

Immigration Policy and Security

U.S., European, and Commonwealth
Perspectives

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Introduction

Terrorism and the Changing Politics of Immigration

*Gary P. Freeman, Terri E. Givens,
and David L. Leal*

The stunning events of September 11, 2001 and the successive terrorist attacks in London, Madrid, and elsewhere had manifold consequences for domestic and international politics—consequences that are still playing out in military conflicts and national security efforts around the globe. This volume addresses international migration, one aspect of national and global politics that was especially affected by the new concerns about terrorism.

All of the 9/11 hijackers entered the United States using various immigrant visas, some perfectly in order and others obtained fraudulently. Many commentators concluded that the fact that some terrorists held legal documents was more outrageous than the fact that others were able to secure such documents through deceit. Coupled with earlier events—particularly the attack on the Twin Towers in 1993, the foiled attempt of Ahmed Ressam to bring explosives into the United States from Canada to blow up Los Angeles International Airport at the Millennium, and the involvement of persons of recent immigrant origin in terrorist plots in Europe—the security of national borders and the effectiveness of national policies designed to foster the settlement of immigrants came under unusually close scrutiny across the Western democracies.

For many observers, the measures adopted by some states to shore up border controls and more aggressively police migrant populations were long overdue corrections to inexcusably lax enforcement policies that had left national populations vulnerable to the murderous inclinations of foreign enemies. For others, many if not all of the new policies were thought to be either unnecessary overreactions bred of panic or the fruit of deliberate attempts by anti-immigrant forces to exploit the new security context to enact restrictive measures that had previously lacked political support.

This volume brings perspective to the analysis of post-9/11 immigration politics through close examination of the linkages between national security concerns and recent immigration and asylum policies in the Western democracies. Most of the chapters were commissioned for delivery at the "Conference on Immigration Policy Since 9/11" held at the University of Texas at Austin in the spring of 2006. Four chapters evaluate United States policies, five examine Europe, and the last covers the Commonwealth democracies of Britain,

Canada, and Australia/New Zealand. The authors were invited to consider if and how the terrorist attacks of 9/11 and the subsequent Global War on Terror had modified the regional context of immigration policymaking. Was migration politics reframed, at least partially, as a security issue? What was the process by which this occurred and what were the consequences?

The broad comparative sweep of the case studies permits us to draw conclusions about the readiness of political actors to embrace security measures in the different regions and countries under review. The chapters permit pointed expositions of the differences between immigration/security linkages in the United States, for example, and those in the other traditional immigration countries of Canada, Australia, and New Zealand. Even starker differences emerge when the U.S. response to immigration and security is juxtaposed with that of the European states.

While the chapters deal largely with national governments, several investigate the role of multilateral institutions, especially the European Union. In addition, the authors treat, with varying degrees of comprehensiveness, the whole range of migrants: legal, unauthorized, students, tourists, and refugees. If our primary focus is on policies, the authors are nonetheless cognizant that an intensification of immigration politics can have severe consequences for the social and economic circumstances of national minorities of immigrant origin. There is the danger of guilt by association, a fate of particular relevance to the Muslim communities of the Western democracies. In the same way, ethnic groups associated with migration in the public mind—such as Latinos in the United States—suffered a good deal of what may be thought of as collateral damage in the wake of events for which there is no evidence their co-ethnics were involved. In addition, while much of the new concern for security was targeted at national borders, the authors give considerable attention to the success or failure of integration policies for immigrants and their descendants.

Although mass migration has intensified in all regions in the last several decades, it has affected world regions differently. The United States has greatly expanded legal entries since 1965, but it has also experienced massive unauthorized migration, which has been less important in Canada, Australia, or New Zealand. The traditional settler societies are experiencing migration at record levels, but they are accustomed to accommodating large numbers of newcomers even if the process is often ragged and marked by a certain level of tension.

European states, on the other hand, have mostly experienced mass migration only since the Second World War. Temporary labor migration programs in the 1960s and 1970s were the opening wedge, accompanied by substantial influxes of migrants from colonies or former colonies in the cases of Britain, France, the Netherlands, and Belgium. By the end of the 1980s, “guest worker” programs were shelved, entitled colonial migration was largely complete (although the countries of origin of migrants to various European states continued to reflect colonial ties), and family reunification had begun to decline. Current migration to Europe involves three key types: asylum seekers,

unauthorized migrants, and highly skilled individuals who are being actively recruited. Because most legal routes into Europe for unskilled migrants have been closed off, asylum seeking and clandestine entry have expanded significantly.

How these varying contexts might have shaped the impact of 9/11 and the threat of terrorism more generally is not obvious. Although the United States, Britain, and Australia engaged in the War on Terror with more alacrity than almost any European government, they might be expected to shrink from extreme anti-immigration policies because of their strong traditions of openness to migration. Europe, on the other hand, had already yielded to the temptations of extremist parties that had scored successes with national electorates in France, Austria, and the Netherlands, and played well in local strongholds in many other European countries. Lacking a longstanding commitment to immigration, European states might be expected to react decisively to immigrant-related security threats.

The evidence in the chapters is mixed. The American response to terrorism imposed more costly measures on migrants than have been seen in the other settler societies or in most parts of Europe. The attack on the Twin Towers clearly derailed what would have almost certainly been a major expansion and liberalization of American immigration law that the Bush administration had promised President Vincente Fox of Mexico. As several of our contributors detail, the U.S. government took a number of extraordinary steps to deal with the perceived threat from porous borders—a much more aggressive response than was taken by Canada, Australia, or New Zealand. On the other hand, the political fallout from the linkage between acts of terror and immigrant communities has probably been more serious in the Netherlands than elsewhere. The rise of an anti-immigrant political party, the assassination of its leader in May 2002, and the murder of the film-maker Theo Van Gogh by a native-born Muslim militant in November 2004 caused Dutch officials to question the wisdom of their strong policy of multiculturalism as the best means to integrate immigrants. Many of the measures adopted by the other European states, on the other hand, were in part imposed by American initiatives, as Valsamis Mitsilegas demonstrates in his contribution.

One question that a number of the chapters address is the seriousness of the threat to national security that immigration actually poses. There is a mix of opinions on the matter. Those authors like Hampshire, Waslin, and Jupp, for example, who take the most thoroughly critical stance vis-à-vis security measures, imply, if they do not explicitly document, that dangers associated with migration are excessively hyped. It is obvious that the vast majority of migrants and their descendants living in the Western democracies are law-abiding, contributing residents of their new countries. By itself, however, this does not eliminate the possibility that some migrants pose a threat. At the margins, a combination of porous borders, populations of migrants living under the radar of the regulatory instrumentalities of the modern state, and the mixing of cultures that in some respects disagree fundamentally on such matters as the

proper balance between religion and public life may pose substantial challenges for the forces of law and order. The issue from the point of view of government policy is to make a sensible assessment of the scale of the danger and to devise reasonable responses that do not infringe unacceptably on the liberties of immigrants and citizens alike. This volume provides critical data that permit the reader to assess the proportionality of state responses to threat.

Four of the chapters examine post-9/11 immigration policy in the United States. They all demonstrate that, while the rhetoric of immigration policy has been deeply affected by the attacks of 9/11 so that the immigration reform debate is now largely framed in the security context, the actual policy consequences are much more mixed.

