

# SPECIAL REPORT

## ASPI-KAS

3rd Australia-Europe Counter-Terrorism Dialogue  
'Transforming the New Threat Landscape'

4-5 September 2017, Berlin

ASPI

Isaac Kfir and Katja Theodorakis

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AUSTRALIAN  
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## About the authors

**Dr Isaac Kfir** is the Director of the National Security program and Head of the Counter-Terrorism Policy Centre, Australian Strategic Policy Institute.

**Ms Katja Theodorakus** is the Programme Manager Foreign/Security Policy and Counter-Terrorism, Regional Programme Australia and the Pacific Konrad Adenauer Stiftung (Australia) Ltd

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**Cover image:** Members of the GSG 9 counter-terrorism and special operations unit attend a training session at the central station in Frankfurt Main, Germany, 27 May 2014. Units of the German Border Protection Group 9 of the Federal Police trained in Hesse, Rhineland Palatinate and Saarland. Photo: Boris Roessler/dpa/Alamy Live News

**Foreword image:** Dr Günter Krings courtesy of Mrs Laurence Chaperon.

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**ASPI**

Level 2  
40 Macquarie Street  
Barton ACT 2600  
Australia

Tel + 61 2 6270 5100

Fax + 61 2 6273 9566

Email [enquiries@aspi.org.au](mailto:enquiries@aspi.org.au)

[www.aspi.org.au](http://www.aspi.org.au)

[www.aspistrategist.org.au](http://www.aspistrategist.org.au)



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Participants at the third Australia-Europe Counter-Terrorism Dialogue, September 2017.

# FOREWORD



By Parliamentary State Secretary at the German Ministry of the Interior Dr Günter Krings

The so-called Islamic State (IS) is facing military defeat. It is likely that the terror militia will be driven out of the areas it recently took over with such terrifying speed. But this foreseeable military defeat will not be the final victory over these terrorists and their inhumane agenda.

We will all have to continue our joint efforts for a long time to permanently defeat the international terrorism of IS—and of other current as well as future groups that are likely to emerge once IS is gone.

By ‘we’ I mean both the countries of the region directly affected and the international community. For this purpose, three points are decisive:

1. To deal with the threats of international terrorism, we must work together in the international community.
2. Military action and law enforcement are both necessary but not sufficient. We also need effective prevention to address the root causes of IS’s emergence. Fighting and ultimately overcoming terrorism and extremism is a task for the whole of society. And we must pursue this task also in the virtual world.
3. In doing so, we need clear and convincing messages to counter the terrorists’ extremist and inhumane approach.

Let me be clear about this: the threat that international jihadism poses to the Western world is complex, very serious and it is real. International terrorism does not stop at national borders.

Within Europe, we are defending our free societies with a package of what I believe are effective measures. If necessary, these can also be applied to global cooperation. We have improved information sharing between security agencies, we have adjusted our border controls, and we are making progress in the fight against terrorist financing and in regulating firearms.

But cooperation, coordination and intensified measures to counter Islamist terrorism must not be limited to Europe. Bilateral and multilateral cooperation is also important. We already have comprehensive international regulations and an institutional framework which I believe largely cover the various aspects of counterterrorism. I am thinking of the United Nations and comprehensive Security Council resolutions, with strict measures concerning both IS and al-Qaeda with their associated members and foreign terrorist fighters as well as the fight against terrorist financing.

In addition, the Financial Action Task Force sets standards for its members which will allow us to cut off sources of terrorist funding. The Global Counterterrorism Forum and the Coalition to fight IS are working together closely on counterterrorism. Counterterrorism is also a high priority in other fora, such as the G7, NATO and the Organization for Security and Co-operation in Europe. Along with strategic efforts in these international institutions, it is especially important to share operational information and knowledge of specific developments and threats.

I am happy that Australia and Germany meet the essential requirements in that regard: over the years, we have established a trustful and effective cooperation in countering international terrorism on many levels—on a bilateral basis as well as within the international community. To defend our liberal democracy, we must fight not only the symptoms but also the root causes of terrorism, and I would like to stress once again that we can only achieve this together.

# INTRODUCTION AND BACKGROUND

*Ms Katja Theodorakis, Programme Manager Foreign/Security Policy and Counter-Terrorism, Regional Programme Australia and the Pacific Konrad Adenauer Stiftung (Australia) Ltd*

*Dr Isaac Kfir, Director of the National Security Program and Head of the Counter-Terrorism Policy Centre, Australian Strategic Policy Institute*

Europe and Australia are connected in many ways. As liberal democratic societies, they share a common normative foundation of values that set the parameters for what the state may or may not do. Based on that background, in September 2017 a delegation from Australia composed of practitioners, policymakers and academics travelled to Germany and Belgium to participate in the 3rd Australian Strategic Policy Institute – Konrad Adenauer Stiftung Australia–Europe Counterterrorism Dialogue, entitled ‘Transforming the New Threat Landscape’.

The purpose of the trip was to build on a dialogue initiated in October 2015 by Dr Beatrice Gorawantschy, the Director of the Regional Programme Australia and the Pacific of the Konrad Adenauer Stiftung and Mr Peter Jennings, the Executive Director of ASPI on the challenges of countering terrorism in the twenty-first century.

The driving force behind these Track 1.5 dialogues is the recognition that Europe and Australia face similar challenges in countering terrorism and violent extremism, specifically from the Islamic State (IS, or Daesh) group, whose dystopian messages have attracted thousands of young Europeans and Australians.

As the 2017 *Framework Agreement between the European Union and Australia* highlights, both parties recognise ‘their shared values and close historical, political and economic ties, commitment to democratic principles and human rights ... as well as to the principles of the rule of law and good governance’. Based on this foundation and the comprehensive nature of the relationship, the agreement therefore seeks to ‘elevate relations into a strengthened partnership’ and ‘intensify and develop political dialogue and cooperation in the field of justice, freedom and security at the bilateral, regional and global levels’. Such cooperation is especially important in combating contemporary forms of terrorism. On this topic, the framework agreement emphasises the need to ‘exchange information and views on means and methods to counter terrorism, identify areas for future cooperation as well as work together to deepen the international consensus and its normative framework on the fight against terrorism’.<sup>1</sup>

Terrorism, and how to counter it, have become ubiquitous subjects in the political agendas and debates of many, if not most, countries across the globe. It’s almost a cliché to state that terrorism is a multifaceted phenomenon with various meanings, and that experts haven’t settled on one common, universally valid, definition. Over the past two centuries, political violence has taken on many forms: from internal, left- or right-wing extremism and separatist violence against the state, to international struggles such as that for Palestinian liberation, to today’s global terrorism, which combines local and international geopolitical dimensions.<sup>2</sup>

Since 9/11, terrorist activity has largely centred on Islamist-based or -inspired militancy, and has claimed hundreds of thousands of lives across the world. It has become an international challenge, as this movement has sought to impose its version of history on the world by overturning the existing order. The militants hold that there’s a global conspiracy against the one true Islam, led by the West and ‘puppet regimes’ in the Muslim world.<sup>3</sup> Accordingly, the



landscape of violent Islamist extremism consists of many groups with different dynamics, localities and affiliations, including the now resurging core of al-Qaeda in Pakistan and Afghanistan and al-Qaeda affiliates in Yemen, Somalia and North Africa, as well as recently emerging groups in Syria such as Ahrar al-Sham (also Harakat Ahrar al-Sham al-Islamiyya, the Islamic Movement of the Free Men of the Levant) and Hay'at Tahrir al-Sham (Liberation of the Levant Organisation, formerly Jabhat al-Nusra).

Despite being fragmented, these groups subscribe to similar core narratives of militant resistance against Western dominance—against not only the physical occupation of Muslim lands but also the preponderance of Western political values and culture. They can be seen as ‘manifestations of a wider social, political and religious movement ... whose ideas and networks have spread and taken root in countries across the world.’<sup>4</sup>

This struggle therefore plays out not only in the conflict zones of the Middle East but also in Western centres and suburban crisis zones, such as France’s banlieus or Belgium’s Molenbeek area.<sup>5</sup> These developments make *jihadi*-inspired terrorism a spectre with global reach, presenting a particular challenge to the liberal order as it violently opposes the West as a normative project. As outlined in a report by the International Crisis Group:

Extremism in the Muslim world has ebbed and flowed over the past quarter century but has never looked as dangerous as today. IS and al-Qaeda-linked groups are among the most powerful protagonists in many of the world’s deadliest crises and may exploit divisions elsewhere, while their sophisticated recruitment, particularly that of IS, threatens countries hitherto unaffected. Enormous differences exist between groups’ beliefs, strategies, tactics and targets, but all, according to their own statements, aim to return society to a purer form of Islam and believe that fighting a violent jihad to do so is a religious duty.<sup>6</sup>

Despite sustained militarily and politically multilateral efforts, the threat hasn’t diminished or disappeared; rather, it’s constantly metamorphosing. There’s debate about whether we indeed live in a more dangerous world than before 9/11 or whether people are more jittery because of persistent references to terrorism.<sup>7</sup>

What is certain is that we’re faced with an ever-evolving, multifaceted threat that can’t be contained through one-dimensional solutions or approaches that might or might not have worked in the past. This latest transformation of Islamist militancy became dramatically evident when IS seized Mosul in June 2014, catapulting itself onto the world stage by declaring a caliphate and showcasing its brutal methods. While in the Middle East, North Africa, Afghanistan and now parts of Southeast Asia—the heartlands of entrenched and complex conflicts—countering terrorism is mainly about containing insurgencies and fighting real wars, the threat to Western countries is of an entirely different, yet equally challenging, nature.<sup>8</sup>

Despite predictions about its inevitable military defeat, IS has shown itself to be versatile in adapting to battlefield losses by keeping its propaganda machine going and shifting its focus outward, away from its crumbling caliphate in Syria and Iraq. However, that doesn’t mean that we should expect a complete shift to a ‘virtual caliphate’, in which IS’s activities entirely disappear into the less visible but also harder to control realm of cyberspace. As highlighted by several experts, the final demise of IS’s territory will only signal a return to its earlier insurgent techniques, in particular the use of propaganda tied to real-life events coordinated, inspired or at least loosely connected to the group’s workings. This so-called ‘propaganda of the deed’ is aimed at amplifying IS’s projected staying power and ongoing reach despite its losses.<sup>9</sup> These dynamics of strategic elasticity can be seen in rising levels of IS-inspired and coordinated attacks across Europe, a sophisticated bomb plot foiled in Australia, and IS’s growing presence in Southeast Asia.

