

Australia and the Threat of Terrorism in the Decade after 9/11

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In February 2010, the Australian government released its second Counter-Terrorism White Paper, claiming that terrorism continues to pose a serious security challenge to Australia. The article critically re-examines the terrorist threat to Australia and explores the threat posed by the traditional Al-Qaeda leadership, by regional organisations like Jemaah Islamiyah and by so-called ‘home-grown’ terrorists. Arguing that it is imperative to differentiate clearly between the threat to Australia and Australian interests abroad, the article identifies the sources of threat in the Australian context. It concludes that neither Al-Qaeda nor Jemaah Islamiyah nor home-grown terrorism poses any significant objective threat to Australia. At the same time it is acknowledged that the subjective perception of the terrorist necessitates the government to develop an effective counter-terrorism strategy. However, given that the terrorism threat is objectively low, policy measures addressing the threat ought to be carefully designed to meet the requirements of proportionality and (potential) effectiveness.

Keywords: Counter-Terrorism; Australia; Al-Qaeda; Jemaah Islamiyah; White Paper; 9/11

Introduction

In late February 2010, the Australian government of then Prime Minister Kevin Rudd released its long awaited Counter-Terrorism White Paper. The White Paper formed part of the Labor government’s national security reform agenda and sets out its counter-terrorism strategy and efforts. It replaces the 2004 Terrorism White Paper of the previous John Howard government which drew heavily on the rhetoric of the US George W. Bush administration. While different in language and less colourful in rhetoric, the underlying message of Labor’s White Paper is much the same: the terrorist threat has become a ‘persistent and permanent feature of Australia’s security

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environment' and 'continues to pose a serious security challenge to Australia' (DPMC, 2010: i, ii).

In response to this 'security challenge' the Australian government has been taking far-reaching action, both at home and abroad. Key elements of these efforts include bilateral engagement, particularly in Southeast Asia and through 14 counter-terrorism memoranda of understandings with Indonesia, the Philippines, Malaysia, Cambodia, Thailand, Brunei, Fiji, Papua New Guinea, East Timor, India, Pakistan, Afghanistan, Turkey and Bangladesh (DFAT, 2010). At home, the government massively increased the budget and powers of Australia's security agencies. Since 2001, Australia's total defence spending increased 59 per cent from A\$13.7 billion to A\$21.8 billion. More than A\$16 billion have been spent in extra defence, counter-terrorism and foreign aid by 2010–2011. Over the same period, the budget of Australia's domestic intelligence agency, the Australian Security Intelligence Organisation (ASIO), has increased by 655 per cent, the budget of the Australian Federal Police (AFP) by 161 per cent, the budget of the Australian Secret Intelligence Service by 236 per cent, and the budget of Office of National Assessments by 441 per cent.

The legislative response has been enormous, too. Since 2002, the Australian Parliament has enacted more than 40 pieces of 'security legislation' which curtail civil liberties to an unprecedented extent and which ensure that Australia has some of the most draconian anti-terrorism laws in the Western world (Lynch *et al.*, 2010; Lynch *et al.*, 2007). ASIO, for instance, was given extensive powers to detain persons *not suspected* of any offence for up to seven days without charge or trial—powers that even the intelligence services in the United States, the United Kingdom and Canada do not enjoy (Michaelsen, 2003). The AFP was given wide-ranging stop and search powers and may apply for control and preventative detention orders (Lynch and Reilly, 2007). Australia's criminal law and procedure has seen radical changes, too (Lynch and Williams, 2006). These include the introduction of an overly broad definition of 'terrorist act', the reversal of the presumption in favour of bail in terrorism-related cases, and executive powers to proscribe (and criminalise) organisations considered to be 'terrorist' (Michaelsen, 2007; Hocking, 2004).

Yet, while the 9/11 attacks and the 2002 Bali bombings triggered an unparalleled response by the Australian government, surprisingly little academic analysis has been carried out on the question whether Australia faces a terrorist threat in the first place. Indeed, a comprehensive and detailed analysis of the nature and quality of the threat facing Australia remains to be undertaken to this day. The purpose of this article is thus to critically (re-)examine the terrorist threat to Australia with a view to placing the government's unprecedented response into perspective. To this end, the article first analyses the different dimensions of the threat of international terrorism and finds that, for analytical reasons, it is appropriate to differentiate between the threat posed by the traditional Al-Qaeda leadership, the threat posed by regional organisations like Jemaah Islamiyah and the threat posed by so-called 'home-grown' terrorists. Arguing that it is imperative to differentiate clearly between the threat to Australia and Australian interests abroad, the article then identifies the sources of

threat in the Australian context. It concludes that neither Al-Qaeda nor Jemaah Islamiyah poses any significant threat to Australia. While a small number of Australians may hold 'extremist views', the objective threat from home-grown terrorism is equally negligible. As a consequence it is argued that it is becoming increasingly urgent to review and reform Australia's approach to counter-terrorism.

The Threat of International Terrorism

Analysing the threat of contemporary international terrorism is difficult, not least because terrorism is a tactic or strategy that can be employed by a variety of state as well as non-state actors (Neumann and Smith, 2008). Indeed, terrorism has been practised by a broad array of political organisations for furthering their objectives for centuries. It has been employed by right-wing and left-wing groups, nationalistic groups, religious groups, revolutionaries, as well as by governments (Merari, 1978). In Australia, the current threat of terrorism is generally associated with so-called Islamist or Jihadi terrorism, although the usage of both terms is controversial (Armstrong, 2005; Nassar, 2004; Karim, 2003; Lewis, 1987). Indeed, the 2010 Counter-Terrorism White Paper of the Australian government states that 'the main source of international terrorism and the primary terrorist threat to Australia and Australian interests today comes from people who follow a distorted and militant interpretation of Islam that calls for violence as the answer to perceived grievances' (DPMC, 2010: 8).