Marc R. Rosenblum performs a useful service by setting post-9/11 immigration politics in the context of the history of immigration to the United States. He defines the national interest in immigration policy as entailing control of the borders and furtherance of economic and diplomatic purposes. A quick review indicates that U.S. policy has often failed to achieve these goals for reasons he attributes to particularistic political forces. Rosenblum reminds us that four important developments modified the trajectory of U.S. immigration politics even before 9/11: the collapse of the Soviet Union; the security concerns that emerged at least as early as the first World Trade Center bombing in 1993; the intensification of globalization and its regional effects in the Western hemisphere; and, finally, the increasing demand for both low- and high-skilled foreign labor from vital sectors of the American economy. In other words, the emphasis on reinforcing border control and attacking illegal immigration was well underway before the events of 2001. Rosenblum presents a close examination of unsuccessful efforts to craft a comprehensive immigration reform bill in 2005. He shows that the new security context has not overcome the embedded interests that defeated such initiatives in the past. He argues that the single-minded focus on controlling the border is misguided and reflects the short-term political interests of Congress. Immigration politics has been reshaped by 9/11, and has become meaner, but it is no more systematic or coherent than before.

Michele Waslin looks at immigration policy since 9/11 from the perspective of U.S. Latinos, for whom the stakes in the immigration debate are particularly high. In historical perspective, the United States is currently experiencing a fourth "great wave" of immigration, which is largely (but not exclusively) driven by migration from the Hispanic nations of Latin America and the Caribbean. Of the top twelve sending nations of immigrants who received legal permanent residence (LPR) status in 2005, five were in Latin America and the Caribbean—Mexico, Cuba, the Dominican Republic, Colombia, and El Salvador (U.S. Foreign Press Centers 2004). The reasons for admission varied considerably, however. The large majority of admissions from Cuba were for humanitarian reasons, most of those from the Dominican Republic were admitted under family reunification provisions, and half of those from El

Salvador were admitted via the Nicaraguan and Central American Relief Act (NACARA) of 1997. Latinos are therefore likely to be the population most affected by immigration reform, although the specific nature of the reform will differentially affect the multiple Latino national-origin groups.

Official migration data do not include undocumented immigration, which is also primarily from Latin America. Approximately 10.5 million unauthorized immigrants resided in the United States in 2005, up from 8.5 million in 2000 (U.S. Department of Homeland Security 2005). Of these, about 6 million were from Mexico. By contrast, the nations of El Salvador, Guatemala, India, and China together contributed 1.4 million unauthorized immigrants. Over the five-year period, the greatest annual average increase was from Mexico—about 260,000 individuals. Any reforms that address this issue will therefore primarily affect Mexicans and to a lesser degree other Latinos. Between a quarter to a third of Latinos,¹ because of their recent immigrant origins, would be directly affected by changes in immigration laws, enforcement activities, or eligibility for government services.²

Waslin's general thesis is that whatever the benefits in terms of enhanced security wrought by the policy changes enacted after 9/11, they had a disproportionately negative effect on the Latino community. She presents a detailed catalogue: the failure to extend the provision in the Immigration and Nationality Act known as 245(i) that had allowed unauthorized aliens to pay a fine rather than leave the country in order to adjust their status; the creation of the Department of Homeland Security into which the various pieces of the dismantled Immigration and Naturalization Service were inserted; new enforcement of the requirement that non-citizens report changes of address; an unprecedented involvement of state and local authorities in the enforcement of immigration laws; and restrictions on the acquisition and uses of various sorts of identification by non-citizens, including driver licenses and the *matriculas consulares* issued by Mexican consulates in the U.S. The consequences of these administrative and legislative steps, as well as the heightened tensions generated by the conflation of security with migration, has resulted, Waslin concludes, in "millions of Latino immigrants in the U.S. [remaining] unauthorized, fearful, and vulnerable to exploitation" (see p. 48).

Muslims are the other immigrant group that faced the prospect of being severely affected by post 9/11 policy changes. Although reliable figures are difficult to obtain, it is estimated that approximately 12 million Muslims are currently living in Western Europe. Of these, more than 4 million live in France, with the great majority being from the Maghreb, the African region north of the Sahara Desert and west of the Nile River (1,550,000 of Algerian origin, 1,000,000 of Moroccan origin, and 350,000 of Tunisian origin). More than 1.5 million Muslims live in the United Kingdom, with the substantial majority being of South Asian heritage. Current estimates put the Muslim population of Spain at 500,000, predominantly Moroccan. There are approximately 3.5 million Muslims in Germany; of these, 70 percent are of Turkish origin.³ Estimates of the Muslim population in the United States range from one to

nearly five million. Whatever the true numbers, it is obvious that Muslims constitute a smaller share of the population in the U.S. than in Europe.

Idean Salehyan investigates the effects on Muslims of changes in U.S. refugee and asylum policy in reaction to the threat of terrorism. He anticipated that Muslims would be targets of discriminatory asylum policies after 9/11. This is because the 9/11 hijackers had immigrated from the Muslim world; Muslim communities in the U.S. have not been as large, as longstanding, or as well-organized politically as Latinos; and U.S. asylum and refugee policies have often been manipulated in response to geopolitical events.

Surprisingly, his data provide scant support for the hypothesis. Salehyan shows that some early steps to single out Muslims or persons from Muslim countries for special scrutiny were condemned as racial profiling or discrimination (e.g. Operation Liberty Shield) and were discontinued. Turning to the actual number of refugees admitted in fiscal years 1999–2004, Salehyan finds contradictory evidence of discrimination against Muslims. Admissions from the Near East/South Asia (where the largest populations of Muslims reside) decreased more than other regions and have not rebounded from the general decline experienced by all regions immediately after 9/11. Taking into account not only admissions but also applications, however, indicates that for whatever reasons applications for asylum from Muslim countries have fallen almost as much as admissions. Exactly why is difficult to pinpoint, but it is not obvious that perceptions of U.S. hostility have deterred applications, and approval rates for some Muslim countries (Iran, Syria, and Pakistan) declined less than approval rates for all countries. Salehyan concludes that his data do not support the claim that U.S. asylum policy has taken an anti-Muslim turn.

Brown and Bean investigate the consequences of post-9/11 immigration policies for the science and engineering sector of the U.S. economy, especially as it is affected by the admission of foreign graduate students to American universities. They note that the applications, admissions, and enrollments of foreign graduate students in science and engineering declined notably after 2001. The authors argue that a substantial portion of this decline resulted from a tightening of visa review processes. They note “the irony that the imposition of ‘hard’ national security measures can erode ‘soft’ power and thus in turn the very security such measures were designed to enhance. In the post-9/11 U.S. case, the implementation of hard post-9/11 visa criteria for the admission of international science and technology students may have undermined, at least in the short term, the country’s soft power” (see p. 67).

If the studies of the American case yield a mixed picture, the European experience is even more difficult to assess. James Hampshire and Christina Boswell, even conceding the rather different formulations of their research agendas, draw distinct conclusions about the securitization of British immigration policy. Put directly, Hampshire, influenced by the field of critical security studies, argues that a profound, but not complete, state-led securitization of immigration policy has developed in Britain. By this he means that immigration is represented in debate as a threat to British society and that this threat

justifies exceptional policies in response. He observes that such policies have been adopted with respect to certain aspects of British immigration policy and have breached previously sacrosanct liberal norms.

For her part, Boswell argues on the basis of a review of events in Britain, Germany, and Spain that “despite some initial attempts to link terrorism and migration, political discourse on migration control . . . has remained surprisingly untouched by the anti-terrorism agenda” (see p. 93). She challenges one of the principal theoretical tenets of the securitization thesis, namely “that states and political elites have a fundamental interest in portraying migration as a security threat in order to legitimize more stringent control measures” (see p. 93). Whereas Hampshire treats both discourse and policy acts in Britain, Boswell focuses more or less exclusively on discourse, as her purpose is to interrogate the modes by which policies regarding border control and irregular migrants are legitimated. She concludes that “European governments were unwilling or unable to sustain linkages between migration control and terrorism because of conflicting political interests, as well as the difficulties of sustaining a coherent account of the causal linkages between the two” (see p. 102).