Despite, if not because of, military successes against it, the reach of Daesh—especially through militants and foreign fighters flowing to Europe and Southeast Asia—remains an ongoing and serious challenge for security agencies in Europe and Australia. For example, the 2017 Global Terrorism Index found that while in 2017 there was an overall decline in deaths from terrorism worldwide (especially in the crisis hubs of Syria, Pakistan, Afghanistan and Nigeria), from 2016 onwards OECD countries have experienced the highest level of attacks since 1988, including a global increase of 17% in attacks against civilians. These developments are directly associated with a change of terrorists’ tactics towards simpler, low-tech attacks that can be carried out by individuals with minimal preparation.<sup>10</sup> In the

aftermath of twin attacks in Britain (the Manchester and London Bridge attacks of May and June 2017), British Prime Minister Theresa May stated that ‘we are experiencing a new trend in the threat we face’<sup>11</sup>—an assessment shared by many analysts. Speaking on the indiscriminate nature of this threat, terrorism expert Bruce Hoffman explained:

There may have been, in aggregate, more terrorism in the seventies and eighties, but it was discriminate. They kept their terrorism within boundaries related to their cause. Today it’s different. It’s less predictable, less coherent and less cohesive. It leaves the impression of serendipity. ISIS posts pictures of a vehicle and says get in your car and drive into people—and that’s all it takes. Thirty or forty years ago, terrorists did not have the ability to overwhelm authorities. With lone wolves today, law enforcement is often flying blind. It’s very difficult to see how open liberal democratic societies can counter a threat that is much more individualistic, like the attacks in Britain, and that have the feeling of spontaneity.<sup>12</sup>

Similarly, JM Berger, from the International Centre for Counter-Terrorism in The Hague, noted how ‘the *jihadi* movement is fragmenting. There’s big change happening—with ISIS and its ability to hold territory and with what happens to *jihadis* ... We need to be thinking about resilience.’<sup>13</sup> Peter Neumann’s assessment elaborates further that ‘Even if Islamic State can be defeated, this will not be the end of jihadism, just like the killing of Osama Bin Laden didn’t mean the end of al-Qaeda. Truly defeating jihadism requires a sustained engagement with ideas and the political conflicts and social cleavages that make them resonate.’<sup>14</sup>

These developments and recognitions raise important questions about how to effectively combat such evolving threats—or, in other words, how to transform the new threat landscape. The title of the ASPI-KAS dialogue was deliberately chosen not only to acknowledge the evolving dynamics of terrorism over the past years, but, more importantly, to draw attention to our collective potential to do something about it. It has become clear that IS’s adaptability and obvious resilience means that it continues to pose an ongoing serious challenge for security agencies in Europe and Australia. Put more succinctly, it has become obvious that in our collective action against IS we haven’t managed to be a step ahead, to be able to stem their reach into our societies. Yet a resigned assessment of the threat landscape leaves out the potential for harnessing and pooling expertise from across two geographically distant but closely related, like-minded continents—Australia and Europe.

By bringing together senior-level policymakers, experts and political decision-makers from the counterterrorism arena in Europe and Australia, this dialogue—already in its third iteration—created a space for thought-provoking, stimulating exchanges of ideas and expertise that form the basis for innovative approaches and new initiatives.

The overall aim of a Track 1.5 dialogue is to develop ideas among experts and political representatives that officials and politicians can draw on in the policymaking process. Therefore, the Track 1.5 space should go beyond a mere recognition of shared values and should (without overstating its potential reach) constitute a mechanism that can effectively enhance cooperation. This is particularly important in the area of terrorism and violent extremism, where an honest and open exchange about what approaches and practices work or don’t work is crucial to effective countermeasures, especially on the global level, where there are inevitable variations in political systems, security environments, culture and legislation.

A key part of this process of sharing expertise and generating ideas in a safe space of trust, openness and mutual respect is therefore to share the dialogue recommendations with a wider audience—which is the objective of this publication.

The dialogue confirmed inductive and deductive assumptions about the new threat landscape that’s emerging with the territorial demise of Daesh. Such a two-pronged approach, focusing on both broader trends and currents as well as specific cases and methods, is particularly useful when dealing with a sociopolitical phenomenon that’s not only complex and multi-layered but also has a reach as dangerous as that of contemporary Islamist terrorism. Moreover, because of the urgency of the threat to civilian populations, beyond rhetorical condemnation and political resolve, governments are expected to implement specific measures that are responsive and tailored to the threat faced—something that can only come about through a nuanced focus both on the wider trends and key drivers and on more case-specific solutions and applied approaches.

Each panel had a careful balance of German, Australian and EU/international-level speakers. This allowed a healthy exchange of perspectives and knowledge-sharing to take place. Each presentation was followed by an interactive Q&A session that led to a stimulating and lively discussion with all conference participants. Recognising the value of small group discussion, ASPI and KAS purposefully kept the group small, as that allowed for the dialogue to be structured around a single day and permitted presentations by experts and organic, free-flowing conversations about lessons learned, challenges faced and best practices.

This report covers the key issues discussed in the 3rd dialogue, albeit in a general manner, as the discussions were held under the Chatham House Rule. This meant that practitioners and scholars had the opportunity to compare and contrast, in frank exchanges, what measures work or don't work. Because the discussion topics were deliberately chosen to reflect the main contemporary trends in terrorism research as well as the practice of counterterrorism, the points covered in the dialogue tie into existing academic and policy-relevant debates.

While it's challenging to capture the vibrancy of the dialogue and the engagement that occurred in the informal settings, this publication nevertheless aims to go beyond a mere summary of the discussions and findings. This is also reflected in the list of sources we have added to make this volume into a more comprehensive analytical panorama of the current threat landscape—something that we hope can also be useful as a reference work that promotes in-depth understanding and contributes to shared knowledge on this important topic.

# EXECUTIVE SUMMARY

The 3rd ASPI–KAS Australia–Europe Counter-terrorism Dialogue was held at the Academy of the Konrad-Adenauer-Stiftung (KAS) in Berlin on 4–5 September 2017. The participants faced two key issues stemming from the fact that in June 2014 the Islamic State of Iraq and the Levant, which is often referred to by the initialism IS or by its Arabic acronym, Daesh, declared that it had established a caliphate.

First, Daesh's territory encapsulated the areas surrounding Fallujah, Tikrit and Mosul (in Iraq) and Raqqa (in Syria). With the announcement, many other *Salafi-jihadi* groups either issued statements supporting Daesh or declared their areas as *wilayat* (provinces) of Daesh. Daesh responded by recognising provinces in places such as Libya, Nigeria and Afghanistan as part of its domain.

Second, the establishment of the caliphate inspired more than 25,000 people to travel to Iraq and Syria to fight for Daesh and its affiliates. This posed a major challenge for states in the region, as those individuals were committed to sustaining Daesh by fighting for it, by encouraging others to join the organisation or by inciting others to commit so-called 'lone wolf' acts of terrorism in Europe, Australia and elsewhere.

The dialogue was structured along three lines of enquiry:

## 1. **The changing terrorism landscape, 2016–2017**

The first session offered an assessment of issues in the threat landscape over the past two years. It provided a detailed picture of the key drivers and forces, recent developments and emerging new trends. Notably, intelligence suggests that Daesh evolves in order to address counterterrorism (CT) policies. In thinking about the changing terrorism landscape, it was generally accepted that pre-existing analytical categories that often form the basis of policy responses, especially those taken from the field of criminology, don't meet current challenges.

## 2. **Counterterrorism lessons learned and new initiatives**

The second session highlighted shared operational experiences, as each speaker offered a critical assessment of existing methods and initiatives. The focus was very much on a proactive perspective on challenging Daesh as it loses territory. The session also offered a look at how current practices could be further developed and adapted to meet new and emerging challenges a 'virtual caliphate', which would be used to inspire further attacks.