A key exponent of Islamist terrorism is Al-Qaeda which was reportedly founded by Osama bin Laden in the late 1980s by fighters of the Mujahidin campaign against Soviet forces in Afghanistan (Bergen, 2006: 74–80). However, most commentators agree that Al-Qaeda is not a traditional terrorist group with control and command structures but that is best described it as a decentralised network (Wilkinson, 2007: 25). Other authors go further and even question the accuracy of portraying Al-Qaeda as a network (Sageman, 2008). They argue that the term 'network' is misleading as it still implies that a well-organised core leadership in charge of the organisation or network continues to exist (Hoffman, 2003; 2004; Sageman, 2004). These scholars prefer to refer to Al-Qaeda as an ideology (Burke, 2004).

Nevertheless, while Al-Qaeda may be most accurately described as an 'ideology' rather than an 'organisation' or 'network', such classification is hardly constructive for the purposes of identifying the source of contemporary international terrorism. In order to escape these analytical difficulties, Philippe Errera proposed to employ the image of 'three circles' to describe different threat dimensions (Errera, 2005). According to Errera the first circle consists of the 'traditional' Al-Qaeda leadership, namely Osama bin Laden and other individuals who planned the 1998 US embassy bombings in East Africa, or the attack on the USS *Cole* and 9/11 (Errera, 2005: 71–88). Significant progress has been made in disrupting the activities of this first circle. Since 9/11, more than 15 leading Al-Qaeda figures have been captured or killed, and over 3,000 suspected Al-Qaeda operatives have been arrested or detained

(Wilkinson, 2007: 25). In spite of these severe blows the 'traditional' circle continues to pose a considerable threat. As Paul Wilkinson has observed:

It is dangerous illusion to assume that because Al-Qaeda's core leadership does not carry out the detailed planning, organisation and implementation of all the attacks carried out in its name the movement no longer exists or has a purely marginal role. Bin Laden and Ayman Zawahiri provide the crucial ideological leadership and strategic direction of the movement. It is they who inspire new recruits to join the global jihad and to be ready to sacrifice their lives as suicide bombers for the cause. (Wilkinson, 2007: 25)

In the second circle are terrorist groups that may share some of the transnational ideology of the traditional Al-Qaeda leadership, but which were born out of local conflicts (Errera, 2005: 73). The groups of the second circle mainly feed off localised grievances and define their objectives mostly in reference to local political conditions. Oliver Roy (2004: 43), for instance, has therefore characterised these groups as 'territorialised'. Although these assertions may possibly elicit debate from specialists, and criticism from political leaders whose interest it is to portray 'their' terrorists exclusively as Al-Qaeda affiliates or 'franchisees', one could place in this category groups like the Kashmiri Lashkar-e Taiba. In Southeast Asia, organisations belonging to the second circle would include Jemaah Islamiyah, the Abu Sayyaf Group, the Moro Islamic Liberation Front, the Misuari Renegade/Breakaway Group and the Philippine Rajah Sulaiman movement.

Nevertheless, the boundaries of the second circle are not fixed and there are no universal metrics to measure and characterise relations between the groups or networks of the first and second circles. This means that operational and financial links may exist between the two circles. These links, however, are unlikely to be of fundamental importance to the operation of the respective organisation or group. As Errera has put it:

jihadist rhetoric may be used by a nationalist group for purely opportunistic purposes (to ingratiate itself with funders, or appeal to potential recruits), or it may indeed reflect the evolving identity of the group; financial or operational links between a jihadist organisation and a local group may simply represent opportunities seized on the go (terrorist one-night stands), or they may become the source of an ever closer relationship, whether utilitarian (marriages of convenience) or heartfelt. Nevertheless, on the whole, this second circle is still composed of groups and individuals whose primary objective is not that of Osama Bin Laden; ridding the world of Jews, infidels and apostates would be nice, but in the meantime they will probably settle for less. (Errera, 2005: 74)

The third circle consists of individuals or groups of individuals who profess to act in the name of Al-Qaeda but who may not have any connections to the first and second circles. It is these individuals or groups that are commonly referred to as 'home-grown' terrorists or 'jihadists'. Nonetheless, as with the second circle, the exact outline of the third circle cannot be drawn, partly because individuals belonging to this circle tend to operate autonomously and for a range of different reasons. What is more, its potential size is uncertain as future recruits may currently have no visible

violent, 'terrorist' or radical tendency. In fact, the processes of radicalisation, including the psychological and social dynamics that lead from alienation to action, are complex, obscure and subject to change over time. Research into this multifaceted issue suggests that violent extremism is always engendered by a range of factors which include not only religious aspects but also personality, nationalism, separatism and discrimination (Cole and Cole, 2009; Ranstorp, 2009; Coolsaet, 2008). Scholars commonly agree that no single root cause is instrumental (Leiken, 2005).

Furthermore, they note that the root causes and radicalisation dynamics vary from country to country. A Dutch analysis of the population of the Netherlands, for example, found that an attraction to violence, rather than fundamentalism, was a key factor in radicalisation processes (Ongering, 2007). The 2004 Madrid bombings, on the other hand, were carried out by resident ethnic Moroccans who sought to punish the Spanish government for its support for the US-led 'War on Terrorism'. Similarly, in the case of the suicide bombers that perpetrated the 7/7 attacks in London in 2005, an ill-conceived desire for international justice constituted a key motivational factor. Still, while the biographies of the 7/7 bombers illustrated how the making of an Al-Qaeda-inspired suicide bomber is an idiosyncratic narrative of push and pull, the UK government's official report (2006: 26–28) concluded that there was no consistent profile that could be used to help identify who might be vulnerable to radicalisation.

The Sources of Threat in the Australian Context

The 'three circles of threat' framework will now be employed to examine the sources of the terrorist threat to Australia. Given that the stated purpose of Australia's domestic counter-terrorism law and policy is to counter the domestic terrorism threat in Australia, particular focus will be given to the likelihood of a terrorism attack occurring on Australian soil. It is thus imperative to distinguish clearly between threats to Australian interests abroad and the threats to Australia's homeland as these threats may have entirely different sources. The analysis of the terrorism threat to Australia is, of course, somewhat limited by the fact that it is entirely based on open-source material and information. Nonetheless, the absence of classified information does not invalidate the analysis of the terrorist threat per se. On the contrary, it is suggested that such analysis is possible without access to secret intelligence-based assessment.

