets of terror) or to boost the morale of supporters or attract attention (targets of attention). The nature of the victims (targets) and the manner in which they are victimised (tactics) determine whether the terrorist will be able to generate any messages at all and, if so, what particular messages he or she will be able to convey to what particular audiences. If the victim is 'innocent' a noncombatant, such as a tourist or a civilian, the targets of terror and attention can be just about anyone, and the message one of fear and disorientation. If the victim is a soldier out of uniform or a businessman, the targets of terror and attention are more circumscribed and the message can be a warning, such as not to do business in a particular region.

When an Italian judge, his wife and three police escorts were blown up by the Mafia in May of 1992, the explicit message of revenge was combined with

the implicit message to other judges that prosecuting members of the Mafia was very dangerous, not only to oneself but also to one's family. When the IRA attacked those who provided services, such as laundry or groceries, to British soldiers, the message was a warning not to help the British Army in any way. The suicide bombings of French and American peacekeeping troops in Lebanon in 1983 were designed to demoralise those troops and to convince their governments that the cost of peacekeeping was too high. The message was received and the troops were gone within a year. When al-Qaeda in Iraq beheaded their hostages on video and distributed the gruesome images on the internet, the message was not only a warning to contractors and businessmen to stay out of Iraq, but also a message of horror to shock and intimidate the wider Western audience and to impress the many visitors to Islamic websites. In all cases, the victims of the violence were simply message generators. The real targets were elsewhere. Terrorism therefore communicates multiple messages to multiple audiences and not all those audiences will experience fear or panic. In light of all this, we can define terrorism as follows: the combined use and threat of violence, planned in secret and usually executed without warning, that is directed against one set of targets (the direct victims) in order to coerce compliance or to compel allegiance from a second set of targets (targets of demands) and to intimidate or impress a wider audience (target of terror or target of attention).

What is counter-terrorism?

Like terrorism, much of counter-terrorism is an attempt to communicate different messages to different audiences. The models chosen depend on whom is addressed and what message is intended. Some models are better suited to certain audiences than others, such as potential recruits vs. the terrorists themselves. There are several kinds of counter-terrorism, ranging from traditional models to less traditional ones. Coercive counter-terrorism includes the criminal justice model and the war model. Both these traditional models use the coercive powers of the state embodied in the police, the courts and the military. Since the September 11 attacks, and the emergence of the global war on terror (GWOT), a hybrid model of coercive control has emerged. Police are increasingly militarised,

while the military is increasingly called upon to play policing roles, especially in the context of peacemaking and counterinsurgency. Proactive counter-terrorism focuses primarily on preventing terrorist attacks and includes proactive policing and security intelligence. Persuasive counter-terrorism includes coercive persuasion (deterrence and pre-emption), hearts and minds campaigns, psychological operations ('psyops'), counter-propaganda, public education and public diplomacy. A community policing model of counter-terrorism would also fit in here. Long-term counter-terrorism focuses on understanding the root causes of terrorism and the kinds of interventions that can dry up the sources of alienation and grievance that fuel terrorist ideology and facilitate recruitment. Relevant areas include development and international aid, education, gender, environment and resources. A human security model of counter-terrorism, which focuses on improving the quality of life for individuals, is relevant here.

What is the media?

The media takes many forms and has evolved considerably with the expansion of the internet. Print media includes newspapers, journals, magazines and books. Electronic media includes radio, television, fax, mobile phones and text messaging. Talk radio has played an increasingly important role in politics and conflict, such as the culture wars in the US or the promotion of genocide in Rwanda. Faxes played a key role in the 1989 student protests in China, especially in communicating with supporters outside the country. Text messaging and digital cameras played a similar role in Myanmar/Burma during the monks' protests in 2007. The internet and the World Wide Web, with their e-mail, chat rooms, blogs, virtual communities and websites, promote and circulate a staggering array of viewpoints and causes at a rate not previously imaginable. Video-sharing sites such as YouTube have played an important role in spreading the message of student protesters in authoritarian countries such as China or of insurgents in Iraq. The combination of different technologies—digital cameras, mobile phones and video—have made it extremely easy for individuals and groups to disseminate messages, information and images widely and quickly.

With the advent of 24-hour all-news channels, mainstream news now typically follows a 24-hour news cycle that places particular strain on policy makers (the CNN effect). The rise of alternative news stations has allowed new and sometimes

opposing or hostile perspectives to be widely disseminated and to provide a counter to Western perspectives (the Al Jazeera effect). At the local level, community-based media plays an important role in communicating with specialised audiences (narrowcasting as opposed to the broadcasting of mainstream media).

Who is the public?

Following the definition of terrorism provided above, the public can be divided into several kinds of audience. The direct victims of terrorism include surviving victims, families and friends of victims, and the various lobby groups to which they belong. Targets of terror include people who identify with the victims, such as members of the same ethnic group, class, nation or profession, as well as the mass public. The latter becomes important in cases of mass, indiscriminate forms of terrorism such as Weapons of Mass Destruction (WMD) or Chemical, Biological, Radiological or Nuclear (CBRN) attacks. Targets of attention include national and global elites, the mass public and the media, as well as terrorist sympathisers, followers and supporters, and future recruits. Targets of demands, whether explicit or not, include government officials, law enforcement and military organisations, peacekeepers, humanitarian agencies, and other agents of social control. Each type of audience has its own unique interests and will therefore respond to terrorist events and response initiatives in different ways.

The terrorist – counter-terrorist interface

The central feature of the terrorist–counter-terrorist relationship is a power asymmetry. This is why terrorism is called the weapon of the weak. The relationship is also characterised by mutual and interactive learning curves, such as tactical innovations and strategic shifts based upon what the other side does. There is often a disparity between discourse and action, such as in two-track diplomacy, where one track is overt and the other is covert. Many terrorist groups have separate military and political wings, and this creates special problems for counter-terrorism.

The terrorism-media interface

It is widely believed that the media provides the 'oxygen of publicity' for the terrorist. This is a gross simplification. Media coverage can provide terrorists with attention, sometimes with recognition, but

rarely with legitimacy. Most media coverage in times of terrorist crisis tends to sway public opinion against the terrorist through the somewhat ironic means of increasing public anxiety and identification with the terrorist's victims through sensationalisation, dramatisation and personalisation. The media performs a hegemonic function, whereby it privileges the official perspective, marginalises opposing perspectives, and delegitimises the terrorist perspective. Terrorism is much like theatre, where the media is the stage. However, not everything gets onstage. The media has a selective focus. It pays attention to only certain kinds of terrorism and certain regions, usually those closer to home. Coverage is incident-driven, preferring hostage-taking, high-casualty or spectacular incidents. There is little contextualisation or follow-up, except on major anniversaries. The internet plays a special role in radicalisation, recruitment and training. Al-Qaeda considers the internet to be an Open University for spreading its Salafist-Jihadist ideology, as well as training manuals and strategy documents for pursuing its goals.

The media – counter-terrorist interface

The media performs several functions in the context of counter-terrorism. The first, as we have seen, is a hegemonic function. This is greatly facilitated by the practice of embedded reporting, where news reporters follow a particular unit or operation for an extended period of time. Independent reporting in such a context is very difficult, if not impossible. The media also performs a watchdog role, defending the public's right to know and exposing government error, fraud or deceit. The media can also perform a public service function, conveying important messages to the public, particularly in times of crisis. Many people forget that the media is first and foremost a business. Though it can be subject to government regulation, especially in authoritarian states, it is primarily driven by market forces and owner influence. Many governments have tried to impose media restrictions and guidelines for covering violent events such as riots or terrorist attack, with varying degrees of success. The norm in democratic societies remains media self-regulation.