## 3. **Terrorist propaganda and counterterrorism information operations**

The third session gave tailored attention to the challenge of strategic information operations, such as how to devise effective ways to combat propaganda, which has been a key area of IS's reach, especially following its territorial losses in Iraq and Syria. Specifically, the focus was on addressing ways to degrade the appeal of extremist online messages and ideology and to use nuanced and responsible reporting (both in official statements and in the media) about terrorist incidents to avoid feeding into terrorists' narratives.

The final session summarised findings and was a forum for further discussion on how to develop a toolkit for addressing the new threat landscape resulting from Daesh's loss of territory and apparent commitment to using the internet to attract recruits and engage in acts of terror.

The dialogue participants made it clear that, through multilateral and bilateral cooperation, existing international regulations and institutional frameworks provide tools to challenge violent extremism, but that we can't be complacent because terrorists innovate. In other words, there's a need to enhance international cooperation in the face of the complex, very serious threats that societies are faced with, as no single state can counter violent extremism on its own. There was also a recognition of the challenge posed by foreign fighters who want to return to their countries of origin.<sup>15</sup>

An effective CT strategy demands a comprehensive, multifaceted approach that combines military efforts, law enforcement and prevention, and uses hard and soft power.

An integral theme that permeated the dialogue was that governments must work closely with civil society and the research community, which they are doing in Germany and in Australia. This requires careful balancing between the need for security and the protection of democratic values when countering violent extremism, necessitating a healthy discussion between different stakeholders to make sure that the balance is maintained.



# THE CHANGING TERRORISM LANDSCAPE, 2016–2017

Contemporary terrorism is multifaceted. States need tailored policy responses to transnational terrorism that address the threat. This is because each state faces unique challenges due to its history, geography, demographic composition and political system. Nevertheless, states also recognise that it's highly challenging to develop proactive measures to anticipate future threats rather than just react to attacks.

UN Security Council Resolution 1373 placed an obligation on states to adopt legislative measures to tackle transnational terrorism, which has led countries around the world to implement legislation making terrorism a crime. The process involves defining the activity either as a stand-alone crime (the crime of committing an act of terrorism) or as a subset of an established crime.<sup>16</sup> Over time, governments have added further offences, such as preparatory and support activities and incitement.<sup>17</sup> Interfused within this approach and recognising that online recruitment and incitement pose a clear and present danger, countries have placed more demands on tech companies to provide government agencies with encryption keys that would give them the ability to surveil private conversations. Governments argue that they could better protect the public if they had better information. These demands have also raised questions about government overreach, issues of proprietary rights and concerns over privacy.<sup>18</sup>

When post-9/11 case studies are considered, it's noticeable that potential recruits don't change their appearance or exhibit a heightened sense of religious devotion.<sup>19</sup> The recruitment strategy is complemented by the fact that the security, intelligence and police services have had to operate in situations in which they don't often have the luxury of time, as there may be a need to engage sooner rather than later. In other words, one of the key trends seen in the past year or so is that the period between radicalisation and the carrying out of attacks has become shorter.

Daesh has been more successful in attracting foreign fighters than any other jihadist organisation has ever managed, making it exceptionally lethal, especially given its ability to inspire lone-actor attacks and attacks by affiliates.

The allure of Daesh stems from its ability to construct a 'narrative', promoted through social media, that resonates with a specific audience mainly of young men and women, who find truth and hope in what the group claims it wants to accomplish and what it can provide its members.<sup>20</sup> Because the narrative has remained stable and consistent and has produced results, it's widely expected that Daesh will stick with it, even after territorial losses.

Daesh's use of social media manifests itself in two ways: a top-level and a bottom-up approach. At the top level, Daesh has created official channels of propaganda, such as *al-Furqan Media*, *al-Hayat Media*, *Ajnad Media* and *al-I'tisam Media*. These platforms issue sermons, audio statements and other material by Daesh leaders such as Abu Bakr al-Baghdadi, Abu Muhammad al-Adnani and others. The messages are either in Arabic or translated into other languages and transmitted through online platforms such as *Dabiq* or *Rumiyah*.<sup>21</sup>

As part of the bottom-up approach, many sympathisers, supporters and members disseminate the Daesh narrative through open platforms such as Twitter, Facebook, YouTube and other web-based social media apps but also through encrypted apps such as Telegram, Wickr-Me or Signal, which makes it hard for security and intelligence

agencies to monitor activities on those platforms. Notably, it appears that the process begins with open platforms, as they serve as a ‘gateway’ to radicalisation by allowing extremists to not only easily disseminate their propaganda material but also to trawl for potential recruits, who are then directed to more secure platforms.<sup>22</sup>

In identifying the change in the terrorism landscape, the focus lay with three main issues.

## Recruitment

It has become abundantly obvious that violent extremists have ‘come of age’. They used to exist and operate on the margins of society and struggle with recruitment.<sup>23</sup> The communication revolution, coupled with the economic crisis, has greatly empowered them.

They now devote vast resources to recruitment and have made full use of the internet to articulate their message and reach out, often to young and disillusioned men and women, causing enormous damage to individuals, their families and the community at large. The recruits are driven by nonpecuniary, ideological, messianic motives aimed at changing what they see as a corrupt society that discriminates against their brethren. The online platforms allow individuals to not only view extremist content with a high degree of anonymity but to also come together and mount or incite operations.

A key issue faced by security and intelligence agencies is the need to distinguish between those who have radical or extremist views, who may number in the tens of thousands, and the few who are actively planning or carrying out acts of violence. At the same time, it’s widely recognised that, as Metropolitan Police’s head of counterterrorism and assistant commissioner Mark Rowley said, ‘It is too easy for the angry, violent or vulnerable to access extremist views, learn about attack methodologies, conspire on encrypted applications and then acquire equipment to kill, all online.’<sup>24</sup>

The recruitment process operates on two levels. A general platform aims to disseminate a general call for action, which largely occurs on social media. It has no specific target, beyond ‘pulling in’ potential recruits. This means that the first stage of recruitment requires the establishment of a micro-community through which ‘first contact’ is made. The micro-community uses mainstream networks such as Facebook and Twitter, which may lead the recruit to more extremist platforms such as *Shumukh al-Islam*. The extremist platforms provide e-learning courses for would-be jihadists.

The micro-community often operates within a specific chatroom, leading to the development and expansion of what has come to be known as the ‘virtual caliphate’. The importance of the chatroom is that it helps in the dissemination of information, ideas and views. It’s also a place where individuals can express themselves with some element of anonymity, as one is never sure with whom one is engaging (one can use avatars, for example). A key goal of the micro-community is to advance a narrative, often that of ‘victimisation’, that serves as a motivational tool (‘See what the West is doing to righteous Muslims!’).

Once contact is made between the recruiter and the potential recruit, the recruitment process moves to the second stage, the aim of which is to develop a dialogue with the individual, primarily through private conversation. This engagement uses such platforms as Skype or WhatsApp, more secure services such as Telegram<sup>25</sup> or Threema, and websites on the Tor network and ZeroNet. The aim is to encourage:

- more social activism
- migration
- lone-wolf attacks.

Part of this assessment is a recognition that some who have become foreign fighters have been diagnosed with mental problems before joining Daesh. There’s also evidence that the group appeals to people with criminal records, whether for petty crimes or for more serious offences. The message that Daesh seems to promote is that it doesn’t matter what your past has been—the organisation is focusing on your future.<sup>26</sup>

## Theatre of operations

Since it established the caliphate in 2014, Daesh has recognised new *wilayat* (provinces) in North Africa (Libya and Egypt), West Africa, Afghanistan, Saudi Arabia and Yemen. Moreover, it's believed that more than 50 organisations, including such entities as al-Shabaab, Boko Haram and the Abu Sayyaf Group, have pledged either allegiance (*bayet*) or some level of support to Daesh and to Abu Bakr al-Baghdadi. This is an obvious concern, particularly to Europeans, as many of the provinces and the groups operate within the European sphere. Also, Daesh has planted its roots in Libya and Syria, both of which generate mass migration, mainly to Europe, leading to concerns about infiltration—reverse migration—by the group.<sup>27</sup>

From an Australian perspective, the conflict in Marawi in the southern Philippines was of obvious concern. Some participants suggested that Daesh was seeking to establish a regional beachhead from which it could launch attacks across the Indo-Pacific.<sup>28</sup>

A key theatre of operation is cyberspace, where Daesh engages in online propaganda to recruit sympathisers and supporters, providing them with a viable system of meanings and interpretations that coax them to use the IS vision as the 'lens' through which to perceive the world and make decisions. The aim is to encourage the recruit to either migrate to the caliphate or to mount a terror attack in their own country.<sup>29</sup>

## Method of attack

Terrorists adapt!<sup>30</sup> As European states take preventive and disruptive measures to challenge Daesh and its activities, the group alters its mode and method of attacks. Its ability to evolve its tactics and strategic thinking places an enormous strain on the state and its security agencies, as they need to address suicide bombings, vehicular and knife attacks while protecting a plethora of venues that could be used by the terrorists. Consequently, there's recognition that Daesh can strike almost at will due to its global theatre of operations and its diverse recruitment strategies. For example, in the August 2017 Barcelona attack, 22-year-old Younes Abouyaaqoub used a van to kill 13 people and injure 100 after an accidental explosion in a safe house that the cell was using in Alcanar, which seems to have encouraged Younes to act on his own (the cell leader, Imam Es Satty, died in the explosion).<sup>31</sup>

It's evident that Daesh has been able to carry out complex, well-coordinated attacks, such as the Paris attacks on 13 November, which claimed the lives of more than 130 people, as well as lone-wolf attacks using knives or vehicles. The Paris attacks could be contrasted with the July 2016 train attack in Germany, which was carried out by a 17-year-old Afghan asylum seeker wielding an axe and knife, in which five people were injured. Interestingly, there was no evidence of a radical shift in the behaviour of the perpetrator, Muhammad Riyad, suggesting self-radicalisation.<sup>32</sup> When mounting the Paris attacks, Daesh could deploy three groups of attackers, some native and some returnees. For the train attack, Daesh could claim credit for an operation carried out by someone with no official ties to the group.