Immigration policy in Europe is shared between national governments and the institutions of the European Union, which have played an increasingly important role in recent years. The Tampere Council, meeting in 1999, adopted an ambitious program for the harmonization of European immigration and asylum policy. On the eve of 9/11, therefore, Europe appeared poised to move decisively in the direction of common policies, and those common policies seemed certain to be committed broadly to recognizing the rights of migrants and ensuring their full integration into European society. This agenda was seriously impeded by 9/11, as is detailed in several chapters focusing on the EU.

Adam Luedtke shows that Justice and Home Affairs dramatically transferred its attention from implementing the Tampere proposals to responding to the newly intensified security concerns. National delegates to Brussels involved in immigration negotiations tended to resist cooperation in favor of nationally preferred policies. As an example, Luedtke notes that three of the five successful directives on legal migration after 2001 permitted member states with generous legislation to lower their standards. With respect both to the Long-Term Residents Directive and the Family Reunification Directive, Luedtke documents how states with national policies below the EU’s proposed standards were able to water down the directives or otherwise slip in loopholes that had the effect of weakening the Community’s general stance. In short, Luedtke argues that the after-effects of 9/11 and subsequent concern about the links between migration and security produced a slackening of the pace toward common immigration and asylum policies. In addition, where those policies were nonetheless adopted, such concerns led to their being more restrictive than would have been foreseen from the optimistic viewpoint of 1999. Valsamis Mitsilegas offers another view of the effect of 9/11 and security concerns on EU states. He begins with a detailed review of security measures

taken by the U.S. government after 9/11, including the USA Patriot Act, most importantly, but also the establishment of the Department of Homeland Security and the implementation of a variety of security policies that involved or required the cooperation of third countries or served as models for similar policies adopted abroad. He observes that U.S. policies focused most seriously on issues of border security and information-sharing and involved gathering data not just on persons who might reasonably have been labeled members of suspect groups, but on the entire population. U.S. security fears, which he clearly finds exaggerated, played out in Europe in two ways. First, the U.S. imposed security measures on other countries as the price of continuing to do business in the U.S. (for example, the Passenger Name Data program affecting foreign air carriers serving the U.S.). Second, U.S. security initiatives, especially those involving identification documents, biometrics, and the development of large interoperable databases, led to the adoption of similar measures in Europe either via coercion or imitation. Mitsilegas goes so far as to argue that transatlantic immigration policy has shifted from a concentration on border controls to the "maximum surveillance of populations" (see p. 159).

Eiko R. Thielemann delves into the development of the EU refugee regime and how it has been affected by the recent outbreak of terrorist attacks in the U.S. and Europe. He notes that border security has been the driving force behind efforts to build more cooperation into refugee and asylum policies, but border security was not seen mostly in terms of the particular terrorist acts or threats of further attacks. Rather, the creation of the single market and the free movement regime adopted by the Schengen partners left individual member states vulnerable to the decisions taken by those states with external borders. More specifically, security fears derived from the possibility that failures by some states to manage borders effectively would result in certain member states having to assume the lion's share of the refugee burden within the Community. The very active efforts to design and implement a burden-sharing scheme in the case of refugees can be explained as a consequence of this configuration of non-terror-related security threats.

No countries have closer economic, cultural, and political ties with the United States than the four countries of the British Commonwealth, the focus of James Jupp's sweeping comparison. Jupp shows that terrorism was not particularly high on the political agendas of Britain, Canada, Australia, or New Zealand in the months leading up to September 2001. This changed after the Twin Towers fell, but Jupp demonstrates that the four governments responded with considerable variation in energy and comprehensiveness. He attributes this to their varying geopolitical locations, differences in their existing institutions for policing and guaranteeing security, and the wide variation in the size and nature of their Muslim populations. Britain had the most experience of terrorism due to the long conflict in Northern Ireland, but its initial focus on immigration control was curtailed once it became apparent that most Muslim terrorists were born in the U.K. The shared border with the United States left Canada no choice but to address border security aggressively. In Australia, the

Bali bombing raised the threat of Islamic violence against Australian citizens, but government responses tended to deal primarily with asylum seekers, an approach Jupp finds unjustified. New Zealand enjoyed some immunity against terrorist attacks due to its remoteness and freedom from American influence.

Jupp's conclusions about the diverse responses of the Commonwealth nations resonate with the message the chapters in this volume convey collectively. There has been no common response to the new security concerns. Immigration has everywhere become a higher-priority item on the public agenda and everywhere it has come to be linked to possibilities of terrorist attacks. The rhetoric of immigration politics has intensified as a result, although, as Boswell points out, this can be overstated. Actual policy developments are not so clear-cut. Immigration policies before 9/11 tended to be episodic, disjointed, inconsistent, and ad hoc, but the shock of 9/11 and other terrorist attacks was insufficient to produce coherence.

Two key questions need to be answered: (1) to what extent have terrorist attacks and the discovery of terrorist cells and plots inside European societies affected the attitudes toward and treatment of immigrant-origin populations already living in Europe, and (2) how will security fears shape policies regulating the entrance of new immigrants and asylum seekers over the next few years?

In the United States, there has been a mix of sensible reaction and unfortunate overreaction, and a comprehensive immigration reform plan involving a large guest-worker program and legalization has been delayed. The American authorities have increased efforts to control the border and imposed stricter regulatory measures on third parties and third countries. Nevertheless, the familiar interest groups that have historically shaped U.S. policy are still in place, which suggests that immigration policy decisions in the future will not necessarily be restrictive. Economic interests may override anxieties about terrorism. For instance, it seems a safe bet that the decline in foreign engineering and science students matriculating in the United States detailed by Brown and Bean will be temporary, as industrial and commercial interests reassert themselves. There is no reason to doubt that the United States will continue to see large numbers of legal and illegal immigrants for the foreseeable future. Efforts to identify and remove unauthorized immigrants have certainly been stepped up and will probably be accelerated even further, but it seems most unlikely that the unauthorized population will be substantially reduced by any means other than some form of blanket or piecemeal legalization.

Europe's response to the immigration/terrorism nexus was mixed, as well, and it is a challenge to sort out how much of the change was motivated by purely domestic considerations or was at least partially imposed due to American insistence. Progress towards a common EU immigration and asylum policy has clearly been set back. Whether it can get back on track is critical for the future of immigration policy in Europe. Given the evidence in these chapters of the striking differences in the national contexts in which security and immigration are addressed, forging a consensus across the rapidly expanding

European Union seems farther from realization than ever. The hopes in some quarters that European states would adopt annual immigration quotas on the order of the settler societies may be dashed in the face of concern over the integration of foreign-origin residents. Ironically, although the European response to 9/11 and its aftermath has been more tempered than that of the United States, the long-run fallout from the association of Islamic extremism with immigrant-origin populations may be more substantial in Europe than in America.

Notes

- 1 Depending on the size of the non-citizen undercount.
- 2 Latinos have good reason to be concerned about immigration reform during moments of national stress. During the Great Depression, state and local governments responded by “encouraging” an estimated 1 million Mexicans to return to Mexico—although some of those who were returned were citizens (Balderrama and Rodríguez 1995). In the McCarthy Era, the INS launched Operation Wetback in 1954, a series of immigration sweeps in the southwest that forced between 1 and 2 million Mexicans out of the United States (Calavita 1992), although some were U.S. citizens.
- 3 See country profiles at the Euro-Islam website: <http://www.euro-islam.info/>.