The media can play an important role in open-source intelligence (OSINT), since journalists are often the first to get details of a fast-breaking story and media reports and analyses constitute a useful historical record of past crises. Internet monitoring

and tracking of radical websites have become important tools in both intelligence gathering and counterintelligence. Media relations have become an important element in effective policing, as well as in many military operations, whether in the context of war, counterinsurgency or counter-terrorism.

What happens when terrorists strike?

When fear is intense, people willingly sacrifice freedoms for (a sense of) security. Rumours spread rapidly and often cannot be verified before they are taken as fact. An acute need to understand facilitates scapegoating and simplistic explanations. Feelings of revenge and anger tend to intensify and seek an outlet. Public pressure on government to do something can be intense, but expectations are often unrealistic. The organisational needs of first responders can easily supplant the needs of victims or the bereaved. A clash can develop between fear-centred agencies, such as law enforcement or the military, and hope-centred ones, such as public health, social work or therapeutic. Directive, top-down control predominates over facilitative, cooperative control. Depending on the nature of media coverage, the media can amplify or mitigate all of these tendencies.

What should we do before an attack?

Public trust and confidence in government should be promoted through openness and accountability and the fostering of public knowledge about political affairs. The public should be educated about the nature and extent of the terrorist threat and the limits and feasibility of various policy and response options. The promotion of public awareness must, however, be balanced against the danger of fuelling insecurity or apathy. The public health, emergency response and critical infrastructure protection sectors should all be strengthened, though cost issues need to be discussed openly and fully with all interested parties and stakeholders. This should also involve the promotion of transparency and accountability of private sector partners. The media can help in all of this through ongoing government-media relations and the establishment of guidelines for media coverage.

What should we do after an attack?

Any uncertainty about whether an attack has actually occurred should be resolved as quickly as possible. Most supposed CBRN attacks, for

example, are hoaxes. The massive blackout of August 2003 in the eastern US raised concerns about a possible terrorist attack until the real cause was discovered. In the case of a real attack, it is important to resolve uncertainty about the identity of the perpetrators as soon as possible so as to avoid false accusations. The 1995 Oklahoma City bombing was initially attributed to Muslim extremists, leading to violent attacks against innocent Muslim Americans. Panic buying or stockpiling of provisions should be avoided, as well as panic fleeing or rushing to the scene of an attack. The natural tendency in a crisis for a pro-social, therapeutic community of self-help to develop should be promoted and extended for as long as possible. Criminal and forensic evidence should be protected from curious onlookers or media personnel intent on covering the story. The long-term effects of trauma must be dealt with, including health (post-traumatic stress disorder), economic, social, cultural, political, and environmental effects. Once again, the media can play a constructive role in all of this if proper relations are maintained by crisis managers through guidelines for media coverage and working with media personnel at the scene, such as regular press briefings.

Conclusion

The relationship among terrorists, counter-terrorists and the media involves a complex three-way interaction. The environment in which this interaction plays out is characterised by multiple centres of power and an explosion of information, misinformation, disinformation and conspiracy theories that are available to a multiplicity of actors, ranging from state actors to the private sector to an emerging global civil society. This complex environment creates multiple audiences with multiple viewpoints, who are spread out over a global arena with multiple local concerns. As a result, the role of the media has become much more complex. It can be a promoter of official views, a critic of the status quo, a defender of the public's right to know, an agenda-setter for political discourse and policy making, an opinion-maker, a mediator in international crises, a medium for alternative viewpoints, a stage for terrorist spectacles, or a conduit between government and citizen, and between different states. It can help inhibit the impact of terrorism or be an obstacle to its control. However, it can also be an educator, indeed a tool of governance.

Policing to prevent terrorism: Opportunities and challenges in the contemporary policy and legislative environment

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Introduction

A reinvigorated focus on counter-terrorism post 9/11 has extended and cemented a paradigm shift in policing. The mass casualty suicide attacks in the United States, Bali, Madrid and London are understood to represent a distinctly new form of violence demanding a new and innovative response. The comment by the senior editor of the United States journal *Newsweek*, that those who stuck to 'old assumptions about law enforcement . . . [were] hopelessly "Sept. 10"', succinctly sums up this perspective (quoted in MacMaster 2004, 4).

Legislation aimed out countering terrorism has led to a radical shift in the legal landscape that provides the context for policing. In 2001, Australia, unlike a number of comparable countries, had no terrorism-specific legislation. In the space of six years the country moved from having no such legislation to having a mass of complex legislation. The bulk of counter-terrorism legislation has been passed at the national level. The new policy and legal environment has seen policing integrated into national security in unprecedented ways. This changed policy and legal landscape simultaneously creates challenges in terms of Victoria Police's commitment to community policing and makes community policing more important in preventing terrorism.

The legislative response involves a significant shift in terms of the extent to which the criminal law attempts to anticipate risks (see, for example, McCulloch & Carlton 2006). The Australian Government, consistent with the US and the UK, has aimed much of its legislation at preventing terrorism. Former US Attorney-General John Ashcroft labelled the contemporary legislative approach as a 'new paradigm in prevention' (quoted in Cole 2006). After the 7/7 London bombings in 2005, the police anti-terrorist branch in that city set out the rationale for a framework focused on preventing attacks, arguing that:

The threat from international terrorism is so completely different that it has been necessary to adopt new ways of working . . . The threat to

the public is simply too great to run that risk . . . the result of this is that there are occasions when suspected terrorists are arrested at an earlier stage in their planning and preparation than would have been the case in the past. (London Anti-terrorist Branch SO13, 2005)

It is beyond the scope of this paper to go through in any detail the content of the Australian counter-terrorism legislation; a more detailed overview can be found in the report. Suffice to say that the legislation goes beyond the remit of the traditional criminal law in targeting what might be the very early stages of planning before specific intent to commit any violent act is formed and thereby disrupting networks that are considered suspect. Most of the terrorist offences included in the Commonwealth criminal code are directed at ancillary offences that do not require evidence of commission or intention to commit violent offences. Counter-terrorism laws also allow for preventive detention and control orders against people not convicted or charged with offences but who are considered a risk (Rose & Nestorovska 2007; Lynch & Williams 2006). In addition ASIO has been granted coercive powers to detain and question people, including non-suspects (McCulloch & Tham 2005).

The attempt to prevent or pre-empt terrorism through legislative measures represents a challenge to community cohesion that in the longer term could increase the risk of spreading support for terrorism and thus the threat of terrorism. A successful policy plans ahead with a view towards addressing the threats likely to be posed by a generation beyond the current one (Hoffman 2006, 15).

In the time I have today I will set out the dominant Commonwealth policy approach to preventing terrorism and the impacts this may have on security threats, Victoria Police and community policing. I will also outline the ways that community-policing principles can be integrated into national security to enhance counter-terrorism efforts by minimising the potential negative impacts on community cohesion of legislation aimed at prevention. I also consider some basic principles that should guide community engagement in the context of counter-terrorism policing.

Terrorism as event and Process

Terrorism is not only an event or series of events but a process. Both these aspects—the event and the process that leads to the event—need to be considered when analysing the legislative framework and its potential impact on preventing terrorism. Counter-terrorist policing implies a focus on perpetrators whereas the term counter-terrorism ‘encompasses managing a range of potential harms’ (Innes 2006). Counter-terrorist implies a focus on rooting out terrorists whereas counter-terrorism encompasses attention to root causes which might include the negative and unintended impact of legal and policing strategies directed at rooting out terrorists. Countering terrorism is effectively achieved only where policing succeeds at preventing terrorist incidents and identifying perpetrators without increasing the number of people who support such actions or are willing to carry them out (see, for example, Moghaddam 2007).