First, the assessment in this article does not concern itself with specific threats to specific targets but rather places the threat of terrorism in a broader context by examining whether the possibility of terrorism attacks—and even if they occur—pose a significant threat to Australia.

Second, it is suggested that counter-terrorism strategy as well as the legislative framework to counter-terrorism ought not to be devised in response to specific threats but rather developed objectively so as to be capable of withstanding changes to the threat environment over time. For instance, it is a fundamental principle of

good legislative policy to avoid developing reactive laws. Moreover, Parliament itself may not have access to all classified information relevant to, or necessary for an informed assessment of the nature and scope of the threat of terrorism. Even in cases where legislators have access to classified information, such information as well as their analysis may be inaccurate or misleading.¹

In fact, as far as international terrorism is concerned Australian intelligence agencies appear to rely heavily on information shared by their overseas partners. The reliability and quality of this information may well be inconclusive or uncertain as knowledge in the area of international terrorism generally continues to contain too many gaps to make any final determinations with any degree of certainty. This was acknowledged by ASIO itself with the agency stating that 'even with additional resources, there can be no guarantees that intelligence always will be available that will allow us to prevent those who would do us harm from achieving their objectives' (ASIO, 2005–2006: 3). For these reasons an academic assessment of the terrorism threat to Australia is amply justified.

Al-Qaeda

The threat posed by Al-Qaeda has readily been cited as a key feature of the contemporary threat of international terrorism (regardless of whether Al-Qaeda is regarded as a group, network or an ideology). In Australia, too, threats from Al-Qaeda featured prominently in public government assessments and statements. For instance, the Deputy Director-General of ASIO, in a speech in September 2008, claimed that 'there is no useful precedent ... for the global violent jihadist movement, which is the most significant terrorist threat we face, and includes al-Qa'ida among others' (Deputy Director-General, 2008). Consistent with the 'three circles of threat' approach, this analysis will first focus on the threat arising from the core leadership of Al-Qaeda.

The threat that Al-Qaeda poses to Australia seems rather low for several reasons. To begin with, Australia appears to a poor strategic choice and an unlikely target for an Al-Qaeda-organised attack. Indeed, an attack on Australia's homeland appears to be of very little value to both Al-Qaeda and the regionally based Jemaah Islamiyah. As Jason Burke and others have pointed out, a primary goal of Al-Qaeda is to beat back what it perceives as the West's aggressive project of denigrating, dividing, and humiliating Islam—a project supposedly begun during the medieval Crusades and later periods of colonial rule (Burke, 2003). Ultimately, Al-Qaeda envisages the establishment of a single Islamic state, or 'caliphate', in the lands roughly corresponding to the furthest extent of the historic Islamic empire. While geo-strategic objectives form part of the Al-Qaeda ideology, Islamist militancy is also notably driven by local grievances.

As Burke has stated, bin Laden's primary focus has always been to topple the regime in his homeland of Saudi Arabia (Burke, 2004: 19). However, when Islamist militants grew increasingly frustrated by their failure to change the domestic status

quo in countries like Egypt, Saudi Arabia and Algeria, they turned their attention to striking at the Arab regimes' Western sponsors. Although Australia may qualify as Western country, it is rather improbable that it represents one of these sponsors. Indeed, in contrast to the United States and other key Western powers like the United Kingdom, France, and Germany, Australia's political leverage in the Arab world is very limited. Given that Al-Qaeda's planning and operational capabilities are relatively constrained, it is thus unlikely that the network would 'waste' its limited resources on planning an attack on a rather low-profile target like Australia.

Australia's overall risk profile has arguably increased as a result of several developments in the recent past. These include specifically Australia's active role in East Timor's struggle for independence in 1999, and Canberra's wide-ranging counter-terrorism cooperation with Jakarta since 2002.² Indeed, it is likely that both developments have amplified animosity towards Australia among Islamist militants in Indonesia and elsewhere. Furthermore, it appears reasonable to suggest that Australia's relatively active role in the US-led global war on terrorism more generally, and Canberra's military commitment in Iraq and Afghanistan in particular, has contributed to a heightened overall risk profile. Nonetheless, it remains unclear whether these developments have had a significant direct impact on the threat level to Australia's homeland. For instance, Australia's contributions to the above mentioned campaigns have not been readily recognised in international media outlets. Moreover, it is simply impossible to gauge the impact of recent foreign policy choices on Australia's risk profile with any degree of accuracy. Interestingly, figures provided by ASIO suggest that no Islamist militants have attempted to travel to Australia recently. In 2006–2007, for example, ASIO completed 53,387 security assessments in relation to individuals seeking entry to Australia and issued only seven adverse findings (ASIO, 2006–2007: 30). In 2007–2008, the number increased to 89,290 assessments but no adverse findings were made (ASIO, 2007–2008: 24).

Another central argument put forward by the Australian government as to why Australia is a target for terrorist attacks is that terrorist organisations and militants explicitly referred to Australia in public statements. Specifically, the government's assumption that Australia was a terrorist target was mainly based on statements allegedly made by bin Laden. In these statements, bin Laden referred to Australia in the context of the separation of East Timor from Indonesia, the military operations in Afghanistan, the Bali bombings of 2002, the situation in Palestine, and the 2003 invasion of Iraq.³

The significance of public statements of bin Laden, Al-Qaeda and other terrorist organisations is controversial. It is certainly prudent for a government to take such statements seriously. However, on the other hand, one must not overestimate the importance of these communiqués and Internet warnings. In many cases is nearly impossible to establish with any degree of certainty whether or not these statements are in fact authentic. Even in cases where statements are believed to be authentic, it is still essential to recognise the divide between intent and capability of terrorist organisations or militants. Just because a terrorist organisation indicates that it is

willing to launch attacks, does not automatically mean that it is also capable to do so. Indeed, issuing statements may have various reasons or purposes. Terrorist organisations may deliberately issue warnings as a tactical measure to provoke public discomfort. They may issue statements to pressure governments politically, perhaps even with a view to hoping to influence foreign policy decisions. As far as the reference to Australia in public statements by militants is concerned, it is also important to note that Australia has hardly ever been listed as a target in its own right.⁴ On the contrary, Australia was usually named alongside other nations, most notably the United States, Britain, France, Italy, Germany, Russia, Canada, Japan, Poland and others.