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Part I United States

Immigration, the War on Terror, and the British Commonwealth

James Jupp

Introduction

The United Kingdom and the three states of the "old Commonwealth" (Canada, Australia, and New Zealand) share many traditions and a common heritage based on their colonial history and ensuing mass migrations from the British Isles over the past three centuries. These four states—as well as the United States—also share the more recent parallel movements toward increased diversity, the presence of ethnic minorities with commensurate decreased official discriminatory practices, devolution of colonial-based power to local authorities, and increasing immigration restrictions. As new migrants from a much wider range of nations bring along language, laws, attitudes, beliefs, fears, and prejudices, these countries are becoming much less homogeneous than in the past. The idealized picture local nationalists tend to paint of the search for traditional traditions and ethnic and religious homogeneity is increasingly unrealistic and even futile.

Britain still sits at the center of the Commonwealth through the role of the monarchy, which Canada, Australia, and New Zealand all continue to recognize. However, through linguistic, economic, and cultural ties, ancestral origins, and mutual wartime alliances, the influence of the United States often is more important than that of the United Kingdom. At the core of the "British Commonwealth," a significant redefinition of what binds the "British" states has been taking place. The "special relationship" of the five English-speaking states has often been strained and exaggerated, but it is not irrelevant. When the United States was attacked on September 11, 2001, the impact on the four "British" societies was immediate.

It made little difference whether Conservative governments were in office, as in Australia, or Labor and Liberal as in Britain, Canada, and New Zealand. The events of 9/11 and the global impact of immigration have changed the way homeland security is perceived and how it can be implemented. This book will describe the similarities and differences between the four "old Commonwealth" states in terms of immigration and diversity, previous experiences with threats to homeland security, governmental responses in terms of immigration and security policy changes, and the impact 9/11 has had

on these countries and their efforts to provide “peace, order, and good government” to their people. Beginning with a description of how each parliamentary democracy works in each of the Commonwealth countries to provide the context within which laws are produced, this chapter will discuss major legislative changes and the rapid expansion of security organizations and their budgets.

Peace, Order, and Good Government

“Peace, order, and good government,” the slogan used around the Empire for a century, was based on the rule of law, an incorruptible expatriate civil service, and the support of locally elected leaders. In Canada, Australia, and New Zealand, electorates validated authority through participatory democracy even more visibly than in the United Kingdom itself, where an aristocratic element continued in politics into the early twentieth century. As in most democracies, these nations have expanded the franchise to members of population subgroups, including “manhood suffrage” in Australia in the 1850s, female suffrage in Australia and New Zealand by 1900, and so forth.

Parliamentary democracy implies the peaceful resolution of conflict within a universally valid system of laws and administration. In Canada and Australia, it also implies federalism. New Zealand alone abolished the second chamber of its parliament and recently crowned its democracy with a complex system of proportional representation. Australia experimented with various systems but, unlike Canada and New Zealand, did not create many effective minor parties. With variations, the party systems remain divided between conservatives (Conservative, Liberal, National) and reformists (Labour, Liberal), with bases in business and labor respectively. Party governments have enjoyed relatively long and stable tenures since 1997 in Britain, 1996 to 2007 in Australia, 1999 in New Zealand, and from 1993 to 2006 in Canada.

The states of the British Commonwealth have been reluctant to change their basic institutions, especially as their core populations derive their legacy from the British Isles (Jupp 2004). These institutions include:

- a strictly limited monarch as head of state, represented outside Britain by governors-general nominally appointed by the Queen
- dual chambers of parliament, with effective power resting with the party holding a majority of elected lower house seats
- basically a two-party system with very tight party discipline from which alternative governments are elected
- a cabinet composed of professional politicians
- a long tradition of common and statute law that protects individual rights and property
- a strong central government controlling most financial resources
- a national government that can be confident of achieving its legislative program between general elections.

Modifications to this general pattern include the following: New Zealand, Queensland, and the Canadian provinces do not have upper houses; power devolved in the Australian and Canadian federations and to Scotland, Wales, and Northern Ireland; lesser parties can be represented, especially in New Zealand and some Canadian provinces; Canada and New Zealand have bills of rights but Australia does not; and Britain is governed by European Union legislation. It is widely accepted that the principle of responsible government—that ministers are answerable to Parliament for their department—has lost its force. In this context, homeland security measures have been introduced and court action has frustrated or delayed some of these measures, especially as all but Australia are bound by human rights legislation.

In respect to the new “war on terrorism,” democratic governments face the following basic problems: to track down potential terrorists with maximum efficiency and minimum impact on the innocent; to alleviate community tensions; to restrain the enthusiasm of newly empowered security agencies; to maintain a reasonable level of civil and human rights; to operate a humane and liberal immigration program (Gibney 2004); and to retain sufficient resources to deal with organized crime and the drug trade.

That first element, finding terrorists with a minimal impact on the innocent, is often at the crux of the question of immigration. Changes to immigration policy have reflected societal trends of openness as multiculturalism has become more widely accepted, tempered more recently with restrictiveness as “the other” is increasingly considered threatening.

Changes in Immigration Policy, Immigrant Composition, and Multiculturalism

Immigration has had a major impact on all of these countries, as a good-sized minority of their populations is born overseas: 24 percent in Australia, 20 percent in New Zealand, 18 percent in Canada, and 9 percent in Britain (comparable to other West European states). In addition, these intakes are no longer drawn from predominantly “Euro-Christian” sources; until the 1960s, Australia, Canada, and New Zealand maintained “whites only” immigration policies that favored the British (Adelman et al. 1994; Hawkins 1989), and Britain had an open-door policy for all Commonwealth citizens in contrast to the restrictions it placed on “aliens” (Spencer 1997), although it has never publicly acknowledged a racial exclusion policy. The United States ended its national origins quota system in 1965; within a decade, all four states had significantly abandoned their immigration traditions and preferences. As these states expanded their immigration policies, however, most migrants tended to have some familiar characteristics (many immigrants were British subjects from South Asia, many Arabs in Britain, Canada, and Australia were Christians, and Middle Eastern immigration scarcely touched New Zealand). Canada, Australia, and New Zealand all abolished racial policies. Britain, in contrast, ended the open-door policy towards Commonwealth citizens in 1962 and

1968, moving towards equalizing the status of all immigrants (other than the Irish).

These changes in immigration policy had important impacts on the ethnic composition of society and especially of the major cities. By the early 1980s British subjects lost the right to enter and leave freely without visas, and requiring immigration clearance to Australia on the same basis as everyone else. Australia constructed a more rigid control system than most other developed societies (Jupp 2007). Only New Zealanders remained exempt from the need for a visa issued overseas. Britain, while steadily equalizing the status of Commonwealth and alien immigrants, remained more generous in allowing visa-free admission and in extending civil rights to Commonwealth citizens once they had entered the country. A major consequence of this has been that large ethnic minorities from South Asia, Africa, and the West Indies living in Britain enjoy the right to vote and to take part in public life. Until the development of European Union common citizenship under the Schengen agreement, this meant that non-European immigrants in Britain often had greater civil rights than Europeans. In fact, the British, Canadian, and New Zealand parliaments include Muslim members (Fetzer and Soper 2004; Vertovec 1997); the Australian Parliament does not, and in fact restrictive civil rights policies limit the enfranchisement of all but naturalized Australian citizens.

Successful multicultural societies are able to accept a large number of immigrants of various backgrounds with a minimum amount of public anxiety. For example, Canada accepts about 200,000 new settlers each year and Australia accepts about 100,000. Parties opposed to the level and sources of immigration, such as Reform in Canada, One Nation in Australia, and New Zealand First, are either absorbed into the existing partisan framework or wiped out at the polls. In fact, these societies tend to support relatively radical political groups and refugees from other nations. The British liberal tradition of giving support to opponents of oppressive regimes (including British colonial ones) was fully represented in London. A variety of organizations based their headquarters there, including many radical and separatist groups like the Tamil Tigers, opponents of South African apartheid, and, of course, anti-Communist organizations from the Soviet bloc, as befits the city in which Lenin formed the Bolshevik faction in 1903. Canada and Australia followed in this tradition of hosting radical groups; Canada, for example, gave refuge to American draft resisters and opponents of the Vietnam War. Canada also hosted various organizations with secessionist claims on India and Sri Lanka, while Australia did the same for others aiming to "liberate" East Timor, Croatia, Eritrea, and Bougainville. New Zealand provided refuge for Fiji Indians dislodged by the coups of 1987 and 2000, who were thoroughly democratic victims; although it felt pressure from the United States and France, its geographic isolation protected it from the outside world. Australia in particular acquired an unfortunate reputation for granting settlement to suspected war criminals and for failing to find them or prosecute them. Some Australian Croats engaged in local violence in the 1970s as well as planning an abortive "invasion" of Yugoslavia.