Preventing acts or offences that are considered connected in some way to terrorists or terrorism but which do not amount to a plan to commit a terrorist act, and targeting suspect networks while minimising the danger of fuelling the processes that may lead people to become future terrorists, require a complex balancing of a number of competing risks. The imperative to prevent attacks in the short term is of a more immediate and perhaps more tangible nature. In the longer term, however, ensuring that law enforcement does not fuel a dynamic that leads to a greater willingness amongst some to participate in or support terrorist activity may be more significant in minimising future risk and casualties than an exclusive or primary focus on more obvious and immediate risks. The imperative to decrease future terrorist attacks by reducing the risk of increased support for and/or participation in terrorism is likely to be less broadly understood as an important police strategy aimed at countering terrorism. Nevertheless, understanding that preventing terrorism involves both an immediate focus on events and perpetrators and a long-term focus on the environment and processes that might support and fuel future attacks provides for the optimum policy and operational environment. The Commonwealth’s policy framework is currently accented heavily towards a focus on *counter-terrorist* measures rather than *counter-terrorism* measures. The integration of community policing into counter-terrorism strategy will aid in redressing this policy imbalance.

Police need tools to prevent terrorist events and to identify and apprehend perpetrators. Yet these tools need to be targeted and implemented in ways that work to maintain police legitimacy, reduce social exclusion and enhance social cohesion (see Stone & Hughes 2002 on social cohesion). Such a response is particularly challenging in the contemporary moment when law enforcement and security agencies are unable to map the contours of the threat with any certainty (see, for example, Hoffman 2006; Innes 2006). The balance that needs to be struck cannot be reduced to a simple equation or one-off set of policies or guidelines because any approach will inevitably involve ongoing monitoring and reflection.

It is difficult to even begin to evaluate the effectiveness of Australia’s legislative regime. It is very difficult to judge the success of a policy aimed at preventing an uncertain threat. Does the lack of attacks mean the laws and the policing they have facilitated are a success, or does it mean that the threat is low? We can look to prosecutions and convictions but the same caution applies. In addition, if the laws are aimed at disruption, prosecutions and convictions may be an appropriate indication of success (see ASIO 2006, 45). If counter-terrorism legislation and policing have potential benefits that are difficult to calculate the potential costs are also difficult to judge. If we can’t calculate the extent to which legislation and law enforcement have operated to prevent contemplated attacks or to disrupt groups that might conceivably engage in planning such attacks, equally we can’t easily judge how these frameworks have worked to fuel or retard support for terrorism and recruitment to terrorist organisations.

We do, however, need to be conscious when considering prevention that it needs to operate at more than one level and that risks are multidimensional, encompassing both terrorist events and the dynamics that can provide the lead-up to those events (Moghaddam 2007).

In the past law enforcement work has emphasised gathering evidence to support charges and ultimately conviction. In counter-terrorism policing, with the emphasis on dealing with threats before they manifest, there is far greater emphasis on intelligence gathering (Security Legislation Review Committee 2006). The central significance of information and intelligence to contemporary counter-terrorism efforts is underlined by the substantially increased powers of intelligence agencies and the increased police powers to engage in intelligence gathering. In addition, a range

of coercive powers in relation to detention, compulsory questioning, control orders, and policing activities such as raids, and even the use of firearms, are more likely than in other areas of law enforcement to be triggered on the basis of intelligence (see, for example, McCulloch & Sentas 2006 on the fatal police shooting of Jean Charles De Menezes by London counter-terrorist police in 2005).

The shift to a preventive framework means that people will inevitably be impacted by coercive laws and policing who are innocent. One of the reasons for this is that intelligence is less reliable than evidence. While some innocent people have always been caught in the net of law enforcement and the criminal justice system, a preventive framework, by moving away from the presumption of innocence and increasing the reliance on intelligence, will inevitably increase the numbers of innocent people affected and the extent to which they are affected. False positives—those people impacted by counter-terrorism who are innocent—may fuel a process which increases support for terrorism. This risk is heightened where the false positives are clustered in particular communities. This dynamic is demonstrated historically in the conflict in Northern Ireland where the internment of Catholics without connection to the IRA in the early 1970s increased support for that organisation (Hillyard 2005).

UK studies indicate worrying trends in relation to levels of trust towards law enforcement among Muslims. A 2006 survey found a substantial difference of opinion between Muslims and non-Muslims regarding the legitimacy of law enforcement tactics. The survey asked: 'Do you think it is right or wrong for the police to act to pre-empt potential terrorist attacks, even if the intelligence, information and warnings may turn out to be wrong?' Only thirty-one percent of Muslims said it was right compared to 74% of non-Muslims (Woodward 2006).

In addition, the targeting of people perceived to be Arab or Muslim (imprecise categories that extend to encompass a range of minority groups) by UK police for 'stop and search' has been criticised by Muslim leaders as creating a climate that pushes youth into the hands of extremists. Commander Richard Gargini, the first full-time national coordinator for police-community relations in England, said:

There is a new thinking within the police service that the use of 'stop and search' has to be very, very carefully applied ...

He said police forces around the country were now asking: 'Are we having an adverse impact on police and community relationships?' (see www.therevival.co.uk/?p=775 2007)

The importance of intelligence to preventing terrorism has led people to consider the utility of community policing—particularly as applied to marginalised or vulnerable communities—in creating, maintaining or enhancing the flow of information in order to effectively counter terrorism (Innes 2006). Although there are significant problems with approaching community policing as an intelligence-gathering exercise and police should avoid doing so (for the reasons I come back to in a moment), it is nevertheless worth setting out the case for the relative effectiveness of intelligence volunteered by community members over that from other sources in the context of counter-terrorism policing.

There are some relative advantages to community intelligence in the contemporary counter-terrorism context that may not have existed to the same extent previously, or that may not exist to the same extent in relation to other crimes. The contemporary terrorist threat appears to be more opaque and uncertain than in previous times. The best information on the nature of the threat suggests that community intelligence is likely to be more effective and reliable than intelligence gained from other sources (Innes 2006).

Apart from the relative utility of community intelligence over other sources of intelligence this source of intelligence has other distinct advantages. Intelligence gathered through more covert or coercive methods such as the use of police special powers and monitoring and surveillance of all kinds is likely to impact negatively on community cohesion, alienating communities and impacting on the legitimacy of the counter-terrorism effort amongst groups or communities that are disproportionately affected. Efforts to prevent terrorism through intelligence gathered via covert or coercive methods may become part of a dynamic that fuels future terrorism threats. Community intelligence-gathering methods that are built on trust and community engagement do not present the same type of risk to future security.

The use of coercive or covert forms of intelligence gathering that have the effect of undermining police-community relations are likely to create a momentum that leads to a downward spiral in trust and the need for progressively more coercive and covert methods. Once a community feels alienated the likelihood of obtaining intelligence through

non-coercive or non-covert methods is diminished so that the imperative to use coercive or covert methods is increased. Community policing recognises that the need to use force diminishes with the degree of cooperation that can be secured from the public. Creating a positive spiral of police-community relations around intelligence based on trust and cooperation will diminish the imperative to use 'harder' methods of intelligence gathering. The use of open forms of community intelligence also has the advantage of being more consistent with liberal democracy than other forms of intelligence gathering. There has been a degree of anxiety surrounding new counter-terrorism powers and the extent to which they are compatible with human rights and democracy. These fears have been contained if not allayed because in Australia the powers have not been used extensively. A positive spiral around intelligence will continue to militate against the widespread use of counter-terrorism powers.

