

Canadian Foreign Fighters and ISIS

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Abstract

This paper examines the foreign fighter phenomenon as it pertains to Canadians leaving to join ISIS and other Sunni extremist groups. It provides an overview of ISIS as an organization, including its ability to recruit foreign fighters from around the world, including Canada. It also delves into the foreign fighter phenomenon, providing an insight into the motivations and consequences of foreign fighters, providing specific Canadian case study examples. This paper also examines the Government of Canada's response to the foreign fighter phenomenon. Finally, this paper will provide policy recommendations building on the newly-elected Liberal Party's platform. This paper argues for a three-pronged approach based on prevention, de-radicalization, and legislation to address the foreign fighter phenomenon.

Introduction

According to the United Nations High Commissioner for Refugees (UNHCR), as of September 2015, over four million Syrians are registered refugees.¹ These individuals, fleeing war, violence, suffering and death are a symptom of the instability and conflict in the region. Yet, as thousands continue to desperately flee the region daily, there are those that choose to leave the relative comfort and security of their home countries to join a terrorist entity causing death, destruction, and instability. For many people, it is unconceivable as to why anyone would willingly choose to not only travel to places experiencing crises on this scale, but also actively contribute to the death and destruction. However, according to the International Centre for the Study of Radicalisation and Political Violence (ICSR), over 20,000 foreign fighters have joined Sunni militant organizations in Syria and Iraq, including the so-called Islamic State (ISIS). Of that figure, 100 are estimated to have come from Canada.²

This paper will address the foreign fighter phenomenon from a Canadian policy perspective. It begins with an introduction on ISIS, beginning with a brief history of the organization, and an examination of ISIS's ability to radicalize and recruit foreign fighters. The terrorist entity has been defined as much by its ability to attract fighters as it has by its brutal, ruthless and inhumane acts.

The next section provides an overview on foreign fighters, paying specific attention to ISIS and other Sunni extremist groups operating in Syria and Iraq. It delves

¹ UN High Commissioner for Refugees, "Syria Regional Refugee Response," *UNHCR*, November 3, 2015. <http://data.unhcr.org/syrianrefugees/regional.php>.

² Peter R. Neumann, "Foreign fighter total in Syria/Iraq now exceeds 20,000; surpasses Afghanistan conflict in the 1980s," *ICSR, Department of War Studies, Kings College*. January 26, 2015. <http://icsr.info/2015/01/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/>.

into research on foreign fighter trends, motivations, and potential consequences of importance to security and policy officials. Legislators across the globe have been particularly concerned about the effect returning foreign fighters may have on their home countries. This will be followed by a section of example case studies of Canadian foreign fighters who have left Canada to join Sunni extremist groups in the Middle East.

The fourth section will describe the Government of Canada's response to the foreign fighter threat. This paper was written during the 42nd federal Canadian election, and if the newly elected Liberals deliver on their promise of change, Government of Canada response to foreign fighters may evolve in the near future.³

This paper will then offer policy recommendations that build on the Liberal platform. It will advocate for a three-pronged approach, based on prevention, de-radicalization and legislation. It will also touch on Canada's international responsibilities. Finally, this paper will end with a conclusion that draws together the research in this paper and the policy recommendations.

For the purpose of this paper, radicalization is defined by the Government of Canada as:

*Radicalization is the process whereby individuals abandon otherwise moderate, mainstream beliefs and at some stage adopt extremist political or religious ideologies. Radicalized individuals may advocate violent extremism or mobilize to become engaged in violent extremism.*⁴

Additionally, this paper adheres to Public Safety's definition of terrorism:

³ A draft of this paper was submitted two days following the 2015 federal election, and the final submission within a month of the draft. This paper would have been well served by additional time to analyze the topic in the context of an unexpected Liberal majority win, as well as terror attacks in Paris and Beirut less than a week ago.

⁴ Canadian Security Intelligence Service, "2013-2014 Public Report," *CSIS-SCRS*, May 14, 2015. <https://www.csis-scrs.gc.ca/pblctns/nlrprt/2013-2014/index-en.php>.