Jemaah Islamiyah

In the Southeast Asia region, Jemaah Islamiyah (JI) represents one of the groups that would classify as a group belonging to the second circle of threat. JI is commonly considered to be responsible for the attacks against two nightclubs on the Indonesian resort island of Bali on 12 October 2002, which killed over 200 people including 88 Australians. This attack confirmed terrorism's place at the centre of contemporary Australian politics as it was Australia's first (and only) experience with mass-casualty terrorism.

Despite testimony from the ringleaders of the terrorist attacks that they were targeting Americans and Westerners in general, a popular misperception in Australia was that the attacks were a deliberate strike against Australians (Inbaraj, 2002).⁵ And, as David Wright-Neville has noted, the Australian government did not work to 'disabuse Australians of this perception' (Wright-Neville, 2005: 3). As a result, the Bali bombings triggered an important psychological reappraisal in Australia of national security threats and, as Carl Ungerer observed, Australians have been 'more willing to accept the proposition that terrorism shifted from a nuisance criminal behaviour that predominantly affected parts of the Middle East, to an immediate security problem on Australia's doorstep' (Ungerer, 2006: 196).

This proposition was actively advanced by the Howard government which repeatedly referred to the Bali bombings as evidence that the threat of terrorism had reached Australia (DFAT, 2004: vii, 13). Similar assessments were made by think tanks and scholars. A 2004 report by the Australian Strategic Policy Institute, for instance, concluded that Australia faced 'an unprecedented risk from terrorism' (ASPI, 2004: 10). While the report acknowledged that the Bali bombings 'were not specifically directed against Australia, but rather were an attack against the West more generally', it nonetheless found that 'JI would undoubtedly attack targets in Australia if it had the means and could find a suitable point of weakness' (ASPI, 2004: 10.). This assessment encapsulated a widely held belief that Australia was at direct threat from JI as Al-Qaeda's 'local branch office' in Southeast Asia. It followed a general trend that described JI as an al-Qaeda affiliate or some variation thereof.

Nevertheless, it is questionable whether JI poses a direct threat to Australia (as opposed to a threat to Australian interests in Indonesia or Southeast Asia). For example, an attack by JI on Australian soil seems unlikely because it would not fit the group's political agenda. JI's principal objective has always been the establishment of a fundamentalist Islamic government in Indonesia, a goal that has been described as the 'one constant of the organisation since the beginning' (Jones, 2005: 170).

It has also been suggested that the establishment of fundamentalist Islamic government in Indonesia would ultimately be followed by the formation of a unified Islamic state in the Southeast Asian region. This state or 'caliphate' would stretch from southern Thailand, through the Malay Peninsula (including Singapore), across the Indonesian archipelago and into the southern Philippines (Bately, 2003). However, such claims are problematic. As Jones has pointed out:

The assumption that JI's main objective was an Islamic state in archipelagic Southeast Asia (*daulah Islamiyah Nusantara*) comes from looking at the organisation at a particular time and place: Singapore and Malaysia in 2001. In June 2001, the Malaysian government accused Abu Jibril, a close associate of Abu Bakar Ba'asyir, of working for the creation of such a state, and some of the Singaporean detainees arrested in late 2001 told their interrogators that this indeed was the organisation's goal. This information was then published in the Singapore White Paper in early 2003, a widely used source for everyone writing on terrorism in Southeast Asia, and so became an established 'fact'. (Jones, 2005: 170–171)

Even if one accepts that the establishment of a unified Islamic state in the South East Asian region is part of JI's objectives, it is unclear whether this would include parts of Northern Australia. Furthermore, it remains questionable how attacks on Australian soil would further any of these aims. In fact, while attacks on Australian interests in Indonesia and elsewhere in Southeast Asia may appear 'beneficial' for they could be regarded as chasing Western 'infidels' from 'Islamic land', it is difficult to see how an attack inside Australia would yield similar 'profits'. These strategic and theoretical considerations notwithstanding, there is also little evidence to suggest that JI set up operations in Australia in practice. In particular, available information indicates that even modest attempts to raise funds in Australia for activities in Indonesia have been unsuccessful.

In late November 2003, the US Central Intelligence Agency (CIA), acting as interrogator for the Australian Federal Police and ASIO, intensively questioned top terrorist suspect Riduan Isamuddin about JI's intentions in Australia. Isamuddin, also known as Hambali, is believed to be the Asian point man for Al-Qaeda and the operations chief of JI. His responses to more than 200 questions concerning Australia reaffirmed a belief by both agencies that the JI cell covering Australia, known as Mantiqi 4, was the least developed and operationally capable of JI's four regions (Chulov, 2004b). It appears that Hambali had no success in establishing a local Anglo-Saxon network and instead relied on two Indonesian brothers, Abdul Rahim Ayub and Abdul Rahman Ayub. However, the Ayubs' duties extended no further than fundraising and instilling the fervour of JI teachings, including those of firebrand cleric Abu Bakar Bashir (Chulov, 2004a).

Analysts from the International Crisis Group have reached a similar conclusion. A report released by the organisation in February 2004 downplayed the importance of Australia to JI, saying the so-called Mantiqi 4 operations group to be set up by the Ayubs was 'never really a going concern', although 'Australia continued to be seen as a fund-raising area' (ICG, 2004: 2).

The story of the Ayub brothers is in itself an example of Islamic radicals failing to establish a terrorist network inside Australia. Abdul Rahim Ayub, a graduate of the infamous Ngruki School founded by radical Muslim cleric and alleged JI spiritual leader Abu Bakar Bashir, arrived in Australia in the mid-1980s. Ayub first moved to Melbourne and subsequently settled in Dee Why on Sydney's northern beaches (ABC, 2003). In 1998, with the construction of a new mosque for the local community in Dee Why, Abdul Rahim and fellow radicals planned to take over the place of worship. It appears that Abdul Rahim's intention was to use the new mosque as a base for the expansion of JI's influence and support in Australia.