The philosophical framework upon which police-community engagement is based is critical to the successful integration of community policing into national security and counter-terrorism policing. Community engagement should not be based on gathering intelligence from communities. Communities, particularly those stereotyped as perpetrators of terrorism in the current climate, will be sensitive to being 'targeted' in efforts to 'penetrate' them in order to gather intelligence. Community engagement must be aimed at building trust. In the absence of this community engagement the police are likely to be viewed with suspicion and even hostility. In this context it is important that community policing and community engagement be based on an across-the-board policy and not one 'targeted' at specific communities. Victoria Police is in a good position to integrate community policing into counter-terrorism policing partly because it has a commitment to community policing and engagement in every aspect of its work.

It is also important that there is a philosophy of *sharing* information so that the flow of terrorism-related information travels from communities to police and from police to communities. Communities need to be given the opportunity to engage in dialogue about the nature of the tactics used by police to respond to potential terrorism threats.

Finally, it is important that the information considered significant to police in the context of community intelligence includes information on threats to communities that arise from popular perceptions that

connect certain communities to the threat of terrorism. A recent Australian report maintains that abuse of Muslims is going unreported because many have a deep mistrust of police (HREOC 2007). An understanding that police counter-terrorism priorities include *protecting* minority communities from threats that arise from popular stereotypes will assist in building and maintaining trust, and will militate against any cynical or hostile beliefs about the aims of community engagement.

Sharing intelligence on police counter-terrorism activities is an important component in building trust. When relationships with Muslim communities were damaged after a high-profile raid at Forest Gate in the United Kingdom in 2006 police decided to establish a framework to share intelligence with selected British Muslims before any such raids in future (Dodd 2006). Victoria Police has already taken on the spirit of this development through its engagement with the Multi-Faith Council. In 2006 the Council was given a full briefing by Victoria Police on the morning of the arrests in Melbourne undertaken as part of Operation Pendennis. The Council was advised of the reasons for the arrests and given the facts that were available at the time. These types of arrangements should be formalised. Beyond the two-way flow of information there needs to be a commitment to ensuring that communities have input into the use that is made of intelligence passed on to police. The trust established between police and vulnerable communities of the type likely to be stereotyped as the source of terrorist threats in the current climate is likely to be 'thin' or fragile. If there is a perception that intelligence passed on to police is used in ways that are disproportionate, discriminatory, punitive or unreasonable, police-community relationships will be damaged.

There are likely to be occasions when police counter-terrorist activities cause alarm. In these cases, as part of the process of building trust and sharing information, there should be a process of information exchange and dialogue aimed at reducing fear and anxiety, addressing rumours or misconceptions, and considering what, if any, lessons there are to learnt for the future.

Conclusion

The counter-terrorism legislative framework and policy environment poses challenges for the community-policing model and social cohesion more broadly. Paramilitary counter-terrorism policing, traditionally associated with coercive or 'hard' policing styles, has been described as antithetical to community policing. There is,

however, an emerging social cohesion approach which seeks to import the principles of community policing into national security.

The 2006 Sheller Report into Australia's counter-terrorism legal framework expressed serious concerns about the way the laws were perceived by some members of Australia's Muslim and Arab communities. It argued that misunderstandings and fearfulness tend to undermine the aims of security legislation, adding:

The negative effects upon minority communities, and in particular the escalating radicalisation of young members of such communities, have the potential to cause long-term damage . . . It is vital to remember that lessening the prospects of 'home-grown' terrorism is an essential part of any anti-terrorism strategy. (Security Legislation Review Committee 2006)

There are many aspects of the counter-terrorism policing policy environment over which police and policing can have little control. Conflict in the Middle East and grievances related to Palestine, those arising out of United States' foreign policy or the foreign policy of the Australian Government are not matters over which police have influence or control. There are, however, aspects of the local and national environment relevant to preventing terrorism on which police can have a positive impact, of which social cohesion is one.

None of what I have said here today should be taken to suggest that other forms of policing capability related to rapid response, traditional forms of intelligence gathering and high levels of force are irrelevant or unnecessary in the context of counter-terrorism policing. The relationship between community policing and these other aspects of policing is understood to be complementary rather than dichotomous. My aim is simply to point out the importance of not overlooking community policing as a key aspect of counter-terrorism policing.

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Independent Muslim media's counter-terrorism role

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Robert Baer, the former Middle East CIA operative, recently interviewed a 17-year-old would-be suicide bomber from Afghanistan who was caught before he could undertake the attack. An article by Baer based on the interview appears on the *TIME* website. In it Baer discovers that far from being a rabid frothing-at-the-mouth anti-American zealot, the boy was simply brainwashed into accepting the al-Qaeda ideology. Among the absurdities the boy believed was that the President of Pakistan, Pervez Musharraf, was a Jew.

This brand of ideology is the refuge of conmen. Its influence is derived from restricting the availability of information so as to manipulate the way people view the world. It flourishes in environments where reality is oversimplified into a vapid, monochromatic, black-and-white view of the world. 'Either you're with us, or you're against us' can go both ways.

One way to mitigate the influence of this type of ideology is by broadening the worldview of those most susceptible to its grip. While this task is admittedly difficult in a country like Afghanistan, where institutions and infrastructure have been crushed under 30 years of foreign-backed proxy wars, it is equally so in the major metropolitan centres of New York City, London, Paris, and Sydney. This is because the ideologues who organise suicide bombings and videotape beheadings realise that controlling and manipulating the flow of information is more important than scoring military victories. In fact, more so than being a military threat, the greater danger of al-Qaeda is that it convinces the general public—both Muslim and others—that Islam is an ideology fixed in time and inexorably charging towards a confrontation with anything 'Western'. If it is successful, those who accept this false premise will carry out the war that al-Qaeda has no inherent capacity to fight on its own.

It is important we all ensure that this war is never fully realised. To this effect, many within the mainstream media call for the moderate Muslim community to speak out and condemn extremism in the name of Islam. While condemnation is important from a symbolic standpoint, the act does little to change the underlying problem. In addition to

condemnation, what is needed is a broadening of perspectives, a deepening of discourse and a strengthening of independent and reasonable thought.

For all they are worth, simple condemnations of terror or the reiteration of the hackneyed phrase 'Islam means peace' are limited in their impact. What will strengthen the hands of the mainstream, and weaken the influence of al-Qaeda-like ideology, is the development of authentic Muslim discourse that explores ideas and promotes broader, more encompassing views of the world. Islam is not an ideology; it has a vast and rich tradition of discussion and debate. This discourse, far from being novel to the Muslim world, in many ways represents a return to the values that contributed to centuries of peaceful coexistence between Muslims, Christians, Jews, Hindus and others in places like Spain, Jerusalem and India.

The values that promote discussion and dialogue are particularly well developed in North America, Europe and Australia. Here we have incorporated them into core principles that have resulted in a number of important institutions, including a free press. The freedom to inform the public of the abuse of power and provide a countervailing force against those who manipulate information for political gain is a fundamental aspect of American and European democracy. Unfortunately, due to decades of overbearing dictatorial rule, many parts of the Muslim world are without these basic freedoms. For this reason ideologues can be influential in controlling public sentiment abroad.