The Criminal Code defines terrorist activity to include an act or omission undertaken, in or outside Canada, for a political, religious or ideological purpose, that is intended to intimidate the public with regard to its security, including its economic security, or to compel a person, government or organization (whether in or outside Canada) to do or refrain from doing any act, and that intentionally causes one of a number of specific forms of serious harm.⁵

It should be noted that although the so-called Islamic State is known by a variety of names and acronyms including DAESH and ISIL, for continuity and consistency, this paper will refer to the terrorist entity as ISIS, which is in line with the Government of Canada's language in describing the organization.⁶ This paper will also use the term "foreign fighters" to be consistent with Government of Canada terminology on the topic.

It should also be noted that there is limited literature on the topic of foreign fighters joining ISIS in the Canadian-context, which is the value-added of this paper. An examination of the current situation, as well as policy recommendations will inform and aid the discourse on a situation requiring urgent, yet careful, handling.

⁵ Public Safety Canada, "2014 Public Report On The Terrorist Threat To Canada," *Government of Canada*. May 13, 2015. <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2014-pblc-rpr-trrrst-thrt/index-eng.aspx>.

⁶ For a list of names ISIS is also known as see Annex.

ISIS

We do not understand the movement, and until we do, we are not going to defeat it... We have not defeated the idea. We do not even understand the idea.

- Maj. Gen. Michael K. Nagata, commander of American Special Operations forces in the Middle East

ISIS poses a unique problem to the international community. The organization, which has been called “the oxygen of terrorism,”⁷ is able to appeal and recruit an unprecedented amount of individuals from around the globe, including those appearing to live in relative comfort and conventionality in Canada. However, to understand how ISIS is able to successfully appeal and recruit followers, it is first necessary to understand the history behind the organization.

Although ISIS has only captured the world’s attention in the last few years, the terrorist organization dates back to the 1990s, and has undergone several name changes since its creation. In the early 1990s, the organization was created in Jordan under the name Bayat al Imam. In 1999, the group became associated with Al Qaida’s Core leadership, and in 2001 fought alongside Al Qaida Core and the Taliban during US strikes in Afghanistan. In 2004, after transferring to Iraq, the organization was formally renamed Al Qaida in Iraq (AQI). After nine years, the group renamed itself the “Islamic State in Iraq and the Levant” (ISIL), which was followed by the group’s most recent name change a year later in June 2014, to the “Islamic State.”⁸ ISIS has rebranded itself several times over the last decade, and today it is still known by several different alternative names.

⁷ Scott Atran, "Jihad's fatal attraction," *The Guardian*, September 3, 2014. <http://www.theguardian.com/commentisfree/2014/sep/04/jihad-fatal-attraction-challenge-democracies-isis-barbarism>.

⁸ Public Safety Canada, "Currently Listed Entities," *Government of Canada*, March 24, 2014. <http://www.publicsafety.gc.ca/cnt/ntnl-scrnt/cntr-trrrsm/lstd-ntts/crrnt-lstd-ntts-eng.aspx>.

ISIS's lack of organizational continuity has not diminished its popularity or notoriety. The organization has made a name for itself through committing atrocities, such as beheadings, burning people alive, engaging in sex slavery, stonings, destroying historic archaeological monuments, seizing towns and cities, instilling terror, and inspiring terrorist acts around the world. However, ISIS' barbaric crimes and atrocities are not the only feature of the group that set it apart from other terrorist organizations. There are non-state terrorist entities around the world committing atrocities on a daily basis, such as Boko Haram, Al-Shabaab, and Al Qaida. While people have been leaving their homelands to fight for a cause or group throughout history, ISIS is unique in its ability to attract foreign fighters, particularly those from Western countries. ISIS has employed "sophisticated...foreign recruitment strategies," opting to recruit via the Internet, rather than through radical mosques, as was past practice with Islamic militants groups prior to ISIS.⁹

ISIS has been particularly effective in utilizing the power of social media to entice men and women to uproot their lives and join the terrorist organization. Social media, which provides any individual with an internet connection and a point to make the ability to broadcast messages live to anyone willing to listen over the internet, is a relatively new dimension to war and conflicts. Since the invention and proliferation of and increased access to the internet, governments no longer have a monopoly on broadcasting mass messages, making a once asymmetrical system much more even. Social media is the medium through which many individuals, and in particular youth, communicate.