The bid to take over the mosque was fuelled by the arrival in Australia of Abdul Rahim's twin brother, Abdul Rahman Ayub who is a militant cleric and veteran of the Islamic holy war in Afghanistan. However, the Ayub brothers met with stiff resistance from the local Muslim community. Zainal Arifin, the imam of the Dee Why community, particularly opposed the presence of the extremists in the mosque. The conflict escalated and Zainal was physically attacked by the Ayub group. Subsequently, the imam went to court and obtained an apprehended violence order. The pair was then forced to leave Dee Why and moved to Perth (ABC, 2003). Abdul Rahman applied for refugee status but lost his case in the Refugee Review Tribunal and was deported in 1999. Abdul Rahim left Australia for Indonesia in September 2002. Indonesia's national intelligence agency, BIN, located Abdul Rahim in West Java in early 2004. However, according to Indonesian officials neither Abdul Rahim Ayub, nor his twin brother Abdul Rahman, have been linked to any terrorist act in Indonesia or raised the interest of Indonesian counter-terrorism police (ABC, 2003).

Home-grown Terrorism

The third circle of threat is considered to consist of individuals commonly referred to as 'home-grown' terrorists. In Australia, too, there is concern that individuals professing to act in the name of Al-Qaeda could launch attacks. As then Prime Minister Rudd noted, Australia 'now faces an increased terrorist threat from people born or raised in Australia who take inspiration from international Jihadist narratives' (Rudd, 2010: 1496). To this date, however, there have not been any such attacks in Australia. Furthermore, there is little evidence to suggest that any 'terrorism-related' preparatory activities by individuals reached the stage of selecting targets for an attack. Nonetheless, some commentators have raised alarm and warned that home-grown terrorism constitutes an unprecedented threat. Rohan Gunaratna (2007), for instance, speaking on Australian television in June 2007, claimed that 'since 9/11, the threat of international terrorism to Australia has been surpassed by the threat of homegrown

terrorism' which presents 'the biggest security challenge to Australian law enforcement and to security and intelligence services'.

The Deputy Director-General (2008) of ASIO has also warned that 'terrorism-related activity continues to take place in Australia' and that the agency was 'aware of Australians who hold extremist views, including some who have trained overseas with terrorist groups, or engaged in jihad activities'. However, the number of persons holding 'extremist' views—something that does not necessarily mean that they are prepared to resort to violence—is very low. As the Director-General of ASIO noted in 2007, 'clearly, the number of people who operate within, or are drawn to, this mindset is a very small proportion of the population' (O'Sullivan, 2007). A similar assessment can be found in ASIO's 2007–2008 Report to the Parliament (ix):

Within Australia, a small but significant minority of the community hold or have held extremist views. An even smaller minority is prepared to act in support of it—including by advocating violence, providing logistical or propaganda support to extremists, or travelling abroad to train with terrorist groups or participate in violent jihad activities.

It is thus not surprising, perhaps, that the threat of home-grown terrorism found little or no mention in ASIO's public reports published prior to 2005. It was only in the aftermath of the July 2005 London bombings that home-grown terrorism was explicitly referred to as a key aspect of the terrorism threat to Australia. What ASIO or the Australian government did not explain, however, was how exactly the London attacks had changed the level or nature of threat of terrorism in Australia, or whether indeed there was any evidence to suggest that the threat scenario in Australia was comparable to the United Kingdom's. In fact, a comparison with the situation in the United Kingdom may lead to conclusion that the threat in Australia is minimal. In contrast to Britain, there is little evidence of a significant radical Islamic faction within Australia's small Muslim community which numbers only 300,000 people out of a total national population of around 20 million, or 1.5 per cent of the total population.

Further evidence that may be regarded as an indication that the threat of home-grown terrorism is perhaps overstated is available from the trial of Jack Roche. A British born Muslim-convert from Perth, Roche was convicted on charges of conspiring to damage the Israeli embassy in Canberra in June 2004. The Roche case demonstrates, however, that attempts to recruit even a small cell of Islamist sympathisers failed. In 2000, Roche allegedly met with JI operative Hambali and bin Laden's alleged deputy, Abu Haifs. He was told to conduct surveillance on possible Israeli and US targets in Australia and to recruit an 'operational cell' of three to four Australians (*Sydney Morning Herald*, 2004). However, after failing to recruit even a small group, Roche abandoned his plans and tried to contact ASIO. At that time ASIO did not respond. Two years later, in late 2002, Roche was tracked down by a reporter of *The Australian* and subsequently gave a series of taped interviews. These interviews provided the basis for ASIO raids on Roche's home in Perth and later charges laid by the police. Asked about possible recruitment efforts Roche stated that he had 'put out some feelers' but that the whole operation turned out to be 'a very

difficult task' because 'nobody in Australia was interested at all' (*Sydney Morning Herald*, 2004).

In order to underline the threat of home-grown terrorism in Australia, the ASIO annual reports to Parliament commonly point to the legal proceedings against a number of individuals charged with terrorism-related offences. These proceedings do shed some light on the nature and significance of the threat faced in Australia. However, rather than demonstrating the severity of the threat, the criminal proceedings that have been concluded so far do not suggest that home-grown terrorism constitutes an issue of grave concern. In fact, the majority of cases have resulted in the defendants' acquittal of terrorism-related charges.