By 2001, all four states were more ethnically, politically, and culturally diverse than at any time in the modern era. Assimilation to a British Protestant model was less probable than ever before, despite the urging of politicians and nationalists from the majority culture. Canada was the first to embrace official multiculturalism in 1970 as an extension of the longstanding Anglo-French bilingualism. The Whitlam Labor government in Australia declared its commitment to multiculturalism in 1973. New Zealand, often considered very "English," spent more effort on developing policies towards the large Maori and Samoan populations, which numbered 20 percent of the total in 2001. By 2001, there were substantial non-European origin minority populations: 13 percent in Britain (mainly South Asians, West Indians, and Africans), a similar percentage in Australia (mainly Chinese, Arab, Vietnamese, Indian, and Aboriginal), 25 percent of New Zealanders (mainly Maori, Samoan, Indian, and Chinese) and 13 percent of Canadians (mainly Chinese, Indian, West Indian, and Native Canadians).

Until the 1970s, very few Muslims resided in these nations, and even today Muslims represent small enclaves—2.7 percent in Britain, 2.0 percent in Canada, 1.5 percent in Australia, and 0.6 percent in New Zealand. Islamic immigrant communities in the four nations are drawn from a variety of backgrounds. In Britain, these include Pakistanis, Bangladeshis, Gujaratis from India, and East Africa, Somalis, Cyprus Turks, and Arabs from most Middle Eastern countries (Anwar 1979; Ballard 1994; Lewis 1994). Many are British subjects. Recently, a surge of refugees has added Iranians, Bosnians, Kosovars, Afghans, and North Africans, who are much less likely to be British subjects. The Muslim population has grown steadily and the last major intake of Muslim legal refugees in Australia was from Somalia and Bosnia in the late 1990s. In Australia, Muslim settlers come from Lebanon, Turkey, Egypt, Afghanistan, Bosnia, Pakistan, Indonesia, and Iraq for the most part (Saeed 2003; Saeed and Akbarzadeh 2001). At least one third of Muslims are locally born in Australia and the U.K. Canadian Muslim immigrants are largely South Asians, Arabs, and West Indians, with refugee numbers added from Lebanon and Somalia (Janhevich and Ibrahim 2004). As in Australia and New Zealand, the great majority are recent immigrants. Two-thirds are Canadian citizens. In New Zealand, Muslims come mainly from states within the British Commonwealth, such as Pakistan, India, Bangladesh, and Fiji (Prasad and van der Welt 2002).

Language and tradition, historical enmities, and differing schools of Islam divide this diverse population. The Deobandi tradition from India and Pakistan is very influential in Britain but much less so in Australia. Shias from Iraq, Iran, and Lebanon have become significant because of the large refugee outflows since the 1970s, but have made less of an impact in Britain than in Canada and Australia. In Britain and Canada, significant numbers come from the Indian communities of East Africa. Kashmiri influence is important in Britain. This variegated "community" is only slowly coalescing, a process hastened by events in the Middle East.

It is important to note that immigration restrictions in these countries may

not affect Islamic terrorist attacks because many are locally born converts. Unlike in the U.S., where most of the 9/11 hijackers were immigrants, immigration control is irrelevant for many accused in the "British" countries. The future potential of immigration restrictions may be important, however, especially as "jihadis" are reputedly originating from Southeast Asia to attack Jewish targets in Western states (Australia, August 4, 2006). The main influence on immigration policy has been to make it almost impossible for asylum seekers to enter Australia and to finally bring Britain towards a more rational, points-tested skilled migration program. Neither policy will necessarily have any impact on the entry of terrorists.

Previous Experience with Violence and Terrorism

With democratic institutions and effective bureaucratic structures firmly in place, as well as a broad national consensus on the rule of law and peaceful politics, the "old" Commonwealth states were able to resist most serious internal threats for over a century, although Britain has had its infamous "Troubles" with the Irish Republican Army (IRA). This relative stability and internal peace is especially notable in contrast to the histories of most societies in Europe and Latin America and even the United States. With the exception of the IRA in Britain, terrorism or armed secession did not occur during that time. As I shall discuss in a later section, how Britain dealt with the IRA informed their reactions to current threats from Islamic terrorists.

While many immigrants are peaceful and law-abiding individuals who are seeking a better life for themselves and their families, they are often reviled as untrustworthy and threatening to longstanding citizens of any given nation. These states shared a traditional, only recently questioned, perspective that immigrants and ethnic minorities raise issues of civil order and crime, and that the introduction of inassimilable aliens would provoke civil disorder. New Zealand and Canada held this view against the Chinese and East Indians respectively. The arrival of large numbers of Jews into London's East End following the Russian pogroms of 1881 provoked the 1905 Aliens Act in the United Kingdom. Serious and deadly rioting occurred in Belfast in the early 1920s, and an undercurrent of prejudice against the Irish was transferred to Australia, Canada, and New Zealand.

Before 2001, the four Commonwealth states had only a limited direct experience of Islamist terrorism, mainly focused on the threat of airplane hijacking. London, with its large Arabic population and longstanding relations with the Arab world, was centrally concerned with IRA attacks, which killed one Conservative parliamentarian and almost killed then Prime Minister Margaret Thatcher in 1984. Railway stations and public places were routinely searched for bombs. Irishmen were arrested, trials conducted, and at least one major miscarriage of justice committed. Despite all this, movement control between the Irish Republic and the United Kingdom remained minimal and the right of Irish citizens to reside, work, and vote in the U.K. was not affected.

Migration for permanent settlement from the Commonwealth was controlled but millions of temporary visitors, students, and tourists passed through London Heathrow—the biggest international airport in the world. With the expansion of immigration rights to citizens of the European Union, numbers coming from the continent also rose. Once Communism ceased to be of concern after 1990, the embassies of Islamic states such as Iran or Libya were attached and occasional violence erupted around them. Fears of a general terrorist attack on the scale of 9/11 were not a significant influence on policy or security administration. Police were normally unarmed and citizens did not carry identity cards; the situation in Canada, Australia, and New Zealand was even more relaxed. In fact, terrorism was virtually unknown in Australia and New Zealand, despite some feeble attempts to create Black Power movements in the early 1970s among Aborigines and Maoris. Activist minorities gave moral support to foreign organizations that might have been termed "terrorist." These included ultimately quite respectable bodies like the African National Congress of South Africa.

The Islamist terrorist movements pose quite new problems. They are not inspired by national liberation or proletarian revolution, but by millenarian and universal objectives (Klausen 2005). They use very modern methods of communication that reach across national boundaries. They travel through international networks that owe little or nothing to governments. Despite the emphasis on Al-Qaeda after 2001, they are not centrally organized or led, nor are they controlled by distant states or staffed predominantly by "foreign agitators." Unlike the Irish and Communist cells, they are not recognizably part of the national culture, although many of their activists are locally born or religious converts from the majority population. The networks of informers on which the police and security organizations had relied are ineffective. Much of the activists' work is conducted in Arabic or Urdu; while 200,000 people speak Arabic in Australia and an even larger number speak Urdu in Britain, the security organizations are reluctant to recruit them. In Britain, the vetting process suggested that mass recruitment to MI5 attracted Al-Qaeda infiltrators (*Guardian*, July 4, 2006).