This diversity in attacks, ranging from loosely inspired individual perpetrators to 'remote-controlled' plots and sophisticated networking operations from various locations around the globe, shows that we're contending with a versatile, multifaceted and adaptable movement.

# COUNTERTERRORISM LESSONS LEARNED AND NEW INITIATIVES

Clearly, the international community has developed many innovative ways to deal with transnational terrorism, which is often portrayed by politicians and in the media as a war—an existential battle in which the *Salafi-jihadi* belief system is described as an ‘evil ideology’ that calls for ‘a global struggle’ and ‘for a battle of ideas, hearts and minds, both within Islam and outside it’.<sup>33</sup> Whether such outright declarations of war are helpful or counterproductive is subject to much debate; however, what’s universally accepted is that a comprehensive, cooperative approach is required.

A key to the post-9/11 security architecture was the early recognition that the threat posed by transnational terrorism demands such an approach; no single state could counter, let alone defeat, the phenomenon of transnational terrorism. On the international scene, this manifested itself in the adoption of a plethora of UN Security Council resolutions, beginning with Resolution 1368 (2001), which introduced the right to self-defence against transnational terrorist attacks. Resolution 1373 (2001) placed a positive obligation on member states to adopt legislation addressing such issues as terrorism financing and reporting mechanisms.

On the domestic side, states have taken reactive and proactive actions, which have included legislative reforms, the fortification of high-risk targets (addressing the challenge of crowded places and terrorist attacks), and community engagement.

The recognition that online radicalisation poses a clear and present danger has led policymakers to demand that tech companies do more to remove extremist content. This has included demands that those companies develop new technologies to prevent such material appearing on the web or that they must police the web and remove content.<sup>34</sup> These concerns led the German parliament to support a measure (the *Netzwerkdurchsetzungsgesetz*, or network enforcement law), under which companies such as Facebook and YouTube could face fines of up to €50 million for failing to remove hateful posts within 24 hours.<sup>35</sup>

In addition to experiencing acts of terror on their soil, many countries have also had to contend with their nationals becoming or seeking to become foreign fighters who travel to join Daesh. For example, Australia responded to this challenge by adopting laws making it a criminal offence for Australians to travel to Raqqa in Syria and to Mosul in Iraq. The law has authorised the Foreign Minister to designate regions as ‘terrorist’ hotspots, which means travel to those areas is proscribed unless the traveller has legitimate reasons for going. A person found guilty of this offence could receive a 10-year prison sentence.<sup>36</sup>

There’s also been an increase in nationals committing or seeking to commit acts of terror in their countries of origin. Whereas terror plots were once inspired externally, the evidence suggests that this is becoming more of an internal issue; that is, radicalisation is occurring within the state.<sup>37</sup> What is also notable is that individuals who are known to the authorities are increasingly the ones committing acts of terror. For instance, 69% of Islamist-related terrorism offences in the UK have been performed by individuals known to have consumed extremist material, ‘instructional’ terrorist material, or both.<sup>38</sup>

Accordingly, a core feature of the CT environment is the adoption of CT legislation to address the threat posed by transnational terrorism. These measures have two principal goals:

- ensuring that the security, intelligence and police agencies have the tools to investigate and forestall potential terror attacks and to address the consequences if attacks happen
- ensuring that the measures, however far-reaching, are not undermining core values.

Clearly, lessons are derived from defining events. In the case of Australia in the 1990s and until 2003, terror plots (the Sydney Harbour boat plot, the Mantiqi 4 group and the Lashkar-e-Taiba cell) were foreign-inspired and controlled. Between 2001 and 2003, six separate statements made by Osama bin Laden and Ayman al-Zawahiri referred to Australia as a potential target. The two senior al-Qaeda leaders focused on Australia's military involvements in East Timor, Iraq and Afghanistan.<sup>39</sup>

From 2003, terror plots in Australia became increasingly more Australian-led and organised. Cases in point include the December 2014 Lindt Cafe siege in Sydney, in which Tori Johnson, Katrina Dawson and the perpetrator lost their lives; the shooting of police accountant Curtis Cheng by Farhad Khalil Mohammed Jabar, a 15-year-old schoolboy; the case of Numan Haider, who stabbed two police officers in September 2014; and the Sydney Airport plot of 2017. These acts of violence led to drastic policy and legal changes as governments sought to address loopholes, gaps and innovations.

Germany has also experienced defining terror attacks, such as the 2016 Christmas market attack in Berlin. Anis Amri, a failed asylum seeker, was able to abuse the asylum system and use a truck to kill 12 people. These acts of violence brought about legislative changes and the recognition that terrorists can strike anywhere using common equipment, such as cars. One consequence of terror attacks in Berlin, Paris and Brussels was a decision by the EU to explore better internal security measures within Europe, even though the Schengen Agreement prohibits internal border checks.<sup>40</sup> Another was the Federal Bureau of Investigation's distribution of flyers to businesses, pointing to potentially suspicious activities of their customers, such as a car renter being reluctant to provide personal information or asking about the exact dimensions or fuel capacity of a car.<sup>41</sup>

In Australia, law enforcement regularly interacts with the Australian Security Intelligence Organisation, as the two entities share CT intelligence. Such a relationship means that in CT in general and in identifying and foiling specific terrorist plots, the authorities must examine several issues that often affect the process and the outcome:

- Is there a clear and present danger of a potential attack, which demands intervention?
- Would an arrest bring about an end to the flow of information from the cell?
- Would an arrest compromise sources of intelligence?
- Is there sufficient evidence for a successful prosecution?
- What would be the impact of a disruption on the nation's allies and their CT efforts?

Daesh's territorial losses have meant that the organisation has sought to double down on its online presence and to build its own social media platform in the hope of evading law enforcement. Because states recognise that social media could encourage terror attacks, there's been a demand that technology firms proactively monitor their platforms. To that end, Twitter suspended more than 635,000 accounts linked to IS between 2015 and 2017. Facebook, YouTube and other social media actors are actively removing *Salafi-jihadi* materials.<sup>42</sup>

Australia has introduced legislation restricting the ability of Australian passport holders to travel to conflict areas and preventing their return to Australia from those areas. The legislation also enables the government to prosecute those foreign fighters who return. At the centre of the CT legislation is passport control, which allows the government to seize or cancel passports.<sup>43</sup>

A second important development relates to criminal legislation. For example, under Australia's *Crimes (Foreign Incursions and Recruitment) Act 1978*, an Australian national engaging in 'hostile activity', which covers such actions as engaging in armed hostilities, could face up to 20 years in prison. However, the key challenge for the government is in collecting evidence that the individual has in fact been engaging in 'hostile activity.'



# TERRORIST PROPAGANDA AND CT INFORMATION OPERATIONS

At the heart of the new terrorism architecture is the way terrorist organisations, particularly Daesh, use propaganda, primarily through online platforms, to advance their cause. The use of propaganda isn't new, but has historically required a medium through which to deliver the message.

The internet has raised two major challenges: first, extremists need no longer wait for established media outlets to broadcast their messages; second, the internet provides the recipient with anonymity, as authorities can't always access what people download and watch, or they can only figure out what was downloaded after the fact.

One way to understand the concept of propaganda is to see it as the construction of a specific narrative aimed at a targeted community with the goal of influencing that community.<sup>44</sup> The particular message that's promulgated in militant Islamist movements is that of victimhood, combined with an account of a mystical, perfect, bygone time or an idealised utopia.

When it comes to acts of violence and terror attacks, this powerful communicative instrument is meant to exaggerate the group's reach and augment its impact:

... we have to recognize that ISIS's claims of responsibility are never 'just' claims of responsibility. Rather, they are central parts of the terrorist deed, psychological addendums geared toward rigging popular perceptions that are, at times, more impactful than the operation itself. Understanding how these claims—which ISIS itself describes as 'media projectiles'—impact a given attack is critical if we are to weather this storm.<sup>45</sup>

The media are a key tool for the propagandist. For example, Bin Laden, in a letter to Mullah Omar, the Taliban's spiritual leader, noted that:

Many international media agencies corresponded with us requesting an interview with us. We believe this is a good opportunity to make Muslims aware of what is taking place over the land of the two Holy Mosques as well as of what is happening here in Afghanistan of establishing and strengthening the religion, and applying Sharia ... it is obvious that the media war in this century is one of the strongest methods; in fact, its ratio may reach 90% of the total preparation for the battles.<sup>46</sup>

Daesh has taken on the idea of almost real-time propaganda, as pioneered by Abu Musab al-Zarqawi and his media chief, Abu Maysara. The two began the process in 2004 when they posted videos online, including of al-Zarqawi beheading Nicholas Berg, an American freelance radio-tower repairman. The videos attracted followers and were used by recruiters to show how the jihadists were fighting the 'occupiers'. Individuals who were sympathetic to the *jihadi* cause soon began to create forums through which to propagate the *Salafi-jihadi* campaign. In the UK, 22-year-old Younis Tsouli, who operated under the pseudonym Irhabi 007, distributed countless videos that showed attacks on coalition forces in Iraq, attacks on Iraqi Government forces, beheadings of Western hostages, suicide-bombing missions and other actions.