The case of Zaki Mallah, the first person to be charged with a terrorism offence in Australia, is particularly illustrative as it demonstrates the potential gap which can exist between 'extremist views' on the one hand and the carrying out of violent action on the other. In 2003, Mallah received an adverse ASIO security assessment and was not permitted to renew his Australian passport. He thereafter recorded a video message in which he set out a plan to kill ASIO and Department of Foreign Affairs and Trade (DFAT) officials. This message was sold to an undercover officer posing as a journalist. Jihadi material and a gun were also found in Mallah's house. Mallah was charged with two counts of doing an act in preparation for a terrorist act—one count related to his possession of a gun and the other to his recording of a threatening video message. However, he was acquitted of both counts. The sentencing judge, Chief Justice Wood, concluded that:

The prisoner was an idiosyncratic, and embittered young man, who was to all intents something of a loner, without significant prospects of advancing himself . . . While I accept that the Prisoner enjoyed posing as a potential martyr, and may from time to time, in his own imagination, have contemplated creating a siege and taking the lives of others, I am satisfied that in his more rational moments he lacked any genuine intention of doing so. (*R v Mallah*, 2005: para. 38)

Other illustrative cases include the cases of John Amundsen and Jack Thomas. In 2005 Amundsen made threats to Queensland police to expect an Al-Qaeda style attack in Brisbane. He was subsequently found in possession of 53 kilograms of explosive 'powergel' in addition to four homemade bombs, ten detonators and a book about Osama bin Laden. Amundsen was charged with 'making a thing (explosive devices) connected with preparation for a terrorist act' and with a range of offences under Queensland law, including buying explosives dishonestly, using a carriage service to make a threat to kill, possessing a false passport, and counterfeiting Australian banknotes. However, in 2007, the terrorism-related charge was dropped after Amundsen admitted that his plan was to detonate bombs outside his girlfriend's house to win back her love.

Joseph 'Jack' Thomas may not have been quite as romantic. His charges related to allegations that he trained with Al-Qaeda in Afghanistan. Thomas—nicknamed 'Jihad Jack' by the media—allegedly also received money, an airplane ticket and a falsified passport from a senior Al-Qaeda operative. He was convicted for 'intentionally receiving funds from a terrorist organisation [Al-Qaeda]' and for 'possessing a falsified passport' while acquitted on two counts of intentionally

providing support to a terrorist organisation. However, the convictions were overturned on appeal on the basis that admissions he made in Pakistan in March 2003 had not been voluntary. Thomas was subsequently retried after he had given an interview on Australian television in which he discussed his involvement with the Taliban and Al-Qaeda. Nonetheless, in 2008 he was acquitted again of the terrorism-related charge but convicted for possessing a falsified passport.

One of the few cases that did result in the conviction of the defendant on terrorism charges was the case of Faheem Lodhi. The charges against Lodhi related to allegations that he had taken aerial photos of Australian Defence Force establishments, possessed a document about how to make bombs, had collected maps of Sydney's electrical supply system and had sought information about the availability of materials for making bombs (Wallace, 2006). In 2006 Lodhi was subsequently convicted for 'possessing a thing [document about how to make bombs] connected with preparation for a terrorist act', 'collecting documents [maps of the Sydney electrical supply system] connected with preparation for a terrorist act', and for 'doing an act [seeking information about the availability of materials used to make bombs] in preparation for a terrorist act'. He was sentenced to 20 years imprisonment, with a 15 year non-parole period. While he repeatedly maintained his innocence—stating that killing innocent people was not part of Islam—his appeal against conviction and sentence was dismissed in 2007.

Another case that resulted in the conviction of some of the accused is the so-called Benbrika trial. In November 2005, a joint operation of the New South Wales, Victorian and Federal police (Operations 'Pendennis' and 'Hammeru') had culminated in raids on houses in Melbourne and Sydney and the arrest of 13 men in Melbourne. The men were alleged to be part of a terrorist group that planned to wage holy jihad against the Australian government with the intention of coercing it to withdraw from Iraq. The group was led by Abdul Nacer Benbrika, the alleged spiritual leader. Benbrika was well known to ASIO in the lead up to the arrests. During 2004 and 2005 he had been under surveillance as a possible instigator of terrorist acts. In March 2005 his passport was withdrawn on advice from ASIO and agents raided his Melbourne home in June. Benbrika had also appeared on national radio and television praising Osama bin Laden as a 'great man'—hardly the sort of behaviour of someone secretly preparing a large-scale terrorist attack.

Benbrika and other members of the group were charged with a range of offences including membership of a terrorist organisation, preparation for a terrorist act, and providing funds to a terrorist organisation. In addition, Benbrika was charged with directing the activities of a terrorist organisation. In late 2008, seven of the men, including Benbrika, were subsequently convicted of some of the terrorism-related charges. The seven convicted men have all lodged appeals against their convictions and sentences. In his judgment, Justice Bongiorno noted that 'terrorist acts as they have been experienced in modern times are often carried out by amateurs whose principal attribute has not been skill, but rather zealous or fanatical belief in some ideology or other which seeks to promote itself by the use of violence' (quoted in

Hughes, 2009). According to Bongiorno, 'Benbrika clearly had such a belief and fanaticism and imparted it to his young associates' (ibid.). Nevertheless, the judge accepted that Benbrika had no military or terrorist training. Moreover, the Court found no evidence to suggest that the group had a firm target or that they had obtained explosives or weapons.

The above cases appear to confirm ASIO's assessment that there is a small number of Australians who 'hold extremist views'. Nonetheless, it is important to keep this assessment in perspective. The situation in Australia, for instance, is hardly comparable to the conditions and dynamics in the United Kingdom, France, Spain, and other parts of Europe. The above cases also demonstrate that extremist views do not necessarily lead to violent action. Even in the cases that resulted in conviction of the accused, none of the penalised actions amounted to immediate preparatory action for a terrorist act. Moreover, none of the prosecuted individuals' actions had progressed to a stage where possible targets for attacks were identified. This does not mean, of course, that the penalised actions as well as certain individuals do not pose any threat whatsoever. It only takes a few determined individuals to launch a terrorist attack. However, it remains questionable whether the small number of 'extremists' who are ready to employ violence can be considered an unprecedented threat to Australia's national security.

The Objective and Subjective Dimensions of the Threat

The Objective Dimension of the Threat

It has been argued that the threat of terrorism in Australia stems predominantly from so-called home-grown jihadists. But what is the objective dimension of this threat? And who or what is threatened?