According to the Pew Research Center, 74 percent of adult internet users belong to social

⁹ Kjel Anderson, "Portrait of a Foreign Fighter," *Open Canada*, October 22, 2014. <https://www.opencanada.org/features/portrait-of-a-foreign-fighter/>.

media networking sites. This number increases to 89 percent of internet users when looking at the 18-29 year old demographic.¹⁰ There is no shortage of individuals using social media that can serve as a potential audience for ISIS's messages of propaganda. According to Laith Alkhouri, a senior analyst at the consulting firm Flashpoint Global Partners, ISIS "literally revolutionized how it produced, distributed and translated its message very quickly. The production value is very high."¹¹ ISIS is able to direct their Internet content to Western audiences with "pop-culture savvy colloquial English"¹²

ISIS is also able to employ its knowledge of Western language and culture through a number of publications, including its digital magazine, *Dabiq*. The English-language magazine's title is the name of a town in northern Aleppo, Syria, where the Ottomans had a decisive victory that led to the "consolidation of the last recognized Islamic Caliphate" and where "Rome" (i.e. the West) and Muslims are prophesized to have one final battle.¹³ The digital magazine plays up the importance of its title's symbolism, glorifying historic and prophetic battles against the West. *Dabiq* romanticizes past battles and victories over the West, and recruits Westerners for one final, glorious battle against the West in order to once again establish an Islamic caliphate.

In fact, much of the substance of ISIS' messaging has followed this apocalyptic battle theme. This narrative distinguishes the terrorist organization from its contemporaries, such as al-Qaeda, who paid little attention to the end of the world. For

¹⁰ Pew Research Center, "Social Networking Fact Sheet." *Pew Research Center*, October 10, 2015. <http://www.pewinternet.org/fact-sheets/social-networking-fact-sheet/>.

¹¹ Michael S. Schmidt, "Canadian Killed in Syria Lives On as Pitchman for Jihadis," *The New York Times*, July 15, 2014. <http://www.nytimes.com/2014/07/16/world/middleeast/isis-uses-andre-poulin-a-canadian-convert-to-islam-in-recruitment-video.html>.

¹² Anderson, *Portrait*.

¹³ Harleen K. Gambhir, "Dabiq: The Strategic Messaging of the Islamic State," *Institute for the Study of War* (2014): 2.

example, Osama bin Laden rarely spoke of the apocalypse, and on instances when he did, he implied that it would occur long after his death.¹⁴ Conversely, ISIS's messaging has made it clear that "it considers itself a harbinger of—and headline player in—the imminent end of the world."¹⁵ Unlike Christianity, which has the Book of Revelation in the Bible, Islam has no agreed-upon document concerning the end of the world. This has left an opening for the leaders of ISIS to interpret and manipulate their own narrative of the apocalypse and any final battles for their organization's interests.¹⁶ ISIS's leader, Abu Bakr al-Baghdadi, has made it clear that he believes ISIS will be involved in the final battle. In his Ramadan message, al-Baghdadi called for Muslims to "rush to join ISIS, and stated that if they followed his advice they would "conquer Rome and own the world, if Allah will."¹⁷ Al-Baghdadi has continued to perpetrate the warped narrative that ISIS and the West, or "Rome," will meet in an apocalyptic battle, in a bid to draw more foreign fighters to Syria and Iraq for a prophesized doomsday battle.

The substance of ISIS' message to potential followers and the world at large has also been one of attempting to legitimize the organization and an Islamic Caliphate.¹⁸ ISIS has created a narrative space through *Dabiq* and social media posts. The narratives perpetrated by ISIS attempt to legitimize its authority, as well as distinguish itself from other terrorist organizations, such as al-Qaeda. Bin Laden saw "his terrorism as a

¹⁴ Graeme Wood, "What ISIS Really Wants," *The Atlantic*, March 2015.

<http://www.theatlantic.com/magazine/archive/2015/03/what-isis-really-wants/384980/>.

¹⁵ Ibid.

¹⁶ James Fromson, and Steven Simon, "ISIS: The Dubious Paradise of Apocalypse Now," *Survival* 57, no. 3 (2015): 28.

¹⁷ Umberto Bacchi, "Iraq: ISIS Ramadan Message - 'We Will Conquer Christian Rome,'" *International Business Times*, July 1, 2014. <http://www.ibtimes.co.uk/iraq-isis-ramadan-message-we-will-conquer-christian-rome-1454924>.