With a limited experience with Islamist terrorism and few security officers in Australia, Canada, or New Zealand with Middle Eastern or Indian subcontinent backgrounds, tracking and controlling the small minority of militant radicals in the large Islamic populations presents many problems. Arrests made in Britain, Canada, and Australia suggest some common links. Many have traveled to or have associations with Pakistan. A very small number have trained with the Taliban in Afghanistan, including Australia's only Guantanamo internee, David Hicks. Many have connections with a handful of mosques, such as the Finsbury Park mosque in London or the small mosque of Benbrika in Melbourne. This at least makes it easier to track them. British police failed to do so for the three men from Leeds who attacked the London transport system on July 7, 2005, one of whom they had previously questioned.

Attempts to create a "moderate" Muslim movement against terrorism,

which would theoretically have a great impact on reducing the terrorist threat. However, these reforms have been largely thwarted due to several unfortunate events. Within the atmosphere of fear, several miscarriages of justice have occurred, especially in Britain, including wrongful arrests, the death of an innocent bystander, and an unjustified raid on a private home, deteriorating community relations, and media hysteria; the Israeli attack on Hezbollah in July 2006 only served to make matters worse. Large demonstrations were held in Britain and Australia where previously "moderate" Muslim leaders denounced Israel, Zionism, and the United States.

Responses to the threat of terrorism varied among these countries, but not necessarily because they faced a "real and present danger." That this exists for the United States and Britain can hardly be denied after the events of 9/11 and 7/7. Whether the same is true for Canada, Australia, and New Zealand is more problematic. Canada and New Zealand have not joined in the Iraq War and have a less intimate involvement with the United States than Britain or Australia. Canada and Australia have both recently uncovered evidence of plots to attack national infrastructures and Britain has already suffered a major attack and uncovered others before they developed. To date, New Zealand has not experienced or uncovered a terrorist attack. If terrorist attacks are part of a global attack on Western democracy and culture—as leaders of the United States, Britain, and Australia regularly claim—then these states need to consider protective measures if only as a precaution (Huntington 1996).

Theoretic and Real Governmental Responses to Terrorism

Terrorism was not high on the public agenda in any of the four states (the Blair Labour government had calmed the Irish situation at that time) when the Twin Towers were destroyed in September 2001. It then moved up the agenda rapidly, with major legislative changes and the rapid expansion of security organizations and their budgets. It made little difference whether Conservative governments were in office, as in Australia, or Labor and Liberal as in Britain, Canada, and New Zealand. Many commentators argue that "Westminster" governments are in a strong position to push through whatever legislation they think fit, which is clearly very convenient in times of crisis. This is particularly relevant to defense, security, and immigration legislation. All four governments have ample capacity to effect emergency measures. Party loyalty normally ensures that a majority vote will quickly resolve even contentious issues.

All states moved to prohibit "moral and financial support for terrorist organizations" in their post-9/11 legislation, which aroused fear of persecution of longstanding connections. For example, the leaders of the government-sponsored Muslim reference group in Australia asked that Hezbollah be removed from the list of terrorist groups during the Lebanese crisis (*Australian*, August 4, 2006), but the Prime Minister responded with a strong refusal. Immigration systems have been tightened, even in Britain, where they were

markedly liberal in some respects. This has caused major reforms of the appropriate agencies, especially the Home Office in Britain and the Department of Immigration in Australia. Both were officially criticized for their "outdated organizational culture." In response, the agencies improved how they process asylum seekers, with Australia even developing an expensive information technology system designed to supervise all international movements. In addition, new pressure from the U.S. has encouraged many changes in security procedures. All have changed the format of their passports to satisfy U.S. requirements. All have extended electronic tagging, immigrant alert systems, and new forms of identification. As in Britain, Australians and New Zealanders did not have identity cards. An attempt to introduce one in Australia was abandoned in the face of public opposition 20 years ago but is now being revived. Consequently, due to 9/11, both Britain and Australia are planning to introduce identity cards with microchips to all passport applicants.

Theoretically, governments in the British tradition should be able to take decisive action quickly, especially when compared with the uncertainty and bargaining of American politics. The role of lawyers and the courts has also been less significant in the public policy area than in the United States. In practice, however, the executive powers of U.S. governments have expanded rapidly since 1941 when "continuing warfare" began. The new Department of Homeland Security was rapidly formed in the U.S., but no comparable restructuring happened in the Commonwealth systems. In both Britain and Australia, party revolts and judicial obstruction have frustrated the governments' efforts to do so. In some ways, the "British" states have more appropriate mechanisms of control than pluralist America. The separation of powers has never worked against the executive as effectively as in the U.S. and is usually considered a "polite myth." Leadership of the legal and justice systems rests with a government member (the Lord Chancellor or the Attorney General). Governments normally control their parliaments through a disciplined party. The constitutionality of laws cannot be challenged in Britain, which has no written constitution. Britain has always resisted having a Bill of Rights, being obliged only recently to accept the European Union model. Australia still resists having any such legislation, although it does accept United Nations conventions with some reluctance. In contrast, Canada and New Zealand have legislated to protect human rights and consequently have had less draconian security and immigration practices.

Proliferation and competition between agencies, often a serious problem in the U.S., has to some extent been overcome in these four nations. In Australia, the Minister for Immigration became the Attorney General, ensuring continuity and coordinated policies. In Britain, the many functions of the Home Office became too burdensome, and it was severely criticized in consequence. The Home Secretary promised a "complete overhaul." The Canadians and New Zealanders seemed reasonably confident that they had overcome some of these problems. Arrests and trials resulted from detective work prior to incidents.

Historically, these states have generously exchanged intelligence and data information, and, despite variations between these Commonwealth states, obviously they participate in a high degree of exchange of information with the United States. Before the rapid increase of Islamist terrorism at the turn of the century, intelligence work in the four states was concentrated on Soviet espionage, producing several major successes in Britain and Canada but a more limited effect in Australia and virtually none in New Zealand. Intelligence agencies such as the British MI5 or the Australian Security Intelligence Organisation were trained and equipped to deal with foreign intelligence and to deal with East European expatriate communities. British police and military intelligence was most useful in coping with the IRA. The London Metropolitan Police and the Royal Canadian Mounted Police had the most experience dealing with immigration issues, but, while all permanent immigration applications were theoretically vetted, the likelihood of foreign infiltration for terrorism was very limited.

There are only nine police forces in Australia and 52 in the United Kingdom. In Canada the Royal Canadian Mounted Police have provided services across provincial boundaries for many years. New Zealand has had a single police force for 120 years. Until the Second World War it was assumed that police "special branches" could deal with security and intelligence. Since 1945, however, security organizations have proliferated; growing rapidly in size since 9/11, they come directly under government control and are protected from inquiry even when appearing in court cases.

Differences and Details in Security, Previous Experience, and Response

The United Kingdom

Of the four states, Britain undoubtedly has the longest experience of violent attacks for political ends. The army has been deployed consistently against the IRA and its offshoots in Ulster, unlike the situation in the other three states, where terrorism has been seen as a police and security service concern. Britain became victim of Irish militancy, especially in the IRA bombings of 1939 and the much longer campaign after the civil rights movement in Ulster of 1969. This tension was the impetus for most measures against terrorism in Britain. As movement between Ireland and Britain is normally free of controls in peacetime, immigration policy was not considered a protection against terrorism.