Daesh's commitment to an aggressive online propaganda campaign has required states to adopt innovative ways to engage in strategic communication and explore ways to stop young people travelling to the Islamic State, which is highly challenging because there's 'no clear pattern among recruits'.<sup>47</sup> In addition to engaging in pervasive

propaganda, the group also provides its potential recruits with information on how to avoid detection and how to make the trip to Syria or Iraq.

This reality demands that state security and law enforcement agencies engage with communities and families to forestall young people travelling to join Daesh. Accordingly, the approach that has emerged is multifaceted, requiring engagement in counter-narratives and community interaction either through police engagement (trust building) or through civil society engagement, in parallel with military engagement to weaken the group and its affiliates.<sup>48</sup>

State agencies recognise that their role is bifurcated along two lines:

- Engage in a ‘battle of hearts and minds’.
- Engage in a physical campaign against IS.

## The counter-narrative

There’s a growing appreciation that one of the most effective ways to counter Daesh is through the production and dissemination of counter-narratives that fundamentally challenge the group’s conception of itself, its agenda, its goal and its interpretation of Islam. Counter-narratives are specifically designed to contradict what Daesh is asserting. More specifically, they test and dispute themes within terrorist narratives to reveal the misconceptions and untruthfulness of those narratives. An effective counter-narrative would discourage support for the group and prevent individuals travelling to the caliphate.<sup>49</sup>

First, a counter-narrative agenda must be comprehensive, as the initial narrative encapsulates political, historical, sociopsychological and religious or theological factors. Therefore, it’s imperative to address the grievances or the dreamed utopia found in the original narrative. Second, it’s essential that those disseminating the counter-narrative are identified as credible, which may mean that they must know the Qur’an, Muslim history and politics.<sup>50</sup>

The counter-narrative process occurs on two levels: the government level and the community level. At the government level, the focus is very much on disputing many of the allegations levelled at the state and the government, such as by rejecting allegations that the West is fighting a civilisational war against Islam and Muslims.<sup>51</sup>

On the community side, the counter-narrative tends to be less structured and requires active engagement with key stakeholders, such as community leaders, religious leaders and youth activists, to challenge the narrative offered by Daesh.<sup>52</sup> The Metropolitan Police’s head of CT, Mark Rowley, summed up this position by emphasising the need for ‘communities to be more assertive at calling out extremists and radicalisers amongst us. It’s not just overseas propaganda inspiring attacks.’<sup>53</sup>

## The physical campaign against terrorism propaganda

States have recognised that, beyond offering a counter-narrative, they must physically engage with those who are inciting and radicalising. This translates to a dual policy of challenging the territory controlled by IS as well as pursuing a policy of decapitation. This has meant that intelligence agencies and special operations forces are working together to identify those who engage in incitement, which has led military forces to kill many senior IS leaders.<sup>54</sup>

## Technology, online radicalisation and the ‘business–security’ dilemma

Because Daesh engages in online propaganda and recruitment, policymakers and security and intelligence officials have called on the tech industry to assist authorities in identifying not only extremist content but also those who engage in such activism. A key challenge posed by the internet is that until its advent radicals and extremists

were often limited in their ability to communicate with a wider audience, as they had to gain the cooperation of established media outlets. However, with the advent of the internet, individuals need no longer seek media outlets to publicise their views. It's worth contrasting Ted Kaczynski's and Anders Behring Breivik's experiences: whereas Kaczynski had to implore the media to publish his 'manifesto', Breivik simply uploaded his 1,500-page electronic book, *2083: A European Declaration of Independence*, and reached a wide audience.<sup>55</sup>

This development has raised a major challenge, in that there's an expectation that tech companies will play an active role in deterring, hampering and combating extremism. There have been two approaches to the online radicalisation issue: a voluntary, industry-based approach; and a government-instituted, legislatively based solution that permits governments to access private, encrypted information.

# A DIALOGUE OF SUBSTANCE AND MUTUAL BENEFIT

## A special contribution by Major General (Ret'd) Jeff Sengelman, DSC, AM, CSC. *(Former Special Operations Commander Australia)*

How might a credible dialogue on deeply sensitive national security matters be pursued between nations and regions separated geographically by half a world, and whose context and global views have many components of uniqueness?

The answer, of course, is by emphasising shared or intersecting interests, with an expectation that engagement and collaboration will deliver enhanced solutions that are otherwise beyond any one party. Thankfully, in the case of the nations of the EU and Australia, there is much more that is common in values, outlook and international posture than not, especially on the contemporary topic of terrorism.

This paper concerns terrorism, but its focus is on the imperative to more effectively discuss, share information on, understand and ultimately act against it.

Both Europe and Australia have experienced significant terrorist attacks on their citizens since 9/11 and have played a prominent role in responding to terrorist threats internationally. Both are also challenged by domestic security incidents and concerns that have prompted fundamental reappraisals of security approaches. While it could be fairly argued that shared approaches and collaboration on terrorism have been in place between Europe and Australia for many decades, events since 9/11 have illustrated their inadequacy and starkly elevated the need for improvement.

When it comes to terrorism, we continue to see a vigorous contest of hearts, minds and ideas conducted across a domain which remains imperfectly understood and is evolving at a pace that tests the understanding and capacity of even the most capable nations. While many initiatives to understand and counter this are underway and are having a positive impact, there is as yet no silver bullet solution that has been identified. Perhaps there never will be.

For terrorists, this is a borderless contest in which every avenue, gap and seam is being exploited for their advantage. For most nations in the international system, this can appear as an attack on the very characteristics that have made free and open societies so successful. The malign actors are not bound by the same rules, laws, ethics or norms that apply for most security forces arrayed against them, either domestic or international. In terms of collaboration, terrorist groups are opportunistic and seek alliances of their own. This can include working with criminal, insurgent and even state-sponsored actors. As a result, traditional approaches and boundaries between national defence, intelligence and police forces have become blurred. International responses are even more complex. Responses must take account of national and international jurisdictional, legal, political, security, media and cultural aspects, to name a few. These can be complex and, for societies bound by the rule of law, framing effective responses can often be challenging.

Despite significant resources and international focus, the use of social media and information operations by terrorist groups has proven adaptive, resilient and creative. From propaganda, recruiting and exploitation to the dissemination of tactics, techniques and procedures, terrorists and many other malign actors continue to seek advantage through this domain. Western responses continue to build in scale, momentum and effectiveness. This includes ongoing and extensive trends to collaborate internationally, share information and intelligence more fully and operate effectively in tailored multiagency constructs.

Improving our shared understanding and devising effective anti- and counterterrorism measures for this contemporary threat have dominated existing efforts. Recent positive progress to militarily defeat physical concentrations of Daesh forces in Iraq and Syria and more widely in the Middle East and Africa have received much attention. However, it is unlikely that this in itself will result in the decisive defeat of this group or others, such as al-Qaeda. One sobering realisation born of much historical experience is that military action alone, no matter how vigorously prosecuted, satisfactorily addresses the cause or wellspring of terrorism.

Even as I write, current terrorist threats who are not captured or destroyed are attempting to learn and evolve by pursuing even wider transnational asymmetric avenues and opportunities. Many are fading away and intent on finding more effective ways to fight another day. This could include what some are calling a virtual caliphate.

Regardless of its form, it appears that terrorism is a global threat that is likely to remain significant for some time. International responses, along with the will and resources to pursue them, will need to be sustained and substantial if they are to overcome what has up until now been a resilient, adaptive and ruthless foe.

Understanding what this means and anticipating it, as distinct from simply reacting to it, is a significant and pressing challenge for us all. While deciding what to do largely remains a matter of sovereign interest, no single nation has, or can ever have, all the answers. For those determined to find a way, the knowledge, experience and insights to be gained from international collaborative approaches is a source of rich insight on a topic that has threatened the security of nations, regions and the global system.

Between Europe and Australia, experience in dealing with terrorism is extensive. While contexts and approaches are often distinctively unique and tailored for local circumstances, the value is often in the diversity of outlook and innovation. Concluding that greater cooperation and collaboration are crucial when it comes to significant shared threats is hardly insightful. Effectively doing so, however, often faces many obstacles. Something that on the surface should come easily instead more usually involves the dedicated investment of significant resources, trust, patience and understanding by all stakeholders if it is to succeed.

Nevertheless, despite these challenges, those who dedicate themselves to collaborations based on shared interests usually receive benefits that far exceed those from unilateral approaches. This is an outlook both Australia and the EU thankfully have in common.

This year's dialogue proved no exception, with the insight that all participants were asked to accept that their counterparts were considered experts in their fields and that, within the boundaries of security classifications, all sought conversations that refrained from restating commonly understood history and already widely publicised developments, and focused directly on the cutting edge of developments in the area of terrorism.