¹⁸ Michael J. Williams, "ISIS As A Strategic Actor: Strategy and Counter-Strategy," *Mackenzie Institute*, April 15, 2015. <http://www.mackenzieinstitute.com/isis-strategic-actor-strategy-counter-strategy/>.

prologue to a caliphate,” and was correct in predicting that he would not see such a caliphate in his lifetime.¹⁹ In contrast, ISIS makes a case for its political and religious authority for the creation of a caliphate. In doing so, ISIS has been careful to only select verses from the Quran and major and most trusted hadiths—reports or accounts claiming to quote the prophet Muhammad.²⁰ Using only “trusted” sources lends to ISIS’s reputation as the true authority over the so-called Islamic Caliphate among its followers or potential followers.

Furthermore, the prevalence of propaganda posts and publications, as well as the ease and speed at which they can be posted, reposted, and shared poses a challenge for policymakers and law enforcement. It is nearly impossible to stop individuals from sharing propaganda material online, or even to remove these posts before others can see them. The Brookings’ Institute “ISIS Twitter Census” found that Twitter accounts supporting ISIS have on average, 1000 followers each,²¹ while the average Twitter user only has an average of 126 followers.²² The Brookings Institute also found that Twitter accounts supporting ISIS were “considerably more active” than non-ISIS supporting accounts.²³ It takes seconds to create a new social media account and to post terrorist propaganda, while it takes longer to find and delete the offensive content. The Brookings’ Institute’s found that between September 2014 and December 2014, at least

¹⁹ Wood, *What ISIS*.

²⁰ Gambhir, *Dabiq*, 2.

²¹ J.M. Berger and Jonathon Morgan, "The Twitter Census: Defining and describing the population of ISIS supporters on Twitter," *The Brookings Project on U.S. Relations with the Islamic World* (2015). http://www.brookings.edu/~media/research/files/papers/2015/03/isis-twitter-census-berger-morgan/isis_twitter_census_berger_morgan.pdf.

²² Charles Arthur, "Average Twitter user has 126 followers, and only 20% of users go via website," *The Guardian*, May 29, 2009. <http://www.theguardian.com/technology/blog/2009/jun/29/twitter-users-average-api-traffic>.

²³ Berger, *The Twitter*.

1000 Twitter accounts supporting ISIS were suspended by Twitter, a mere drop in the bucket considering that at least 46000 Twitter accounts were used by ISIS supporters.²⁴ ISIS and its supporters are not only extremely active on social media, but their online communication strategies are also extraordinarily effective and sophisticated. The terrorist organization has been successful in balancing quantity and quality, with an output of an average of 38.2 “unique propaganda events” each day.²⁵ The proliferation of ISIS-supportive content and the ease at which new accounts can be created or replaced make it difficult for to curtail the online promotion of terrorism and ISIS.

ISIS has demonstrated an understanding of how to engage susceptible Westerners with its use of professional video editing propaganda videos. The terrorist organization has been producing high-definition, professional quality videos, with impeccably spoken English, French, and German narration²⁶—perfect for recruiting Westerners to the organization. In fact, ISIS’s propaganda, in both its message and targeted audience, is skewed towards foreign fighters.²⁷ These videos are specifically targeted and designed for Western audiences, and like the social media posts, are designed to drive support for the terrorist entity, including through the attraction of new foreign fighters.

ISIS is even using Canadian foreign fighters in their videos. In July 2014, ISIS’s media centre, Al Hayat, released a video entitled “The Chosen Few of Different Lands,” in which Canadian fighter Andre Poulin played a starring role. Poulin described his life in Canada over a backdrop of what appeared to be stock footage of Canada, stating:

²⁴ Berger, *The Twitter*.

²⁵ Charlie Winter, "Documenting the Virtual 'Caliphate,'" *Quilliam Foundation* (2015). <http://www.quilliamfoundation.org/wp/wp-content/uploads/2015/10/FINAL-documenting-the-virtual-caliphate.pdf>.

²⁶ Berger, *The Twitter*.