Therefore, the need for a Muslim fourth estate—a truly independent Muslim media—is paramount. In North America the signs of its print and online emergence can be found in efforts like *Islamica Magazine* and *altnmuslim.com*. Rooted within the community, these publications provide a forum where debate on culture, history, politics and society can take place outside larger political narratives or soapbox rhetoric. They can meaningfully engage in the reformulation and development of ideas that influence the Muslim community. It is one thing to dissect a people from the outside; it is entirely different when the community engages itself, drawing from its past with a collective eye on the future.

In every religion there will be groups that reduce faith to ideology to advance their own political agendas. Either through charisma, violence, chicanery or otherwise, they hijack religion as a means of mobilising the masses. If people are exposed to the realities of this process and the underlying deceit which it embodies, then the ideologue's power over the people is greatly diminished. Al-Qaeda's long-term success is not based in perpetrating violence, but rather in controlling how we think, feel, and act towards others who may be different from us. Our long-term success will be in making al-Qaeda's message irrelevant. One way to achieve this is by creating intellectual and artistic spaces within the Muslim community where a broader view of the world is allowed to flourish. To do any less would be playing into the hands of the comen.

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A balanced policy response to terror: A policing perspective

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Introduction

You will no doubt be aware of the present debate about how our response to terror should be framed.

Our Chief Commissioner Christine Nixon has recently been reported as saying that we should avoid the use of terms such as 'the war on terror' to characterise and frame our community response to the terrorist threat and that instead we should focus on winning the hearts and minds of alienated communities (*The Age*, 25 August 2007). For its part, the Commonwealth argues that this term is an appropriate characterisation of our country's response to terror and is an accurate reflection of the need for urgency and commitment in our response to the threat.

In this jurisdiction, this debate is now being framed as a conflict between the State of Victoria and the Commonwealth about how best to respond to the threat. For example, in *The Age* yesterday, we saw reports of a 'rift' over the way the Commonwealth and Victorian governments fight terrorism (*The Age*, 15 October 2007). No doubt in coming days, in the heat of an election campaign, much will be made of this rift. There will be attempts to characterise one side as being soft and the other as strong in their response to terror, as a means to gain political advantage. When this happens, as surely it will, I think the debate will be the poorer for it, for the recognition of the need for a balanced policy response will be lost in the wedge politics of an election campaign, while marginalised communities will become more so, and any opportunity for building cohesion and harmony will be further damaged.

We might also reflect on whose voices are calling on us to be afraid. I have often observed that such voices do so in order to gain or retain power through the fear they generate, often at the expense of our shared sense of community.

The question, therefore, about how we should arrive at an appropriate policy and legislative response to terrorism and what that response should look like, in

terms of its impact on the lives of our citizens, is an acute and hotly contested area of public policy. It is against this background that I will make some observations about a policing perspective on how an appropriate policy response to terror might be framed.

The role of police in building community

I begin by sharing some of Raimond Gaita's reflections about the role of public institutions in building community:

A concern for justice in a community should be, in critical part, a concern that its institutions enable and encourage us always to see, and in seeing to be responsive to the full humanity in each of our fellow human beings. That is why this kind of concern is called a concern for social justice and it is why it is so often connected with compassion...

and:

Communities take pleasure and pride in the fact that injustices have been acknowledged and overcome, and that reparation has been made when it is possible. Such pleasure in justice is necessary if people are lucidly to love their community, country or nation. (Gaita 2003)

These views resonate with the strategic directions determined for our State and for policing within Victoria.

Building social cohesion and creating a fairer Victoria are themes which reflect this thinking and Victoria Police now recognises its public value in terms of:

- Creating a more just society by enhancing social cohesion, safety and the rights of citizens in our community; and
- Improving citizen satisfaction with police services. (Victoria Police Business Plan, 2007-08)

These statements of public value are being translated into action through the Victoria Police Business Plan and reflect longstanding policing perspectives about the place of policing in our

society. At its simplest, these conceptions reflect the principles of community policing.

There should be nothing surprising in this. Since its inception, policing in the Westminster tradition has sought to protect human rights and bring to book those who infringe the rights of others.

This has been so since policing functions and principles were first enunciated in about 1829, in the Western liberal democratic tradition. For example, key among these principles is the following:

Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interests of community welfare and existence.

Other Peelian Principles of continuing relevance are:

- The basic mission for which the police exist is to prevent crime and disorder.
- The ability of the police to perform their duties is dependent upon the public approval of police actions.
- Police must secure the willing co-operation of the public in voluntary observation of the law to be able to secure and maintain the respect of the public.
- The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.

Police have long served these ends by exercising discretion in the interests of justice, where justice is served by the exercise of discretion which respects the rights of those who come to their care or attention. This is what it means to exercise power subject to the rule of law.

Where police have exercised discretion in breach of this principle, human rights are trampled, difference accentuated and community aspirations for social cohesion defeated. Rights are not ours to give, or take away. As humans, we possess rights by virtue of being human, and in recognising others as human we must also recognise their rights, particularly if the person has done wrong. To do otherwise misses the opportunity to reinforce the responsibilities that allow us as individuals to fully participate in society. In this context, police have a key part to play in ensuring that laws are applied to enhance social cohesion, safety and the rights of citizens in our community.

To this end it should also be noted that the challenge in framing appropriate laws which balance the rights of the community to be protected from the harmful acts of others with the rights of individuals to go about their business without undue interference from the State is invariably answered by framing police powers in discretionary terms.

This allows police to respond to a given situation in a manner which both meets the community expectation of safety and affords fairness and justice to those to whom the exercise of discretion is directed.

It is for this reason that a rights-based policing perspective on the exercise of discretion is critical and should have us asking ourselves:

Am I exercising power in a way that builds social cohesion? That is:

- Will my decision operate to protect, restore and build community?
- Does my decision avoid being informed by my perception/fear of a person as 'other' or operate to promote marginalisation?
- Am I exercising power in a way which affords the dignity and respect due to a person, because no matter what I believe s/he might have done, being human s/he merits dignity and respect?

I propose these tests in the place of what in policing circles has traditionally been described as the 'attitude test', or the 'good bloke test'. It is simply not good enough for us to continue to exercise discretion on the basis of whether or not a person has the wrong skin colour, has failed to please us or, worse, whose conduct causes us to act out of anger, spite, a 'power trip' or some other aspect of self-indulgent motivation.

Community and terrorism

Much of what I have said so far turns on how police might act as agents for community and social cohesion. Clearly this discussion assumes that as agents of community, the role of police is to shape as much as they can those environmental factors within which social cohesion might grow and flourish.

For this reason, Victoria Police performance is measured in terms of the reduction of crime, increased perceptions of community safety, a reduced road toll and increased customer satisfaction.

What, then, should police do in response to those who choose to act in ways directed at destroying the socially cohesive community we are seeking to build?

At this point it is worth reflecting, from a community perspective, on what I understand terrorism to mean. I understand terrorism to be a strategy used by its perpetrators to create a climate of fear (either through threatened or actual acts of violence) which is directed toward the destruction of community confidence and which may cause the community to question or walk away from the very values that underpin its existence.

In simple terms, if it is the job of police to build community, it is the aim of the terrorist to seek its destruction.

How far should we go then, as agents for community, in dealing with such people?

Before answering this question, we should recognise the importance Victoria Police attaches to effective community engagement.

In terms of framing the policy debate, the police contribution leading to the present laws was firmly grounded in a pragmatic appreciation of the need to balance the need for laws with sufficient reach to practically prevent a terrorist act, without making the laws unworkable either because their reach was too broad, or discretion so narrow, that the principles of policing by consent were undermined.