The U.K. was an obvious target for retribution from Islamic terrorists over the government's close relationship with the Bush administration. But the only successful terrorist action—the London Transport suicide bombing of July 7, 2005—was organized on an amateur basis by locally born youths, using nothing more sophisticated than readily available chemicals and a free Underground map. This changed the official perception of terrorism away from immigration control and towards infiltrating local communities and checking

extremist mosques and individuals. Massive movements of asylum seekers in Africa and the Middle East, many of them Muslims, placed Britain's immigration controls under severe strain, especially the seriously overstretched Home Office, which assumed the responsibility for both immigration and law order.

Britain had a range of security organizations, the best known of which were MI5 for domestic intelligence and counter-espionage work and MI6 for overseas operations. Each police force developed a special branch that had domestic intelligence responsibilities. These were most active within Irish and Communist organizations, relying on informers and normal detective work. Overall supervision and assistance rested with the Metropolitan Police ("Scotland Yard"). Telephonic and electronic signals were controlled from a highly secret center in Cheltenham. All these activities were protected under the Official Secrets Act, which prevented them from being publicly announced. Their budgets and personnel were also secret. Not even their locations were public knowledge until a change of policy 20 years ago. Recruitment was often based on "old boy" networks as immortalized in the fiction of John Le Carré and other authors. Some expertise was available from former colonial officers in the Palestine or Indian services or from the Ulster Constabulary. The Foreign Office and the defense forces could also command considerable expertise. While these services prided themselves on their record during the Second World War, the exposure of Soviet penetration through Burgess, Maclean, and Philby in the 1960s tarnished their reputations. This led to reforms including a more open basis for recruitment, which was extended still further after 2001 with public advertising and interviews.

Despite these changes, the pressures of poorly controlled immigration and the threats and realities of terrorism became increasingly difficult for the Home Office and the police. Serious errors followed the London bombing, including the failure of West Yorkshire police to identify a problem among the young Leeds bombers before it was too late. With more security cameras per head than any other European country, Britain had pictures of the bombers arriving with their backpacks, but by then they were already dead along with 50 others. Another death followed quickly when police shot an innocent Brazilian at an Underground station in the belief that he was a terrorist. More trouble followed in June 2006, when 250 police raided a suburban London home on false information about its Muslim residents, one of whom was wounded. Blame quickly shifted from Scotland Yard to MI5, which had ordered the raid despite police reservations. At the same time, the Police Complaints Board report showed that higher-level officers knew the Brazilian victim was innocent soon after his death, but failed to reveal this information in a timely fashion. Completing this chapter of accidents, officials publicly admitted that a thousand released prisoners awaiting deportation had somehow become lost.

Taken together with the increasing knowledge that authorities were losing control of the asylum-seeker intake process, the entire Home Office structure

was questioned. Eventually Home Secretary John Reid promised to clear the backlog of about 500,000 asylum seekers "within five years or less." The Immigration and Nationality Directorate would be turned into an executive agency, and the prison and probation system reformed. All this would be achieved with a dramatic reduction in staffing and a "challenge to unacceptable behaviour and a change to the culture of the department" (*Guardian*, June 19, 2006).

These reforms were greeted with some skepticism and did little to address the problems surrounding terrorism, where an atmosphere of panic had damaged reputations after the London bombings.

Canada

Canadian experience of violent politics in the past has centered on French Canadian secessionism in Québec. The "quiet revolution" of the 1960s was not always peaceful; bomb attacks and kidnappings disturbed the peace during this period. Eventually the Parti Québécois at the provincial level and the Bloc Québécois nationally were formed to accommodate separatist demands within the party structure. Major concessions, especially on language use, were granted under Pierre Trudeau's Liberal Party government. Adopting multiculturalism as national policy accomplished this reversion to democratic conflict resolution. Terrorism then became directed outward towards disputes in India and Sri Lanka (Bell 2004), including armed battles in Toronto by supporters of the Sri Lanka Tamil Tigers and the destruction in flight of an Air India plane by Sikh militants in 1985, killing 329 people, most of whom were Canadian citizens.

In 2001, Canadian Prime Minister Jean Chrétien claimed: "there are no terrorists in Canada." Despite his assurances, his government budgeted for an additional C\$8 million for enhanced security. In part due to continuing criticism from the United States over the porous nature of the Canadian border, changes were largely concentrated on immigration control and border supervision, including enhanced security clearance of immigrants and refugees and use of armed marshals on selected flights. Canada also agreed to send a military contingent to Afghanistan. It did not, however, participate in the war in Iraq.

The legislative response was the Anti-Terrorism Act C-36 of 2001, which ratified the UN Conventions on terrorist financing and terrorist bombing and defined terrorist activity, distinguishing between a violent act and the advocacy of political or religious beliefs. Although the Act contains sunset clauses and requires the approval of the Attorney General in many instances in order to meet objections based on civil rights, it provided for the following measures:

- Knowingly collecting funds for or taking part in a terrorist organization would carry prison terms of 10 to 14 years.
- Electronic tagging and preventive detention would be extended.

- Money laundering on behalf of terrorist groups would be illegalized.
- Penalties for hate propaganda and terrorist Internet use and telephonic communication were extended.

By April 2004 a more detailed national security policy had been worked out under a new Conservative prime minister (Canada 2004). It claimed to be the "first ever comprehensive statement of national security policy which provides an integrated strategy for addressing current and future threats to our country." Contrary to Chrétien's optimism, the new administration admitted that Canada was not immune to the threat of terrorism. The new Anti-Terrorism Act conformed to the Charter of Rights and Freedoms and, because Canada has had much experience in fostering democracy, pluralism, and the rule of law, most of the emphasis was put on border and immigration control (mainly in response to American criticism) rather than internal security.

Canadian security rested largely with the Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Service. In June 2006, the RCMP claimed to have broken up at least a dozen terrorist groups during the previous two years (*Toronto Globe and Mail*, June 7, 2006). This, too, had a border protection aspect through the Integrated Border Re-enforcement Teams with the United States. Major arrests, the first in recent years, included 17 people described as "inspired by Al-Qaeda" who were held in Toronto in June 2006. As in Britain, all were local residents. They had allegedly purchased three tons of ammonium nitrate and had attended a training camp in Ontario. Later claims were made that they intended to attack the Ottawa parliament and that one had threatened to behead the new prime minister. Reactions ranged from attacking multiculturalism as conflicting "with our need to thwart global terrorism" (*Toronto Star*, June 2006) to defending "our tolerance and openness" the (*Globe and Mail*, June 2006). Official reaction remained calm; the Director of the CSIS argued that Canada was well coordinated and could avert an attack (*Globe and Mail*, June 20, 2006).

Australia

Although Australia has a closer relationship with the United States, it was not until after 1945 that the issue of internal security came alive. At the urging of Britain and the United States, the Australian Labor Party government established the Australian Security and Intelligence Organisation (ASIO) in 1945. It remains the major instrument of domestic counter-intelligence to the present (Hocking 2003). It was, however, primarily established to detect subversive rather than terrorist activity and, if necessary, frustrate local and international Communist activity. Although a referendum to outlaw the Australian Communist Party was defeated in 1951, it remained legal in all four states, though under supervision. The Communist influence on Australia declined rapidly after 1956 and the party was eventually dissolved. While ASIO might

have claimed its intelligence work inhibited spying and industrial sabotage, its influence was not very noticeable.

Terrorism made its greatest impact on Australia in Bali in October 2002. Outside the control of the Australian government, it expedited closer cooperation between the Australian and Indonesian security forces. The attack killed 88 Australians, mostly young holiday-makers; it was directed not against Australian foreign policy, but rather against the perceived "immorality" of all foreign tourists to Bali. Australian intelligence services seemed unaware of the threat Jemaah Islamiya posed, although its leading member, Abubakr Bashir, had been tracked through 11 visits to Australia. Indonesians in Australia were not involved in subsequent anti-terrorism controls and the attempt to recruit them seems to have failed completely.