This could not have been possible without the trust, shared commitment and respect expended to all. These matters of common concern needed to be examined with rigour and exposed to robust constructive dialogue while respecting the need to remain discreet.

Both delegations shared deeply insightful perspectives on approaches to domestic threats and their related societal, legal, policy and political dimensions. It was clear that there was much more to share and learn from each other in this area. In all cases, everyone required a finessed degree of appreciation of the unique circumstances and contexts in which each of these insights applied, both to appreciate the setting into which it was set but also to be able to meaningfully comprehend how such insights might have relevance or require modification to succeed if imported.



One area that drew common attention was regions such as Southeast Asia. Here, it was clear that many nations within Southeast Asia were experiencing challenges from terrorism. It was also obvious that the interests of many nations in the EU and of course Australia intersect deeply here, especially in tourism and trade. Developments in the southern Philippines were deeply disturbing to all and illustrated that the purpose and value of the dialogue potentially extended well beyond the national borders of the participants.

It was an area many agreed deserved additional focus and which might be explored at a future dialogue.

# PROSPECTS FOR FUTURE COOPERATION

In the final session, Dr Beatrice Gorawantschy and Mr Peter Jennings led a discussion among the delegates on the key issues and outcomes that arose from the dialogue.

The aim of this highly interactive session was to map out future directions and identify possible avenues for cooperation and further knowledge sharing. A general insight that emerged was that a whole-of-society approach was needed to counter intolerant and hateful ideologies such as that of IS. This encompasses political will, resolve, solidarity and international cooperation based on the rule of law.

The delegates focused on four key themes:

1. The challenge before the state is substantial. The reason for this is that terrorists innovate and aren't hampered by the rule of law, which effectively means that for terrorists there's no such thing as a 'no-go' zone. Conversely, democratic states must also innovate while also remaining true to their core democratic ideals. For democratic states, winning the 'war' but losing their core normative values means that the terrorists win.
2. There is a huge problem with prediction. Western democratic societies are risk averse, and people demand security but also cost accountability, which makes investigation exceptionally challenging. Simply put, the circle of terrorists, supporters and sympathisers is simply too large for states to cover all angles.
3. While IS's loss of territory is a welcome blow to the group's standing, a new threat to international peace and security is emerging as IS fragments. IS's foreign fighters know that that they can't return to their countries of origin and they can't stay in Syria or Iraq, and so will search for new spheres of jihad. Therefore, situations like Marawi or the Rohingyas must be addressed as they can become focus points for Islamist activities and recruitment. In the case of the Rohingya, Masood Azar, the leader of the Pakistani militant group Jaish-e-Mohammed, has called on the faithful to help the Rohingya and, in September, al-Qaeda had issued a statement stating that Myanmar will be punished for its 'crimes against the Rohingyas'.<sup>56</sup>
4. There's a desperate need to address online violent extremist narratives, which requires better engagement with the private sector. This view resonates with Prime Minister Turnbull's push for social media giants to help security services obtain access to encrypted messages from suspected terrorists. Attention needs to be drawn to the UK's Investigatory Powers Act, which placed a positive obligation on companies to cooperate with investigations, while recognising the need to respect privacy and proprietary rights.<sup>57</sup>

The delegates also recognised the value of the special 'case study' session. In this unique session, a member of German civil society shared her insights from a prominent German project on countering violent extremism. This session gave delegates an opportunity to connect with someone who engages with families of individuals who either joined IS or were subject to a successful intervention that prevented them from joining.

The practitioner highlighted how civil society workers negotiated the difficult terrain of their legal duty to the state and how they work with the community. The focus was very much on trust building, which often demanded holistic, multi-level, creative approaches. This included carefully liaising between families, social agencies, the wider community from which the radicalised individual originated, up to law enforcement agencies and security agencies, and in some cases also including the radicalised individuals themselves.

The session served to showcase and highlight the great potential of such an integrated, comprehensive perspective to inspire future initiatives that can draw on these already established and successful mechanisms and whole-of-society approaches.

There was a general recognition that the problem of terrorism is unlikely to end anytime soon, which requires all stakeholders to ensure better coordination. The Sydney Airport plot resonated throughout the dialogue because it emphasised not only that terror plots can be hatched outside of the state where the atrocity is being planned, but that forestalling such actions requires coordination within government agencies and between governments.

The challenge posed by such entities as IS, especially after its loss of territory and because of its growing online presence, calls for new innovations in countering violent extremism. Moreover, the loss of territory, the plight of the Rohingya and a general perception that the 'West' only becomes involved when its interests are threatened, raises the notion of double standards. IS, its affiliates and sympathisers have become apt at exploiting those who feel alienated and aggrieved. This calls on stakeholders to recognise that more needs to be done to address the root causes of radicalisation. This therefore means that without cooperation it becomes more difficult to identify best practices, which often come about by having dialogue with partners.

# APPENDIX

## Background primer on Germany's national security architecture

### Background to the current threat landscape in Germany and Europe

According to a June 2017 report on *jihadi* attacks in the West, 51 attacks had been carried out in Western countries since the declaration of the so-called caliphate in 2014. After France and the US (with 17 and 16 attacks, respectively), Germany had the third-largest number of attacks (six events during that period).<sup>58</sup> The *2016 Annual report on the protection of the Constitution* observed that there's been an increasing tendency towards violence and a shift towards militant jihadism within the Islamist scene, which was illustrated by five terror attacks in 2016 alone:

- 26 February 2016: a knife attack against a member of the Federal Police (Lower Saxony)
- 16 April 2016: an explosion in a house of prayer of the Sikh community in Essen (North Rhine-Westphalia)
- 18 July 2016: an axe attack on board a regional train near Würzburg (Bavaria)
- 24 July 2016: an explosion in the immediate vicinity of a music festival in Ansbach (Bavaria)
- 19 December 2016: a truck attack at the Berlin Christmas market.

The Berlin incident, which claimed 12 lives and injured more than 50 people, was the most serious *jihadi*-motivated terrorist attack carried out in Germany so far.<sup>59</sup>

While the drivers of radicalisation are of course multifaceted, one factor identified as particularly prominent in Germany has been the presence of widespread *Salafi-jihadi* networks and so-called 'radicalisation hubs' where recruitment for IS takes place.<sup>60</sup> This means that mobilisation occurs within interconnected radical milieus, often through clusters and 'bloc recruitment', which underscores the challenge for German security services in disrupting such well-established and dense peer-to-peer networks. Although the Christmas market attacker, Anis Amri, didn't train with a *jihadi* group overseas, investigation results show that he was in contact with a radical network in Germany led by Salafist preacher Abu Walaa, which was responsible for recruiting a significant number of German nationals and residents for IS.<sup>61</sup> According to German authorities, by April 2017 more than 900 individuals had left for Syria and Iraq.<sup>62</sup>

The Christmas market attack put the spotlight on Germany's security apparatus and triggered internal and external debates on the need for reform, also with an eye on EU-wide security procedures. Amri, the rejected asylum-seeker and self-proclaimed jihadist from Tunisia, escaped deportation after being found guilty of criminal activity in several European countries, avoided surveillance by various German security agencies, and managed to cross numerous European borders undetected. Such security gaps, visible also in some of the other attacks in Europe, have cast doubt on the EU's collective ability to protect itself from these emerging security threats through a coordinated response. While the backgrounds and radicalisation journeys of the individual attackers vary (they include 'homegrown' jihadists as well as recent migrant arrivals), the common denominator is that they were able to take advantage of existing vulnerabilities in the German security system as well as the EU's security, border control and immigration strategy.

## Germany's federalism and decentralisation

In the case of Germany's national security apparatus, *decentralisation is the key characteristic*. Germany is a federal state comprising sixteen states (*Länder*).<sup>63</sup> Power is distributed between the federal and state governments. The German Constitution distributes power between the executive branch, the legislative branch and the judiciary. At the core of the system is a commitment to stringent checks and balances to ensure multiparty democracy, the protection of individual rights and the need for a strong state. The executive branch comprises the President, the Chancellor and the federal ministers. The President is the head of state, in that he plays a ceremonial role in representing Germany. The Chancellor is the head of the government, controlling the federal government and appointing federal ministers.<sup>64</sup>

The German federal parliament is bicameral: the *Bundestag* (Federal Assembly / House of Representatives) deals with legislation, the election of the Federal Chancellor and the control of the government. The members are elected by universal suffrage and represent the whole of Germany. The second chamber is the *Bundesrat* (Federal Council), composed of 69 representatives delegated by the governments of the 16 *Länder* and representing their state governments' political stand. Each *Land* has at least three votes in the *Bundesrat*, depending on its population. The *Bundestag* adopts federal laws that are then submitted to the *Bundesrat*, which may call for a joint committee. A bill adopted by the *Bundestag* may require *Bundesrat* consent. If the bill doesn't require the consent of the *Bundesrat*, the body may still enter an objection, but the *Bundestag* may override those objections.