Police strongly support community engagement initiatives and the leadership role of Victoria Police in promoting community engagement has been recognised in the policy debate. Victoria Police actively explores, supports and develops opportunities for social engagement, in keeping with the theme of enhancing social cohesion.

Examples include:

- Establishment of a multi-faith forum
- Active local engagement with newly arrived communities
- Ongoing relationships with peak ethnic and cultural representative associations

Victoria Police is also strongly of the view that policing is at its most effective when communities act in partnership with police. We should therefore be cautious about extending laws to a point where they marginalise sectors within the community or stifle legitimate dissent. This is why, in Victoria, the operation orders we frame in relation to policing

protests conducted in public spaces always include facilitation of lawful and peaceful protest as an operational objective.

It should also be noted that while concerns have been expressed that these laws are targeted against particular ethnic or religious groups—for example members of the Muslim community—police are acutely aware that the threat of extremism may arise in any marginalised sector of society. We should therefore be careful not to extend our laws in ways which accentuate marginalisation and so create conditions conducive to extremism.

Extremist views should instead be drawn out so that they can receive and attract the scrutiny and public opprobrium which they deserve.

What laws, then, would be going too far?

Some have argued in favour of the use of torture as a means of extracting information, if having that information would enable us to save the lives of others.

Allow me to offer my perspective as a police officer on this proposition.

Consider the following:

Torture requires of the torturer an objectification of the subject and the stripping away of his or her fundamental rights to a point where he or she is regarded as being less than human;

Only then can the torturer occupy the moral space necessary to permit the conduct of torture;

- Investing such a power in police would completely undermine the principles upon which policing was established and do permanent damage to how police are perceived in the community;
- If one were to deny the inherent value which lies in each of our fellow human beings and fail to unconditionally recognise this value, I would argue that one then occupies the same moral space as any other extremist or terrorist. I think it is beyond doubt that those who seek to encourage others to commit acts of terrorism or extremism first have to persuade their followers to deny the inherent value in others, in order to create the moral space within which people can be killed, tortured, or committed to genocide.

Is this the same space you would have police occupy?

I think it bears reflection that in occupying the same moral space as that occupied by the extremist or terrorist, we would afford them their ultimate victory, for we would no longer work for community, but against it. As much has been recognised by the former United Nations Secretary-General Kofi Annan:

...compromising human rights ...facilitates achievement of the terrorist's objective—by ceding to [them] the moral high ground, and provoking tension, hatred and mistrust of government among precisely those parts of the population where he is most likely to find recruits. Upholding human rights is not merely compatible with [a] successful counter-terrorism strategy. It is an essential element. (Annan 2005)

It should come as no surprise, therefore, that I and my colleagues do not favour such an approach.

Who has the primary role in striking balance?

I note that some have portrayed the framing of both the anti-terrorism laws and the construct of the Victoria Human Rights and Responsibilities laws as a battle between the primacy of parliament and the primacy of the courts. Much is made of the fear that once again lawyers will overtake the debate and render these issues inaccessible to the wider polity.

It is my view that focusing the debate at that level misses the key point. I believe that true engagement with human rights occurs in the real world, not in courts, nor in parliament, though these forums occasionally have their day.

It is in day-to-day policing that we encounter the demand for justice that in my view can only be met by policing responses which, applying a community-based perspective as outlined above, can best account for the protection of community and human rights.

Parliaments are concerned with these matters only while a Bill is under consideration, within the narrow confines of parliamentary committee oversight, or within the context of scheduled time frames for review (for example, when a sunset clause is approaching).

While I note that the parliamentary cause has been lauded by some, it should be remembered that the present state of these laws relies on a compact between the states and the Commonwealth. For

example, the Commonwealth cannot legislate for preventative detention beyond 48 hours and must rely on the states and territories to carry these arrangements forward.

It was actually this point which allowed the states and territories to leverage the most significant improvements in the protection of human rights, as against the regime first proposed by the Commonwealth.

Accordingly, the federal nature of our system should be acknowledged as a substantial check against parliamentary tyranny. In this context, conflict between the states and Commonwealth may produce some good, through the imposition of a requirement to negotiate balanced outcomes.

What then of the courts? I think it is clear they play an important role in checking abuse of power by the executive and its agents, although it could be said that their interventions are limited to a small number of high-profile cases.

However, it is my view that we should celebrate the fact that courts are prepared to critically examine the action of the executive in its dealings with individuals caught up in its anti-terrorist net.

For example, the Court of Appeal decision which rejected the use of admissions made by Jack Thomas while under duress has sent an important signal to law enforcement officials.

In my opinion, any other decision would have amounted to an acceptance of rendition (read torture) as an appropriate tool for leverage by Australian law enforcement authorities, and I am relieved as a police officer that this approach has been rejected.

It is right for us to be concerned about how admissions are obtained and the circumstances under which admissions are made. We should therefore be very careful about any move to render such statements admissible by further changes to our law. If such statements are to be admitted, then I would hope that courts would attach such credibility to these statements as the circumstances under which they were obtained, from a justice perspective, permit.

Further, the decision of the Queensland courts which saw the release of Dr Haneef were also appropriate and reflected an effective application of the checks and balances which the states insisted be included in the Commonwealth's earlier drafts of its terrorism laws.

While I have highlighted these cases as examples of the courts bringing justice to a given case, it cannot be said that either the courts or Parliament can possibly capture the vast majority of rights-affected interactions between fellow citizens and the police. While the celebrated cases are writ large in our national psyche, it is in the day-to-day policing where justice must be done.

Primary role of police in the protection of rights

I would argue that we should be much more concerned about how to bring visibility, transparency and quality to rights-affected interactions between police and the citizenry by focusing on how effectively police bring justice to particular fact situations.

A key part of this is ensuring that rights are clearly articulated in plain language, which the ordinary person (including police officers) can understand. This is the first step to making such rights accessible.

Increasing transparency regarding the rights which police are bound to extend is a basis for building confidence in the community that our powers are exercised under the rule of law and in the community interest.

A clear expression of rights and responsibilities also firmly establishes community expectations about how we should treat one another and, in particular, how police should treat all with whom we have contact.

For my part, as the head of the Ethical Standards Department, I see a clear statement of rights and responsibilities as being an important tool for setting standards and holding myself and my colleagues accountable for bringing justice to every situation we encounter.

It is for these reasons that Victoria Police is actively working toward the promotion and protection of human rights and responsibilities. We are committed to ongoing dialogue about how our laws should be framed and applied to balance the rights of the community to be protected from the harmful acts of others with the rights of individuals to go about their business without undue interference from the State.

Concluding remarks

I will close by making some observations about effective policing, whether 'soft' or 'hard'.

Much of the debate so far has focused on the pursuit of legal innovation and the implementation of novel powers with which we might more effectively prosecute a 'war on terror'. I would simply observe in response that you can have the most draconian and oppressive laws and seek to exclude the public from public spaces, but if you miss the fundamentals of policing, like checking an ID security pass, you will fail to do what the community expects of you.

This was of course brought into sharp and comic relief by the latest Chaser team antics, and in a most telling postscript I note that it was in fact harder to get into an RSL Club than APEC, on account of a security guard of Asian appearance doing his job and demanding the production of some valid ID.

I finish with that observation simply to highlight the fact that, in my view, increased powers and getting tougher is no easy answer to the very difficult challenge of responding to terror.

I think the answer lies in sensible policing, grounded in community engagement, which involves a commitment to working for social cohesion and focuses on the fundamental principles of community service and safety, which since the inception of policing in the Western tradition have rendered policing most effective.