The legislation that was immediately introduced in 2001 and that several laws subsequently supplemented (Australia 2004a, 2004b) built on policies introduced over the preceding 10 years to cope with asylum seekers, which greatly restricted their access to the country. Those without visas had been subject to mandatory detention since 1991. Giving this policy more force, just before 9/11, the Australian military seized the Norwegian tanker *Tampa*, which had rescued over 400 individuals, mainly Muslims from Afghanistan and Iraq, from a sinking boat. The *Tampa* had intended to take them to the Australian territory of Christmas Island (Jupp 2007), but the Navy diverted most of the asylum seekers to the remote island of Nauru under the "Pacific solution." Others were detained at a desert camp and subsequently moved to a custom-built detention center in Woomera, South Australia. As in Britain and elsewhere, those detained periodically rioted and attracted some public sympathy. None of this had anything to do with terrorism, but this was obscured by 9/11 and the immediate calling of an Australian election, which the government won with a large majority.

These coincidental events confused terrorism and asylum seeking in the public mind. In 2006, the government sought to exclude the whole of Australia from its own "migration zone" and to send all undocumented asylum seekers off to Nauru, where they would be inaccessible. They would not be able to engage Australia's legal obligations, as Nauru is a sovereign state, if a very small one.

Eventually, Australia adopted measures specifically to deal with terrorism that were similar to those adopted in the United States and Britain. Each year, new legislation intensified controls and gave greater powers to ASIO and the Federal Police. State police forces were to implement many of the new laws. State governments agreed to this arrangement at a conference with the national government on September 27, 2005, despite the control of the Opposition Labor Party. The national government also created a Muslim reference group on a model adopted in Britain. This was not a great success and was in disarray within a year, largely because of the effect of the Israeli attack on Hezbollah in Lebanon, motherland to the largest number of Muslim immigrants.

New powers introduced since 2001 include the following: control orders and electronic tracking; preventive detention; stop and search powers; incitement of violence and support for Australia's enemies; controls over terrorist funds; definition of terrorist organizations; and the extension of the waiting period for naturalization from two to three years. Subsequent arrests and trials under these powers have focused on the Lebanese Muslim minority, which is heavily concentrated in Sydney. These measures have led so far to only two prison sentences, both for preparing, rather than committing, terrorist acts. Those arrested were nearly all permanent residents and citizens of Arabic origins, with a few converts to Islam. Evidence included collecting maps and taking photographs, possessing jihadist literature and purchasing chemicals capable of bomb manufacture. At the time of this writing, no terrorist actions have occurred.

New Zealand

New Zealand has very little experience with terrorism. Indeed, the only major instance occurred in 1985 when agents of the French government sank the Greenpeace boat *Rainbow Warrior* in Auckland harbor in defense of French nuclear testing in the Pacific. New Zealand remains firmly opposed to nuclear weapons and will not allow United States warships into local harbors. This led to the reduction of intelligence exchanges between the U.S. and New Zealand and significant U.S. hostility in military and trade relationships, despite the joint ANZUS Treaty with Australia and the United States.

Only a remote state like New Zealand can feel relatively relaxed with regard to terrorism. In addition, it has an incentive to remain free of entanglements with other larger states. Consequently, New Zealand has not engaged its forces in Iraq and has not permitted American or French interests to dominate its independent foreign policy. So far, it has experienced no terrorist incidents traceable to Islamist groups, but it is an immigrant society and is obliged to maintain security systems that focus on its small 30,000-member Islamic community.

Security in New Zealand rests with the New Zealand Police, the New Zealand Security Intelligence Service (NZ SIS), and the Government Communications Security Bureau. The police handle all normal police functions, including traffic offenses, for the whole country. The NZ SIS was created in 1956, well after its counterparts in Britain, Canada, and Australia. It has close relations with the British and Australian services, but links with the United States are limited. Its main function is information collection and analysis and it acknowledges that the police are "the lead agency responsible for terrorism in New Zealand." Its most controversial case was the attempted deportation of an Algerian asylum seeker, Ahmed Zaoui, who was detained under the Immigration Act in 2002.

Like its counterparts, New Zealand created new legislation in reaction to the attack on New York. The Terrorism Suppression Act of 2002, which came into

effect in 2005, allowed for the listing of terrorist organizations and the prohibition of membership or financial support, following the pattern of control established elsewhere. The Act defines terrorism while protecting peaceful political activity; permits the designation of terrorist and associated entities on the basis of UN advice; protects classified security information; and outlines the conditions for appeal. In designating seven Islamic organizations in January 2006, Prime Minister Helen Clark said that none were known to have any New Zealand links.

The 2002 Act was followed by the Border Security Act of 2003 and the Counter Terrorism Bill. The latter would allow New Zealand to ratify two UN Conventions on terrorism; to criminalize improper possession of nuclear material or other similar materials; to increase penalties for terrorist acts; to permit electronic tracking; and to detain suspect property or cash at the border. These measures were already in place in the other Commonwealth states. As with previous legislation, the Bill was submitted to public representation through a parliamentary committee. As elsewhere, human rights groups criticized all New Zealand legislation, although it was generally milder.

Conclusions

A prime concern of every nation state is the defense of its territory and the protection of its citizens. Thus the mechanisms by which protective policies are made and implemented are of considerable importance. Protection and defense in an age of terrorism and weapons of mass destruction are both extremely complicated and excessively expensive.

The four "British" societies responded differently to the terrorist attacks on the United States, London, and Bali and to the counterattacks launched against the Taliban government of Afghanistan and the Ba'athist regime in Iraq. They took measures for their own protection, which also varied, despite much interchange of information and the original model of the U.S. Patriot Act. They took advantage of the crisis mentality terrorism unleashed to legislate for radical changes that would have been less acceptable in calmer situations. These included: de facto restrictions on the rights of their Muslim communities, while seeking also to co-opt and reorganize them; further restrictions on the rights of asylum seekers under the UN Convention and Protocol of 1951 and 1967; a reversion from multiculturalism towards assimilation; greatly expanded roles and budgets for security organizations; extended control over communications and personal identification; increased penalties for previously legal activities; tightened border controls; attempts to define national values; and increased international cooperation.

Court action frustrated or delayed some of these measures, especially as all but Australia were bound by human rights legislation. The legal profession contested actions such as detention without trial, secret trial sessions, and limitations on legal representatives. Preventive detention, which had been

widely used in Northern Ireland, was particularly controversial. The U.S. Patriot Act inspired legal action regarding the offense of "preparing" a terrorist act, which led to several instances of long-term detention on remand for those who were eventually found not guilty. Stop and search laws had been an important source of resentment in Britain, as they were often directed against ethnic minorities suspected of drug dealing. Their extension to young Muslims will not improve community relations. The government watchdog on the Terrorism Act warned that "the misuse of stop and search powers under section 44 of the Act could fuel demands for its repeal" (*Guardian*, June 20, 2006).

Without an effective degree of cooperation, the legal developments since 2001 will be perceived as directed solely against an identified minority of the population. This will rapidly undo the multicultural pretensions of the four states; which the former Australian government and the newly elected government of Canada only grudgingly accepted (Cardozo and Musto 1997).

The experience of the four Commonwealth democracies suggests that it is no easy task to provide adequate physical protection and empower security agencies while simultaneously protecting civil and human rights, alleviating community tensions and treating immigrants and asylum seekers fairly. Restructuring the British Home Office and the Australian Immigration Department and the rapid expansion of MI5 and ASIO were urgently necessary to avoid serious errors and weaknesses. At the same time many personal rights and liberties were limited and community relations damaged. This was, perhaps, the ultimate terrorist victory (Keeble 2005). "Peace, order, and good government," the mandate shouldered by elected officials and administrators throughout the "old Commonwealth," is an unsuitable challenge for the faint of heart.

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