Judicial power in Germany is exercised by the federal courts, courts of the *Länder* and the *Bundesverfassungsgericht*, which is divided into two panels, each consisting of eight judges. The first panel considers cases concerning basic human rights, while the other resolves constitutional disputes. The federal courts are courts of appeal, and are at the head of five legal hierarchies: the *Bundesgerichtshof* (Federal Court of Justice), the *Bundesverwaltungsgericht* (Federal Administrative Court), the *Bundesarbeitsgericht* (Federal Labor Court), the *Bundessozialgericht* (Federal Social Court) and the *Bundesfinanzhof* (Federal Tax Court). *Länder*, or state, courts are the trial courts and preside over appeals in the states.<sup>65</sup>

## German law enforcement and intelligence

German law enforcement services are provided by a combination of different forces, which have either state, national or international mandates.

### Federal Office for the Protection of the Constitution: *Bundesamt für Verfassungsschutz*

The *Bundesamt für Verfassungsschutz* (BfV, or Federal Office for the Protection of the Constitution) is an executive agency that falls under the authority of the Federal Ministry of the Interior. Its purpose is to protect the free democratic order and the existence and the security of the federation and the German states. It is the domestic intelligence-gathering agency of the Federal Republic.<sup>66</sup>

The BfV is required by law to cooperate with its counterparts at the state level to ensure the protection of the Constitution. The agency focuses its work on fighting and collecting information on politically motivated crimes (left- and right-wing extremism); Islamist terrorism and other extremist efforts of foreigners posing a threat to national security; espionage, including cyber espionage and industrial espionage; and the Scientology organisation. Its 3,000 staff tend to gather information through open-source materials, although German law permits the BfV to employ clandestine methods, such as covert surveillance, false documents and vehicle number plates, front companies, and so on. It may also gather information from financial institutions, airlines and internet service providers in accordance with the relevant law. Under certain conditions and with the approval of a special Bundestag body known as the G-10 Commission, the BfV may conduct telecommunications surveillance.

The BfV and its state-level counterparts may collect information on individuals only if there's evidence that those individuals are engaging in activities that are directed against the free democratic basic order of the state or the idea of international understanding (Article 9 (2) of the Basic Law (*Grundgesetz*)), especially against the peaceful coexistence of people.<sup>67</sup>

### State Offices for the Protection of the Constitution: *Landesbehörden für Verfassungsschutz*

Each of the *Länder* has an Office for the Protection of the Constitution. The Federal Office for the Protection of the Constitution is required to work together with the equivalent offices on the state level in collecting information about threats to the security of a federal state and to the democratic order of Germany.

### Military Counter-Intelligence Service

The Military Counter-Intelligence Service (MAD) is part of the Federal Ministry of Defense. It's Germany's most secretive intelligence-gathering entity, with a staff of around 1,200 located throughout Germany and in at least seven countries around the world, including Kosovo, Afghanistan and Djibouti. The MAD focuses on efforts and activities that target personnel, departments or facilities of the Federal Ministry of Defense, as its principal role is to engage in counterintelligence and detecting what it terms 'anti-constitutional activities' within the German armed forces.<sup>68</sup>

Its operations are carried out by individuals who are members of, or are employed by, the Ministry of Defense and its agencies. Under the Military Counter-Intelligence Service Act, the BfV and the MAD are required to cooperate closely and to provide mutual support and assistance.

Even though the MAD generally focuses on gathering domestic intelligence, it may seek authority to collect and analyse information during special foreign assignments of the German Federal Armed Forces or during humanitarian missions. Other foreign intelligence gathering is prohibited.<sup>69</sup>

### Federal Intelligence Service: *Bundesnachrichtendienst*

The *Bundesnachrichtendienst* (BND, or Federal Intelligence Service) reports directly to the Federal Chancellery. The main task of the BND, which is the only intelligence agency authorised to gather foreign intelligence, is to collect and analyse information of importance for German foreign and security policy.<sup>70</sup>

The BND may seek authorisation to request information from postal or telecommunication services, financial institutions, airlines and internet service providers, as well as information required for the performance of its functions, including personal data, from every authority, and to inspect official registers.<sup>71</sup>

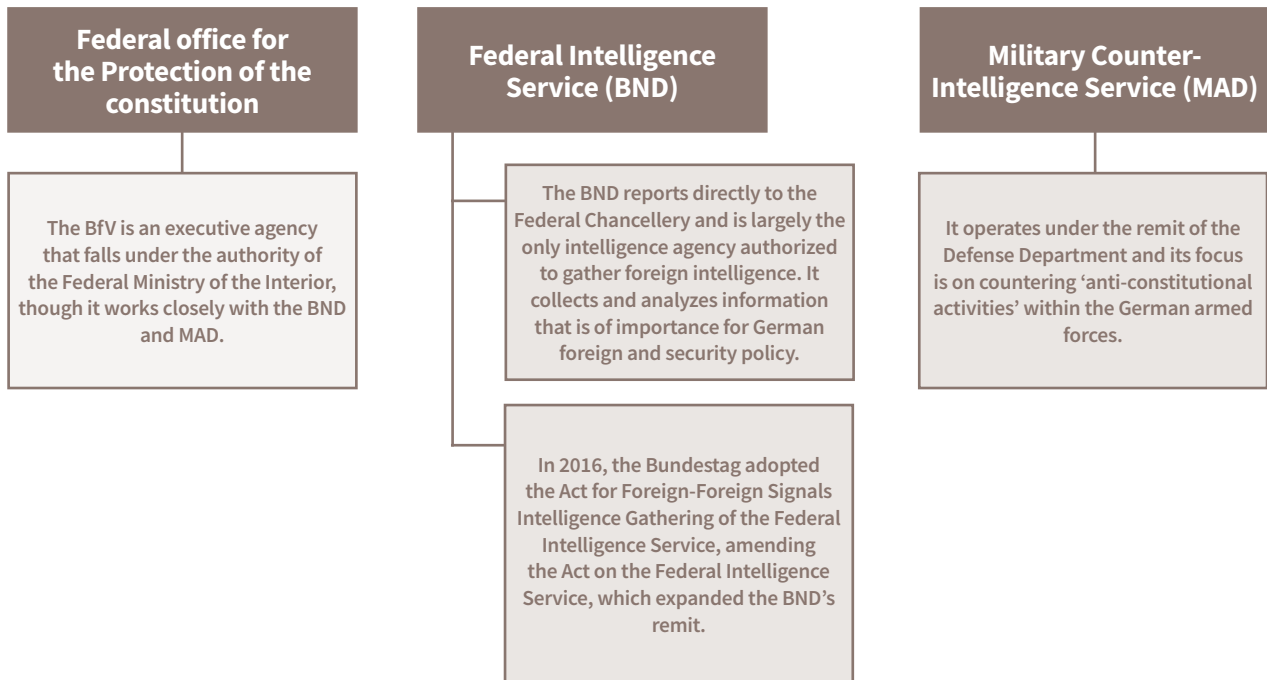
The Federal Commissioner for Data Protection and Freedom of Information monitors the compliance of the BND with the Federal Data Protection Act (*Bundesdatenschutzgesetz*) and other data protection regulations. The incumbent is proposed by the Federal Government and appointed by the Bundestag for a five-year term. The legal position of the commissioner is set out in the Federal Data Protection Act in conjunction with the Freedom of Information Act (*Informationsfreiheitsgesetz*).<sup>72</sup>

The BND has a flat management hierarchy. The president and the vice presidents are supported by an executive group. The directorates are composed of working units and teams. The head of the Federal Chancellery, in his function as Commissioner for the Federal Intelligence Services, is responsible for coordinating the federal government's intelligence services and their cooperation with other authorities and agencies.

The intelligence objectives of the BND are defined by the mission statement of the federal government. The mission statement currently focuses on proliferation, international terrorism, failing states and conflicts over natural resources. Regions that it currently prioritises are the Near and Middle East, North Africa, and West and Central Asia.

The BND cooperates with foreign intelligence services, although it must first sign a memorandum of understanding. Cooperation is only permissible if it's necessary to achieve the goal of foreign signals intelligence gathering and if the information can be obtained only in this way. If the BND is working with foreign intelligence services, it may only do so for the purpose of gathering information on international terrorism, illegal trafficking of weapons of mass destruction and war weapons, or developing foreign crises; to support the German Armed Forces and cooperating states; to assess the security situation of German nationals and nationals of cooperating states; and to gather information on political, economic or military developments abroad that could have an impact on German foreign and security policy, and on similar cases.<sup>73</sup>





### Federal Criminal Police Office (*Bundeskriminalamt*) and Federal Police (*Bundespolizei*)

The Federal Criminal Police Office (BKA, or *Bundeskriminalamt*) collects and analyses criminal intelligence; investigates cases of terrorism or other types of politically motivated crime; investigates narcotics, weapons and financial/economic crimes; and protects federal witnesses. Founded in 1951, it's an executive agency of the Federal Ministry of the Interior, with offices in Berlin, Wiesbaden and Meckenheim. It's Germany's central criminal investigation agency, with a staff of 5,500 in nearly 70 different occupations. Roughly half of the BKA staff are police detectives.<sup>74</sup>

The federal structure of Germany gives the 16 *Länder* the authority to maintain their own police forces (*Landespolizei*) within their territories, along with the right to pass legislation and exercise police authority. At the same time, the *Grundgesetz* or Basic Law sets out federal authority in the central areas of law enforcement, in particular federal and state cooperation in police investigations, police information and intelligence systems, the prevention of threats from international terrorism affecting more than one state and all international law enforcement.<sup>75</sup>

With 40,000 employees—more than 30,000 of them fully trained police officers—the *Bundespolizei* is a country-wide operational police force responsible for domestic security. As part of Germany's Ministry of Interior, it's Germany's uniformed police force responsible for:

- border security, including passport control
- coastguard services, which include the surveillance of land borders and national sea-borders
- the protection of federal buildings and foreign embassies
- the provision of reserve forces to deal with demonstrations, disturbances or emergencies
- transportation and passenger security at international airports and on German railways
- rescue helicopter services.