According to ASIO, 'the threat within Australia has remained largely unchanged since late 2001—a terrorist attack is feasible and could well occur' (O'Sullivan, 2007). Moreover, the agency's 2007–2008 annual report to Parliament claimed that this threat 'has posed the most significant security threat to Australia for at least the last seven years' and that 'it will continue to do so for the foreseeable future' (ASIO, 2008: ix). Similarly, the Director-General (2008) of ASIO was convinced that 'if not for the action of ASIO and its partners in recent years . . . there would have been a terrorist attack or attacks in Australia' (ASIO, 2008: vii). This underlined 'the seriousness of the threats we face, the importance of the work we do and the criticality of our partnership'.

ASIO's rather alarmist assessments are, perhaps, not all that surprising. It is certainly illustrative to read them against the background of the agency's rapid expansion since 9/11. ASIO's budget, for instance, rose from A\$62.7 million in 2001 to A\$304 million in 2008 (a 485 per cent increase). The current Forward Estimates show the budget continuing to grow to A\$417 million by 2011–2012 (a 665 per cent increase since 2001). Similarly, staff numbers increased by 266 per cent from 560 employees

in 2001 to 1,492 employees in 2008 and ASIO remains confident it will achieve its target of 1,860 by 2010–2011 (a 332 per cent increase since 2001).

The increase in staff and budget may well reflect a perception that terrorism indeed poses a significant threat to Australia. However, at the same time it is not entirely irrational to point out that ASIO may have a vested interest in a sustained threat from terrorism. The above figures indicate that a large number ASIO analysts and agents would not be employed by ASIO if it were found that the threat of terrorism was overstated (and if ASIO did not have other work for them to do, of course). ASIO's declared 'overwhelming priority', after all, continues to be countering 'the persistent terrorist threat from extremists (ASIO, 2006–2007: 21). This is not to suggest that ASIO's threat assessments are necessarily driven by budgetary considerations. Nonetheless, it seems at least conceivable that ASIO's management, when submitting annual reports to Parliament, is mindful of the fact that resource allocations may be linked to the assessed level of terrorist threat.

ASIO's Parliamentary reports have readily portrayed terrorism as the most significant threat to Australia. At the same time the reports have been considerably vague in explaining why Australia is threatened by terrorism or what and who exactly is under threat. In 2008, the Deputy Director-General (2008) of ASIO noted that 'if undetected and unchecked, extremists have the potential to threaten vital national infrastructure and the safety of Australians in Australia as we go about our everyday lives'. ASIO's 2007–2008 report to Parliament is equally imprecise in stating that 'tactically, the threat is manifest in attacks against civilians as well as governments, while strategically it aims to influence and degrade institutions and principles that are fundamental to Australia's social, economic and security interests' (ASIO, 2008: ix). In order to underline this assessment, the report listed terrorism-related incidents affecting Australians—incidentally none of which occurred on Australian soil. Globally, in 2007–2008, terrorist attacks or incidents affecting Australian civilians included:

- on 10 July 2007, private security contractor Darryl de Thierry died in Iraq as a result of an improvised explosive device (IED) attack;
- on 14 January 2008, the Serena Hotel in Kabul, Afghanistan—the temporary home of the Australian Embassy—was attacked by Islamic militants; and
- on 29 April 2008, an Australian journalist travelling in a police convoy in Nangharar Province, Afghanistan, was injured by a suicide bomber. At least 18 Afghans were killed and 35 injured.

Additionally, four members of the Australian Defence Force were killed during counter-terrorism related operations in Afghanistan.

One may argue that these figures alone indicate that the threat of terrorism to Australia is rather low. However, it is generally difficult to see how the threat of international terrorism poses a threat to safety and individual physical integrity of Australians 'as they go about their everyday lives'. For example, the number of Australians killed in recent terrorist attacks is very low. Three Australians died in the

9/11 attacks. Eighty-eight Australians died in the 2002 Bali bombings. By comparison, in the same year almost 20 times more Australians died in road accidents and around more than four times died in reported murders (Stephen, 2004: 39). To this date, not a single person has been killed or injured by a terrorist attack on Australian soil since the Hilton bombing in 1978. A calculation of annual fatality risks for the period of 1970–2007 reveals that the risk of getting killed in a terrorist attack in Australia is 1 in 33,300,000 (Mueller and Stewart, 2010: 14). Even with the Bali bombings included, the fatality risk stands at 1 in 7,100,000. By comparison, the risk of getting killed in a traffic accident amounts to 1 in 15,000 (*ibid.*).

It is also highly questionable whether terrorism constitutes a significant threat to other key Australian interests. In particular it is difficult to see how the current threat could degrade institutions and principles that are fundamental to Australia's social and economic stability. This was also recognised by Peter Varghese, the then Director-General of the Australian Office of National Assessments, who pointed out that:

Islamist terrorism has in-built limits as a strategic threat to Australia. It has little scope to endanger the existence of, or take territory from, the Australian state. Nor will terrorism threaten Australia's fundamental freedom of action to the extent that might, for example, coercion by an economically or militarily powerful state. Islamist terrorism in Southeast Asia will remain a danger . . . but thanks to the efforts of Indonesia and other regional states it is probably a diminishing danger as the strengthened capability of regional law enforcement agencies keeps the pressure on Jemaah Islamiyah. (Varghese, 2007)

Similarly, John Edwards, Chief Economist at HSBC in Australia, 'had difficulty thinking up plausible, grave threats the global economy might present to the Australian economy' (Edwards, 2005: 5). He thought of 'mentioning terrorism, financial collapses, unprecedented imbalances, assets price bubbles, wars and oil prices, but in all categories the global economy has been there, done that, and kept going' (*ibid.*). Analysts from the World Market Research Centre reached a comparable conclusion. They created a system that ranked 168 countries according to their vulnerability to terrorist attacks (Harris, 2003). The survey ranked countries according to the motivation, capability and presence of terrorist groups in the region, the effectiveness of anti-terrorism forces and scale of the potential damage. Australia was ranked 38, lagging well behind the US and Britain, which ranked 4th and 10th, respectively.⁶

Subjective Threat Perception

It has been argued that terrorism poses a rather insignificant threat to Australia objectively. This assessment, however, is at odds with how the threat is perceived subjectively by the Australian public. In light of the Howard government's heavily publicised campaign to promote 'public awareness' on 'terrorism' and 'national security', it is perhaps not surprising that a large majority of Australians indeed believe that a devastating terrorist attack in Australia is only a matter of time. According to an opinion poll published by the *Sydney Morning Herald* on 21 April 2004, for example, 68 per cent of Australians expected that terrorists will strike

Australia before too long. In late 2007, 66 per cent were 'concerned' that there will be 'major terrorist attack on Australian soil in the near future' (*The Australian*, 2008).