²⁷ *Ibid.*

*Before Islam I was like any other regular Canadian. I watched hockey. I went to the cottage in the summertime. I loved to fish. ... I was an everyday, regular Canadian before Islam... "Life in Canada was good," he says. "But at the end of the day, it's still Dar al Kufr [Land of Disbelief] ..."*²⁸

ISIS is flagrantly using foreign fighters to recruit more foreign fighters. When foreign fighters arrive, their first task is to make a video "for posterity," which are posted online on the occasion of their deaths in battle.²⁹ Who better to relate to men and women wavering on whether to depart their country and join the terrorist organization than a Canadian who has made the journey to Syria to fight for ISIS? These videos are successful in appealing to potential recruits in the West,³⁰ who may be swayed by their shared experiences and ideologies.

ISIS's ability in successfully disseminating propagandistic material is not only due to its advanced capabilities, but also due to the failure of the West to respond and mitigate this threat. ISIS has made tactical errors that those fighting the propaganda war against ISIS have failed to exploit. Western countries have failed to use ISIS's notorious brutality against the organization. While there are those who may tolerate violent attacks against Westerners, even these individuals may have limits to what brutality they can tolerate. For example, in 2014, a video was released by *al-Arabiya*, an Arabic news outlet in the Middle East, showing members of ISIS binding and then stoning a woman to death. This video included a scene showing the woman's father picking up a large rock

²⁸ Colin Freeze, "Canadian killed in Syria shown in new propaganda video," *The Globe and Mail*, July 16, 2014. <http://www.theglobeandmail.com/news/national/canadian-killed-in-syria-shown-in-new-propaganda-video/article19578172/>.

²⁹ CBC News, "Andre Poulin: dead Canadian jihadist used in ISIS recruitment video," *CBC News*, July 12, 2014. <http://www.cbc.ca/news/world/andre-poulin-dead-canadian-jihadist-used-in-isis-recruitment-video-1.2705115>.

³⁰ *Ibid.*

to propel the fatal blow to his daughter.³¹ ISIS may have not released the video due to the backlash these stonings were receiving in Syria, a backlash which Western countries failed to use to their advantage.³² There are acts that are even to heinous, such as the stoning of a Muslim woman by her Muslim father, that even ISIS's sympathizers will not tolerate. Instead of reporting on these brutalities, Western media have paid little attention to these events, "and may represent wasted opportunities to puncture [ISIS]'s self-projected image of righteousness."³³ By not releasing videos of some of its most brutal acts, ISIS has demonstrated that it recognizes that even its supporters and sympathizers have limits of what they can tolerate, a fact that Western media and officials do not appear to have grasped.

ISIS has taken advantage of the innovations and trends in communications technology, including the proliferation of social media and high definition video capabilities. ISIS has also found a way to connect with potential Western recruits, using not only perfect English, but colloquial and culturally-relevant phrases and expressions. ISIS has also made the most of the foreign fighters it has already recruited by using them for propaganda videos, allowing them to not only to serve a purpose on the battlefield, but also to sway potential recruits who can identify with those purporting that they join ISIS as well.

³¹Muhammad al-'Ubaydi et al., "The Group That Calls Itself a State: Understanding the Evolution and Challenges of the Islamic State," *Counter Terrorism Center* (2014). <https://www.ctc.usma.edu/v2/wp-content/uploads/2014/12/CTC-The-Group-That-Calls-Itself-A-State-December20141.pdf>.

³² Ibid.

³³ Ibid.

Foreign Fighters

ISIS is indeed a veritable time bomb inserted into the heart of the Middle East. But its destructive power is not as commonly understood. It is not with the 'March of the Beheaders'; it is not with the killings; the seizure of towns and villages; the harshest of "justice"—terrible though they are—that its true explosive power lies. It is yet more potent than its exponential pull on young Muslims, its huge arsenal of weapons and its hundreds of millions of dollars³⁴

- Alastair Crooke

While the concept of foreign fighters is not new, ISIS's unparalleled success in recruiting has caught the attention of governments around the world. A country can no longer respond that a conflict is "someone else's war" when its citizens are travelling to conflict zones to fight in wars in which the country is not a direct party. In the context of ISIS, the term "foreign fighter" has a negative connotation, as is to be expected of any term associating individuals to a terrorist entity. Foreign fighters can also be known under a variety of different names, even within the Government of Canada. The *2014 Public Report on the Terrorist Threat to Canada* uses the term "extremist travellers" interchangeably with foreign fighters,³⁵ while the term "foreign terrorist fighters" appears in several places on the Government of Canada website.³⁶ While the term may vary, the concept of a foreign fighter, defined by Thomas Hegghammer is "someone who leaves or tries to leave the West to fight somewhere else,"³⁷ remains consistent.