## Information sharing: the Joint Counter-Terrorism Centre

As in any federal, decentralised system, information sharing among agencies is crucial for comprehensive assessments of the threat landscape. After the Madrid bombings, the Joint Counter-terrorism Centre (*Gemeinsames Terrorismusabwehrzentrum*, GTAZ) was formed for that purpose. It comprises 40 security agencies that cooperate through thematic working groups and coordinate operational activities. In addition, there's also a Joint Counter-Extremism and Terrorism Centre (*Gemeinsames Extremismus und Terrorismusabwehrzentrum*), which deals with left-wing and right-wing militants, other foreign extremists, espionage and proliferation.<sup>76</sup>

Intensified cooperation through the GTAZ has proven successful in the disruption of the 2007 'Sauerland plot', which led to the prevention of a severe terrorist attack on German soil—a planned bomb attack on the Ramstein air base.<sup>77</sup>

There is criticism that the GTAZ doesn't have an adequate overview of the threat picture due to communication shortcomings, incompatible databases and an unwillingness to share information among the various agencies. It also does not have an executive function and is reliant on other agencies to act based on its intelligence, which can delay responses.<sup>78</sup>

These debates about the efficiency of the national security system are also especially evident in *data protection* and controversies that surround telecommunication surveillance practices, particularly in respect to the cooperation that was given to the US National Security Agency.<sup>79</sup>

German data protection laws are among the strictest in the world (Germany was the first country to adopt a data protection law, which was done by the *Land* of Hesse in October 1970. Seven years later, the federal government adopted a federal law to protect personal data). The Constitutional Court has often blocked attempts to elevate security considerations over privacy laws. In this regard, ongoing debates about whether more oversight and access to data by government should be allowed and whether legal and political restrictions should be lifted are a common part of the political landscape.<sup>80</sup>

This issue of revamping the security structure was naturally a special point of contention during 2017, an election year, when calls for more centralised control and top-down command structures became immediately politicised. As elsewhere, opponents of tighter measures argue that increased surveillance endangers civil liberties and opposes a truly open society, thereby eroding the foundations of democracy and liberalism.<sup>81</sup> Yet, due to Germany's past, historically grounded fears of a 'strong state' and an overreach of state power are more pronounced than elsewhere and hence are a driving current in ongoing debates on how to balance security and liberty.<sup>82</sup>

In terms of effective cooperation, it's frequently argued that the individual *Länder* tend to defend their authority against what they perceive as federal meddling in their traditional responsibility of ensuring public security and their prominent role in collecting and analysing intelligence. Since 9/11, federal agencies have augmented their jurisdiction and rights to collect data, but state agencies still have a prominent role and a fair amount of autonomy.<sup>83</sup>

## The European Union and counterterrorism

Counterterrorism pervades many EU institutions. At the heart of the EU counterterrorism architecture is the European Council, which is composed of the heads of state and government of the EU member states, the President of the European Council and the President of the European Commission.

There is a widespread recognition that terrorism undermines security and European values and that Europe has been a target for terrorists (in 2016, Europe faced 142 failed, foiled or completed terrorist attacks). The EU's approach to countering terrorism is multifaceted, as it involves such issues as returning foreign fighters, strengthened rules to prevent new forms of terrorism, border security, firearms control, addressing online propaganda, terrorism finance, and other factors.

In 2004, the European Council established the position of the Counter-Terrorism Coordinator. The coordinator is responsible for:

- coordinating the work of the council in combating terrorism, including monitoring the implementation of the European Union Counter-Terrorism Strategy
- presenting policy recommendations and proposing priority areas for action to the council, based on threat analyses and reports produced by the EU Intelligence Analysis Centre and Europol
- coordinating with the relevant preparatory bodies of the council, the commission and the European External Action Service and sharing information on his activities with them
- ensuring that the EU plays an active role in the fight against terrorism, which includes improving communication between the EU and other countries in this area.

In December 2005, in response to the bombings in London on 7 July 2005, the EU adopted the European Union Counter-Terrorism Strategy, which was Europe's first public policy paper on countering terrorism.<sup>84</sup> The strategy was closely modelled on the UK's CONTEST strategy and consisted of four 'pillars':

- *Prevent*: focusing on preventing people from turning to terrorism. The key to this pillar is the EU's strategy for combating radicalisation and recruitment, which was adopted in 2008 and revised in 2014.
- *Protect*: creating better defence mechanisms. This includes securing external borders, improving transport security, protecting strategic targets and reducing the vulnerability of critical infrastructure.
- *Pursue*: disrupting terrorist activity and pursuing terrorists across borders. This pillar has two elements: hindering terrorist capacity and bringing to justice those who commit acts of violence.
- *Respond*: dealing with the consequences of terrorist attacks, including crisis management.

The EU is a union of 27 sovereign member states, each with its own culture, set of laws and history, which at times challenges its ability to have a coordinated policy to address extremism and political violence. Moreover, the EU's commitment to a set normative agenda as highlighted in its founding treaties, and its commitment to the European Convention on Human Rights adds further challenges, as security measures may undermine core European values.

The EU's principal approach to countering terrorism has been to see the problem as a law-enforcement issue and not as a 'war'. Over the past few years, there's been a concerted effort to coordinate CT measures across the EU, which has led to the establishment of the Radicalisation Awareness Network, created in 2011 with the objective of bringing together practitioners, experts and policymakers from member states, sectors, organisations and academia to deliberate and identify 'good practices' in countering radicalisation. There have also been discussions on detection and screening of travel movements by EU citizens crossing the Schengen Area's external borders; an amendment to the Schengen Borders Code; moves towards a European Passenger Name Record framework; and intelligence-led use of the European Criminal Networks Information System in cases of terrorist-related convictions.<sup>85</sup>

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# ACRONYMS AND ABBREVIATIONS

ASPI	Australian Strategic Policy Institute
BfV	<i>Bundesamt für Verfassungsschutz</i> (Federal Office for the Protection of the Constitution)
BKA	<i>Bundeskriminalamt</i> (Federal Criminal Police Office)
CT	counterterrorism
EU	European Union
GTAZ	<i>Gemeinsames Terrorismusabwehrzentrum</i> (Joint Counter-terrorism Centre)
IS	Islamic State
KAS	Konrad-Adenauer-Stiftung
NCTC	National Counter-Terrorism Committee
OECD	Organisation for Economic Co-operation and Development

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Claudia Dantschke, European Advisory Board Member and Head of the Unit “Islamism and Ultrnationalism” at the Centre for Democratic Culture (Zentrum Demokratische Kultur, ZDK)

Dr. Kristina Eichhorst, Coordinator – Counter-Terrorism and Conflict Management Konrad-Adenauer-Stiftung

Hazim Fouad, State Office for the Protection of the Constitution – Bremen

Dr. Beatrice Gorawantschy, Director Regional Programme Australia and the Pacific, Konrad Adenauer Stiftung

Peter Jennings PSM, Executive Director – Australian Strategic Policy Institute

Kristina Jonek, Deputy Head Department for International Cooperation in the area of Counter-terrorism, Drug Trafficking, Organised Crime and Corruption, German Federal Foreign Office

Dr. Isaac Kfir, Director National Security Programs and Head of CT Centre, Australian Strategic Policy Institute

Prof. Dr. Günter Krings, Parliamentary State Secretary Federal Ministry of the Interior – Germany

Michael Phelan, Deputy Commissioner National Security Australian Federal Police (AFP)

Guenther Sablattnig, Advisor to the EU Counter-Terrorism Coordinator

Dr. Hans-Jacob Schindler, Coordinator ISIL (Da'esh), Al-Qaida and Taliban Monitoring Team United Nations Security Council – New York

Major General (Rt'd) Jeffrey Sengelman DSC, AM, CSC, Special Operations Commander Australia, Australian Army

Ms Sophie Sharpe, Assistant Secretary, Centre for Counter-Terrorism Coordination at the Department of the Prime Minister and Cabinet – Australia

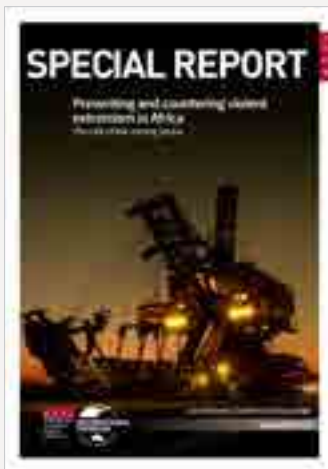
Dr. Marwan Abou Taam, State Police Office of Criminal Investigations – Rhineland Palatinate

Katja Theodorakis, Programme Manager – Foreign/Security Policy and Counter-Terrorism, Konrad-Adenauer-Stiftung Australia & the Pacific

Dr. Gerhard Wahlers, Deputy Secretary General at the Konrad-Adenauer-Stiftung (KAS) and Head of KAS' Department for European and International Cooperation

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