Figures from the annual opinion poll conducted on behalf of the Sydney-based Lowy Institute for International Policy contained similar findings. In 2006, for instance, global warming, international terrorism and the possibility of unfriendly countries becoming nuclear powers, were the top-rated threats to Australia's vital interests (Cook, 2006: 2). No fewer than 74 per cent of respondents regarded 'combating international terrorism' as a 'very important' policy goal with 73 per cent considering 'international terrorism' a 'critical threat' (Cook, 2006: 9–11). Similarly, in 2007, 65 per cent of respondents considered combating international terrorism 'very important' while 26 per cent regarded it as 'fairly important' (Gyngell, 2007: 19). A total of 38 per cent were 'very worried' about the threat of terrorism while 30 per cent were 'fairly worried' (*ibid.*: 22).

In the 2008 poll, 'combating international terrorism' remained one of the most important policy goals (72 per cent) (Hanson, 2008: 5). While the 'increasing scarcity of water' (not asked in 2006) was seen by the largest number of respondents (83 per cent) as a 'critical threat', 'international terrorism' (66 per cent) tied for equal second place with 'global warming' (66 per cent) (*ibid.*). Looking at changes since 2006, the biggest move came from those seeing 'Islamic fundamentalism' as a 'critical threat' which dropped 12 points from 60 per cent in 2006 to 48 per cent in 2008 (*ibid.*). Interestingly, concern over Islamic fundamentalism rose with age, with respondents aged 60 years or over three times more likely than those aged 18–29 to say 'Islamic fundamentalism' is a 'critical threat' (66 per cent to 22 per cent) (*ibid.*).

The above figures demonstrate that in spite of the low objective probability of a terrorism attack occurring on Australian soil, the threat of terrorism has been a key concern to the Australian public. Furthermore, the poll results indicate that approximately two thirds of Australians continuously considered counter-terrorism as a very important policy goal. It is conceivable, of course, that the Howard government's terrorism-related rhetoric contributed to the development of that perception. Nonetheless, regardless of the origins of the public perception of the threat, it arguably provided a political imperative for the Australian government to respond and to develop an appropriate counter-terrorism strategy. However, the public demand for action ought not to have outweighed an objective assessment of the threat. It is thus suggested here that the low objective threat of terrorism to Australia made it essential to develop proportionate and well-calibrated countermeasures.

Conclusion

The objective threat of terrorism to Australia is rather low and is unlikely to endanger Australia's key interests. Yet, the Australian public's concerns over the threat are substantial and can hardly be ignored by a democratic government. This divide between the objective and subjective dimensions of the threat, however, has significant implications for the development and implementation of Australian

counter-terrorism law and policy. At the outset it needs to be recognised that, to date, there has not been any attack on Australian soil since the Hilton bombing of 1978. This means that the development of any counter-terrorism law and policy in Australia is based on hypothetical possibilities. It is beyond question that it is *possible* that a single terrorist attack could result in the deaths of a significant number of Australians. But the question is whether the existence of a *possible* threat—the likelihood of which is questionable—can justify the adoption of counter-terrorism law and policy that leads to an *actual* infringement of civil liberties as well as to an *actual* and unprecedented increase in budgetary spending.

Accordingly, key questions need to be asked in the context of developing and examining counter-terrorism law and policy options. These include the question of how much one is willing to pay for a small reduction in probabilities that are already rather low. Also, how much should one be willing to pay for actions that are primarily reassuring but do little to change the actual risk? The Australian government has so far failed to address these questions. Neither the 2004 Terrorism White Paper nor the 2010 Counter-Terrorism White Paper put the threat of terrorism in perspective. Rather, both documents portray terrorism as a persistent and permanent feature of Australia's security environment. The 2010 White Paper rightly notes that 'our counter-terrorism measures must be informed by strategic judgments about the nature of the threat and Australia's vulnerability to it' (DPMC, 2010: ii). A realistic 'strategic judgment' on the terrorism threat, however, leads to the conclusion that the risk in Australia is insignificant.

The Australian government's response, on the other hand, has been enormous. In addition to vast budgetary spending on defence and intelligence, more than 40 pieces of 'security' legislation have massively expanded the powers of the police and intelligence services and have led to significant curtailments of the civil liberties of Australian citizens. In light of the level of threat, however, this response has been rather disproportionate. There thus remains an urgent need for review and reform of Australia's domestic approach to counter-terrorism.

Notes

- [1] Intelligence assessments about WMD in Iraq are a case in point; see also Gormley (2005: 7–28).
- [2] The Australian Federal Police, for instance, played an important role in the investigation of the Bali bombing. Australia and Indonesia have also agreed to establish a joint counter-terrorism centre, to which Australia is contributing A\$26.6 million (US\$19.3 million) over five years (Kremmer, 2004).
- [3] See the quotes cited in DFAT (2004: 66), ASIO (2003: 33) and Miyazaki (2003).
- [4] It is also open to discussion whether any of the statements issued by bin Laden, for instance, contained any direct threats to Australia. In these statements, Australia rather criticised for supporting US policies but did not explicitly encourage attacks on Australian soil.
- [5] Amrozi, the first of the Bali bombers to be arrested, has even told police that he was 'surprised' that so many Australians were killed in the attack, as he thought the target was

Americans. Ali Imron made similar remarks; Ali Imron said that he was not aware whether Australia was an ally of America or not (BBC, 2003).

- [6] The 10 most vulnerable countries are Colombia, Israel, Pakistan, the US, the Philippines, Afghanistan, Indonesia, Iraq, India and Britain. Australia scored highly for motivation because of its commitment to the US-led war on terror and participation in the wars in Afghanistan and Iraq.

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