Whatever the term, the fact remains that foreign fighters are not a homogenous group of people. Despite the motivations and personal circumstances that differentiate

³⁴ Alastair Crooke, "You Can't Understand ISIS If You Don't Know the History of Wahhabism in Saudi Arabia," *New Perspectives Quarterly* 32, no. 1 (2015): 63.

³⁵ Public Safety Canada, *2014 Public*.

³⁶ Government of Canada, "Stopping the flow of foreign terrorist fighters," *Government of Canada*, April 27, 2015. http://international.gc.ca/world-monde/security-securite/isis-eiis/foreign_fighters-combattants_etrangers.aspx?lang=eng.

³⁷ Hegghammer, Thomas. "Should I Stay or Should I Go? Explaining Variation in Western Jihadists' Choice between Domestic and Foreign Fighting." *American Political Science Review* 107, no. 1 (2013): 1.

individual foreign fighters, there are still commonalities and patterns among foreign fighters. In Public Safety's *2014 Report on the Terrorist Threat to Canada*, it identifies "many of these individuals [as] exploiting conflicts to engage in terrorism-related activities."³⁸ This can be interpreted as individuals who are looking to engage in terrorism, and see conflicts as opportunities to do so, rather than being drawn by specific a specific cause or conflict.

The "Hemingway effect" appears to corroborate this theory. According to Hegghammer, the theory contends that the motivation for foreign fighter recruits is a search for adventure, and those who engage in conflicts abroad can survive and fight longer than those who fight domestically and are arrested or killed after only "one shot."³⁹ Fighting abroad offers those searching for adventure and war sustained participation, whereas those who try to bring the war to the West are taken down shortly after the first "shot." Cases, such as that of Michael Zehaf-Bibeau, the shooter who killed Cpl. Nathan Cirillo and then stormed Parliament Hill on October 22, 2014, demonstrate that the adventure those committing domestic terrorism acts may be seeking will be short-lived. Fighting in a conflict as part of a terrorist organization increases the odds that a terrorist thrill-seeker will live long enough to fight another fight.

Another theory that attempts to explain the motivation for foreign fighting, not mutually exclusive from the Hemingway effect, is the "norms hypothesis." This theory suggests that some militants view foreign fighting as more "legitimate" than domestic fighting.⁴⁰ This theory is particularly applicable to the case of ISIS, a terrorist entity that has not only emphasized the symbolism of historic and prophesized battle sites, but has

³⁸ Public Safety Canada, *2014 Public*.

³⁹ Hegghammer, *Should*, 6.

⁴⁰ Hegghammer, *Should*, 7.

also gone to painstaking efforts to stake claims as the legitimate religious and political authority in the region. Seeing Canadian foreign fighters in well-produced videos discussing why they left Canada to join ISIS can only reinforce this notion. As norms push potential foreign fighters into leaving Canada, the broadcasting of the words and apparent experiences of Canadian foreign fighters already in Syria or Iraq draw them in to joining ISIS.

Past conflicts can also lend themselves to researchers analyzing patterns and trends among foreign fighters. Daniel Byman and Jeremy Shapiro used expert arguments and the past experiences of foreign fighters to create a schematic model of foreign fighter radicalization, consisting of five steps: (i) Deciding to join a conflict; (ii) travelling to the conflict zone; (iii) train and fight; (iv) return home; and (v) plot domestic attacks.⁴¹ While the Hemingway effect and the norms hypothesis can account for why many foreign fighters decide to join a conflict, they do not account for all of the steps in Byman and Shapiro's model.

The second step in the Byman and Shapiro model, travelling to the conflict, is a seemingly obvious step in a model describing foreign fighter radicalization. In this step, new fighters are put in contact with the organization, and vetted and assessed, and assigned a task.⁴² As was discussed in the previous section of this paper, one of the first tasks new foreign fighters are assigned to do is to make a propaganda film for ISIS. During this step, fighters are also trained in combat, educated in "urban warfare" and how

⁴¹ Daniel Byman and Jeremy Shapiro, "Be Afraid. Be a Little Afraid: The Threat of Terrorism from Western Foreign Fighters in Syria and Iraq," *Foreign Policy at Brookings*, no. 34 (2014): 7. <http://www.brookings.edu/~media/research/files/papers/2014/11/western-foreign-fighters-in-syria-and-iraq-byman-shapiro/be-afraid--web.pdf>.