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International Conference on Counter-Terrorism 2007

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Developing the Victorian Policy and Legislative Approach to Counter-Terrorism

This paper briefly outlines how the Victorian Government's approach to counter-terrorism policy and legislation developed in the years following the events of 11 September 2001. The emphasis in this paper is on the whole of Victorian Government developments and intergovernmental relations.

Counter-terrorism policy and legislation in Victoria has been developed in three ways:

- by the Victorian Government itself;
- as part of a cooperative exercise with the Commonwealth and other State and Territory Governments; and
- in response to Commonwealth Government policy announcements.

The Victorian Government's wide-ranging strategy to prevent, respond to, and recover from terrorism includes:

- Legislative reforms to strengthen police powers to deal with terrorist activity.
- Continually improving our counter-terrorism capabilities and arrangements.
- Taking a long-term approach to addressing what may cause terrorism in our community.
- Upholding the freedoms and democratic principles that define our nation.
- Promoting equality, fairness and respect while rejecting hatred, intolerance and violence.

Counter-terrorism policy is, however, as much about relationships as hardware or legislation. As Robert S. Mueller, then Director of the FBI, stated following the 11 September 2001 attacks:

No one agency or entity at any level, whether it be federal, state, or local, has the length or breadth of talent and expertise. We must work together. Law enforcement, quite simply, is only as good as its relationships. (Mueller, 2001)

The need for cooperation, within Victoria and between Victoria and other Australian state governments, is one of the key points of this State's approach. Victoria has long practised the all hazard, all agencies approach to emergency management. This means that the government should not create a special way to deal with a possible terrorist emergency. A number of points support this approach:

Most emergencies in Australia, even very large ones, are dealt with by the resources of and the decisions made in one State.

Victoria established an all-agency, whole-of-Government decision-making mechanism, suitable for security issues, some years before 2001.

Victoria's Security and Emergency structure includes the Central Government Response Committee, chaired by the Secretary of the Department of Premier and Cabinet, on which a Deputy Secretary from each department is represented. This committee in turn reports to a Cabinet Committee, chaired by the Premier. These committees serve not only to respond, but to develop the prevention, response and recovery aspects of dealing with emergencies. They coordinate the State's continued evolution of its Whole of Victorian Government security policy. This approach is supported by international experience as written in the memorandum *Preparing for Terrorism: What Governors and Mayors Should Do* (Executive Session on Domestic Preparedness (2001):

All-hazards training and systems, which have the ability to respond to small, more routine emergencies, but that can 'flex' to address larger or different types of emergencies, are the best investment of a jurisdiction's resources.

Immediately following the events of 11 September 2001, there was considerable activity by all Commonwealth, State and Territory authorities. A federation developing a national response requires significant intergovernmental coordination and cooperation. Interestingly, Australia's federal structure has meant that this has been much easier than in some other federations, such as the United States. There are, for instance, only nine police forces in Australia. In the United States there are over 20,000. Even in unitary states, such as

England, there are over 40 police forces. So the federal structure of Australia has in fact assisted coordination rather than been a barrier. It has also meant that different ideas can be developed and tested in different jurisdictions and that any approach has to be scrutinised before it is implemented.

The Response in 2002

First Ministers met in 2002 at three key meetings. These were:

The **4 April 2002 State and Territory Leaders' Forum** agreed on a 12-point plan on Terrorism and Multi-jurisdictional Crime; the Premiers' and Chief Ministers' plan stated that it 'stressed the importance of co-operation between the jurisdictions. The plan has been developed to put in place what will be most effective and the building on what currently works, such as existing State and Territory emergency response plans'. This approach was put to the Commonwealth the next day.

The **5 April 2002 meeting of the Prime Minister, Premiers and Chief Ministers on Terrorism and Multi-jurisdictional Crime**. The agreement from this meeting built on the previous day's State and Territory document and set up a process to set out the respective roles for Commonwealth and States and Territories. It also reconstituted the Standing Advisory Committee on Commonwealth/State Co-operation for Protection Against Violence (SAC-PAV), which had been established in 1979, as the National Counter-Terrorism Committee.

The **24 October 2002 Special Council of Australian Governments' meeting** formally established the NCTC and signed an agreement on Australia's National Counter-Terrorism Arrangements. Victoria played a significant role in developing counter-terrorism arrangements at the national level. These are widely seen as an outstanding example of cooperative federalism. (Twomey & Withers 2007)

The Victorian Government has also published a number of its own policy documents. The first was *Enhancing Victoria's Domestic Security—New measures for the fight against terrorism*, 3 November 2002. This contained a number of initiatives including establishing coordination units within Victoria Police and the Department of Premier and Cabinet, a dedicated State Crisis Centre, additional police resources and setting out the policy issues that led to the *Terrorism (Community Protection) Act 2003*.

In the following years, as part of its response, Victoria budgeted over \$250 million for counter-terrorism initiatives in Victoria, including:

- enhanced intelligence, risk analysis and maritime security capabilities for Victoria Police;
- an upgrade of public transport security; and
- enhanced training and equipment to deal with CBR incidents and mass casualties, and facility upgrades for the health sector.

Legislative Response since 11 September 2001

The Leaders Summit in April 2002 agreed to refer constitutional power to the Commonwealth Parliament to enact legislation to prosecute terrorist offences under criminal law. First Ministers also agreed that each jurisdiction should review its own laws.

The two Acts passed in 2003 were the *Terrorism (Commonwealth Powers) Act 2003*, which referred power to the Commonwealth to create a single set of terrorism offences in Australia, and the *Terrorism (Community Protection) Act 2003*, which introduced new powers and obligations, namely:

- empowering police to detain and decontaminate persons following a terrorist act;
- empowering police to apply for covert search warrants;
- mandatory reporting of theft or loss of specified chemicals;
- mandated risk management planning and audit and exercising for declared essential services; and
- protection of counter-terrorism information.

At the 6 December 2002 Council of Australian Governments (COAG) meeting, a national review of regulation, reporting and security around some hazardous materials was set up. The first part of this review focused on ammonium nitrate regulation. Victoria passed the *Dangerous Goods Legislation (Amendment) Act 2004*, which implemented national principles for the regulation of ammonium nitrate and other substances of security concern. Regulations also prescribed the chemicals, substances and high consequence dangerous goods to be subject to notification requirements if lost or stolen.

After the London bombing in July 2005 there was impetus for further national discussion of terrorism

issues. The Commonwealth pushed for a set of new legislative measures.

A special meeting of the COAG on counter-terrorism was held on 27 September 2005. It agreed to the introduction of nationwide counter-terrorism initiatives. In 2005 the Commonwealth Government introduced counter-terrorism laws into the Commonwealth Parliament to implement that agreement. The Commonwealth laws include a control orders mechanism to restrict the activity of people who pose a terrorist risk, to enable the preventative detention of persons for up to 48 hours to prevent a terrorist act or preserve evidence of a terrorist act and 'stop, question and search' powers in Commonwealth places, such as airports.

Before the COAG agreement, the Victorian Government released the statement '*Protecting Our Community: Attacking the Causes of Terrorism*'.

That statement announced that Victoria would only enact and support counter-terrorism laws that:

- are based on evidence that they were needed;
- are effective against terrorism;
- contain safeguards against abuse;
- are subject to judicial review; and
- are subject to a legislative sunset.

Influenced by Victoria's statement, leaders agreed at the 2005 COAG meeting that any strengthened counter-terrorism laws must:

- be necessary;
- be effective against terrorism; and
- contain appropriate safeguards against abuse, such as parliamentary and judicial review, and be exercised in a way that is evidence-based, intelligence-led and proportionate.