⁴² *Ibid.*, 5.

to operate weapons.⁴³ This is particularly troubling for security officials and policymakers, who may worry that foreign fighters will complete steps four and five – returning to their home countries and plotting domestic terror attacks – with their newly acquired war and combat skills.

The concern over returning foreign fighters and their newly acquired urban warfare savvy is not something to be taken lightly. The *2014 Public Report on the Terrorist Threat to Canada* acknowledges that the foreign fighter threat is multifaceted, including the threat the foreign fighters may pose when they return to Canada. The report states that foreign fighters may return with:

*knowledge, skills and experience gained in terrorist operations and training camps...some have the credibility to encourage and recruit aspiring violent extremists in Canada and it is possible that some returnees could plan and carry out terrorist attacks in Canada.*⁴⁴

The “veteran effect” supports this concern. In his research, Hegghammer finds that returned foreign fighters are deadlier operatives than their counterparts who have not fought or trained abroad.⁴⁵ Returning foreign fighters also have what Byman and Shapiro call “street cred,” the admiration and prestige that can help convince potential recruits to follow their steps abroad.⁴⁶ Returning foreign fighters are not only deadlier in carrying out acts of terrorism, they are also better able to recruit more foreign fighters. While the threat of returning foreign fighters cannot be ignored, it must be put into perspective. Hegghammer found that at most, one in nine fighters returned home to carry out attacks in West.⁴⁷ While one in nine is still cause for concern, it must be understood that not all

⁴³ Byman, *Be Afraid*, 5.

⁴⁴ Public Safety Canada, *2014 Public*.

⁴⁵ Hegghammer, *Should*, 6.

⁴⁶ Byman, *Be Afraid*, 6.

⁴⁷ Hegghammer, *Should*, 7.

foreign fighters will return, and most who return will not carry out terrorist attacks in their home countries.

It should be noted that foreign fighters are not a homogenous group with aligned motivations and aspirations. There is no profile and formula that can determine whether someone will engage in terrorism, or leave his or home country to fight in conflicts abroad. While there are some trends and patterns in foreign fighters, they should not be seen as indicators of whether an individual will leave their home country to fight for a terrorist organization. Jihadi foreign fighters in Syria are typically male and between 18 and 29 years old, although there is no shortage of exceptions.⁴⁸ This is younger than in past “Jihads,” such as in Afghanistan, in which the average foreign fighter was 25 to 35 years old.⁴⁹ There is also a disproportionate number of converts among Western foreign fighters, who tend to be more enthusiastic and less knowledgeable about the to which religion they have recently converted.⁵⁰ Many foreign fighters joining ISIS have little to no prior connections to Syria.⁵¹ The typical Western foreign fighter is young, male, not very knowledgeable about his new religion, and eager for battle.

The typical foreign fighter joining ISIS also seems to be lost at a transitional stage in his life. In his research, Scott Atran found that Western foreign fighters tend to be “immigrants, students, between jobs or girlfriends, having left their homes and looking for new families. For the most part they have no traditional religious education and are ‘born again’ to religion.”⁵² For these young men, ISIS is offers a sense of belonging, as

⁴⁸ Jessica Stern and J.M. Berger, "ISIS and the Foreign-Fighter Phenomenon," *The Atlantic*, March 8, 2015. <http://www.theatlantic.com/international/archive/2015/03/isis-and-the-foreign-fighter-problem/387166/>.

⁴⁹ Richard Barrett, "Foreign Fighters in Syria," *The Soufan Group*, June 2014. <http://soufangroup.com/wp-content/uploads/2014/06/TSG-Foreign-Fighters-in-Syria.pdf>.

⁵⁰ Stern *ISIS*.

⁵¹ Barrett, *Foreign*.

⁵² Atran, *Jihad's Fatal*.

well as a purpose and direction, however misguided it may actually be. ISIS also offers a (perceived) glory and recognition, especially for individuals who are seeking validation and recognition. Most foreign fighters are more motivated by the “thrilling cause and call to action that promises glory and esteem in the eyes of friends” than the words of the Quran or any religious teachings.⁵³ In short, ISIS offers foreign fighters the opportunity to fill important needs they may have,⁵⁴ whether it be a sense of direction, a sense of belonging or a search for glory.