Leaders also agreed that COAG would review the new laws after five years and that they would sunset after 10 years.

The Victorian Act conforms to those principles. Under that national agreement, the States and Territories agreed to introduce legislation to enable the preventative detention of persons for up to 14 days (to complement the Commonwealth laws) and to enact stop, search and seize powers for police in public places. Preventative detention orders allow a person to be taken into custody and detained, without charge, solely for the purpose of:

- preventing an imminent terrorist act occurring;
- or

- preserving evidence of, or relating to, a terrorist act.

This is not a routine police investigatory power and under it a detained person cannot be questioned other than to confirm their identity or assess their wellbeing.

This Act delivered of these commitments and improved the covert search warrants provisions in the *Terrorism (Community Protection) Act 2003* announced prior to the COAG meeting.

The Victorian Government acknowledged the concerns raised that counter-terrorism laws may infringe upon civil liberties. It recognised that the Victorian community has a strong respect for individual civil liberties and the traditional doctrines and processes that guarantee those liberties in Victoria.

The Government also considered it important to recognise the nature of the challenge that terrorism poses. The consequences of terrorist acts place police under great pressure to intervene earlier to prevent a terrorist act with less knowledge than they would have had using traditional policing methods. The Act seeks to strike the balance between empowering police to undertake their functions for the benefit of the community and not unnecessarily interfering with personal freedoms.

After COAG and before the Commonwealth Act was introduced, Victoria and the other jurisdictions negotiated the inclusion of various safeguards into the Commonwealth Act. These safeguards included the ability to seek a review of the merits of a control order or preventative detention order by the court.

The Premier introduced the Victorian Bill into the Legislative Assembly on 15 November 2005 to lie over until February 2006 to allow for further consultation and debate. That additional period of scrutiny enabled the issues raised in the Senate report on the Commonwealth's Act and the review of the Scrutiny of Acts and Regulations Committee to be considered.

The last piece of legislation was the *Terrorism (Community Protection) (Further Amendment) Act 2006*. This act made minor amendments to:

- the preventative detention laws to address community concerns;
- police powers to decontaminate people following a terrorist attack and provided rights to contaminated people; and
- pertinent legislation to prevent disclosure of documents that may facilitate terrorist acts.

Victoria's broader approach to counter-terrorism

The two statements released by the Victorian Premier since Enhancing Victoria's Domestic Security show how the focus of Victoria's approach moved from an initial emphasis on response and recovery to a broader one based on terrorism and its causes:

- *Protecting Our Community: Attacking the Causes of Terrorism* (21 September 2005) articulated that terrorism could not be overcome unless the causes leading people to adopt terrorist tactics are identified and addressed. This statement stressed the importance of working with faith communities.
- *A Safer Victoria. Protecting our Community: New Initiatives to Combat Terrorism* (19 October 2006) recognised the importance of addressing the causes of terrorism through greater research and community involvement. It acknowledged that terrorism involves more than just law enforcement issues. Engaging the whole community is crucial in defending Victoria against potential terrorist attacks. This includes addressing the question of what may cause terrorism within our community.

Maintaining effective counter-terrorism capabilities and legislation continues to be vitally important. However, these operational and law enforcement tools are only part of the Government's broad strategy for a safe and secure community. From 2005 the Victorian Government articulated its broader view by making clear that:

Australia is a free and secular nation in which all religions are treated fairly and equally. Our society is defined, amongst other aspects, by a belief in elected government, a commitment to the rule of law, to equal rights for all before the law, and the freedom of religion, freedom of speech, and freedom of association.

Our society accepts a range of religious, political, social and cultural beliefs, requiring its citizens to peacefully co-exist with people of different beliefs and values. Australia's strengths come from these beliefs and values. If we surrender these qualities, we hand terrorism a victory.

The Victorian community gains great strength from its long history of democracy, diversity and harmony. In 2005, the Victorian Government noted that 'Australia's mainstream Muslim community's adherence to traditional Muslim

practices are not in themselves problematic, nor are they inconsistent with a strong Australian identity'. In 2006 the Premier also stated:

'Throughout history there are many examples of societies where minorities have been unfairly targeted and subjected to hatred and vilification. If our community becomes divided and suspicious, then terrorists around the world will have achieved one of their aims.'

The Government believes that an effective approach to terrorism must include measures to prevent, at its roots, the rise of radicalism that advocates terrorism. This can only be achieved through cooperation and partnership with faith and community leaders together with their communities.

To reduce the risk of terrorism and better understand the factors that may lead to radicalisation, the Victorian Government has taken a lead in promoting counter-terrorism research, including funding for the Global Terrorism Research Centre at Monash University. This does not imply that terrorism can ever be justified, only that we need to understand better who may be a potential terrorist. As the United Kingdom Government (2006) has stated, 'there are a range of potential factors in radicalisation and no single factor predominates'.

Counter-terrorism policy is a process of continual evolution. In Victoria all agencies involved in developing this policy learn from what is happening around the world, around Australia, and from the Victorian community. This policy has been based on seeking and analysing evidence, and addressing both immediate and long-term issues.

Australia's federation is made up of a number of diverse communities. Some issues should be dealt with at a national level while others require approaches that focus on the needs of a particular State and its communities. Victoria has therefore developed some counter-terrorism policies that contribute to the national effort and others that are tailored to the specific needs of the Victorian community. A government's first duty is the safety and security of its community. Victoria has sought to protect its community through a balanced approach that has included new legislation, improved operational capabilities for law enforcement and emergency response, while maintaining individual rights and the needs of an open and multicultural society.

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The author wishes to acknowledge the Australian Research Council, Linkage Grant Scheme for funding this project. Dr Rod Ling (Sociology, Monash), Dr Jeremy Dwyer (Politics and GTRc, Monash) and Dr Bryce Weber (HUMCASS & GTRc) were instrumental in constructing and managing the database and performing data analysis on the project. The author also wishes to extend gratitude to research partners in the Counter-Terrorism Coordination Unit, Victoria Police and Department of Premier and Cabinet, Parliament of Victoria for supplementary research support. However, the author is solely responsible for any errors in fact or interpretation.

2 This study evaluates articles that appear in *The Age*, *The Australian*, *The Herald Sun* and *Leader* newspapers between 1 January 2000 and 31 March 2007. Our reason for including articles that appear in 2000 is to provide a baseline for analysis which will be indicative of the full year before the 9/11 attacks. In order to locate all articles dealing with Victoria Police and terrorism that appeared in *The Age*, *The Herald-Sun*, *The Australian* and *Leader* newspapers between 1 January 2000 and 31 March 2007, a search was conducted on the Factiva database. The study assessed 291 articles that dealt with Victoria Police and terrorism together; 122 articles that concentrated on the relationship between Victoria Police and Muslims; and 70 articles on Operation Pendennis. In addition, the study concluded that these newspapers also published nearly 13,000 articles that associated Islam/Muslims with terrorism. Moreover, the study also indicated that the frequency of references to Islam and Muslims increased in periods when there were significant terrorist activities such as the 9/11 attacks, both sets of Bali bombings, the 2002 Dubrovka Theatre siege in Moscow, the March 2004 Madrid bombings, the August 2003 Marriott Hotel bombing in Jakarta, the September 2004 Beslan siege in North Ossetia, the attack on the Australian

Embassy in Jakarta, and the August 2006 plot to bomb airliners over the Atlantic Ocean. The study, therefore, suggested that Islam tends to be framed in association with violence.

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Note that this is not intended to be a 'legal' definition. For the legal definition, I defer to the Commonwealth definition.