While most foreign fighters are male, there are women who leave their home countries to join ISIS. Female foreign fighters offer an interesting dimension to the foreign fighter phenomenon, as there may be additional motivations for women travelling to Syria. As with young men, there are women who are seeking to help create and live under a new Islamic state. However, in the case of ISIS in particular, there have been considerable efforts to romanticize the life of a Jihadi bride. Using a “combination of violence and domesticity,” ISIS presents a “Disney-like”⁵⁵ picture of women battling for the creation of a an Islamic caliphate, while at the same time romanticizes the notion of being a bride of an ISIS fighter, preying upon the young women’s “naïve romanticism” or war and warriors.⁵⁶ Most of these women do not become fighters, but become wives and mothers in communities of terroristic fighters. Like their male counterparts, some of these women are young, the youngest being 13 years old.⁵⁷ The manipulation of young women into becoming young wives of ISIS fighters and the mothers of their children is a

⁵³ Ibid.

⁵⁴ Stern, *ISIS*.

⁵⁵ Harriet Sherwood et al., "Schoolgirl jihadis: the female Islamists leaving home to join Isis fighters," *The Guardian*, September 29, 2014. <http://www.theguardian.com/world/2014/sep/29/schoolgirl-jihadis-female-islamists-leaving-home-join-isis-iraq-syria>.

⁵⁶ Katherine Brown, "Analysis: Why are Western women joining Islamic State?" *BBC News*, October 6, 2014. <http://www.bbc.com/news/uk-29507410>.

⁵⁷ Sherwood, *Schoolgirl*.

concern for policymakers, although “it’s [one] among many potential threats coming out of Syria.”⁵⁸

Governments cannot ignore the flow of foreign fighters from their own countries into conflict zones abroad. Foreign fighters can exacerbate a conflict, and have been found to be responsible for higher levels of violence.⁵⁹ Foreign fighters increase the brutality of a conflict, and appear to be “overrepresented...among the perpetrators of the [so called] Islamic State’s worst acts.”⁶⁰ Foreign fighters are not sitting on the sidelines passively watching ISIS fighters commit atrocities. Rather, they are among the worst perpetrators of ISIS’s trademark ruthless atrocities. Furthermore, foreign fighters may have lasting impacts on prolonging the crisis in Syria and Iraq. Foreign fighters tend to be more ideological than the average Syrian rebel, making them less likely to compromise or agree to ceasefires, potentially prolonging and hardening the conflict. An increasing influx of foreign fighters into Syria and Iraq may not only continue to escalate the barbarity of the conflict in the short run, it may also serve to make the conflict increasingly challenging to resolve in the long term.

Canada, as with other Western countries, has seen its citizens leave to join ISIS in Syria and Iraq. There is a difficulty in determining the exact number of foreign fighters engaged in conflicts abroad. Borders, especially those between Syria and Turkey, are porous, allowing individuals to slip into Syria with relative ease and little to no documentation. As of early 2014, the Government of Canada was aware of more than

⁵⁸ Ibid.

⁵⁹ Bernd Horn, "Hidden Within: Foreign Fighters & The National Threat," *Mackenzie Institute*, June 03, 2015. <http://www.mackenzieinstitute.com/hidden-within-foreign-fighters-national-threat/>.

⁶⁰ Joshua Holland, "Why Have a Record Number of Westerners Joined the Islamic State?" *Moyers & Company*, October 10, 2014. <http://billmoyers.com/2014/10/10/record-number-westerners-joined-islamic-state-great-threat/>.

130 Canadians allegedly involved in activities related to terrorism.⁶¹ Over 3000 individuals from Western countries have left their home countries to take part in the conflict in Syria and Iraq, with over 200 Belgians, over 70 Americans, 150 Americans, and a staggering 700-plus French individuals exploiting the Syrian-Iraq conflict.⁶² Although 130 Canadians may not appear to be a significant number relative to the Canadian population or to the number of fighters ISIS has, Canada does not want its citizens to be perpetrating terrorist acts, exacerbating conflicts, and diminishing the odds of reaching some sort of resolution or ceasefire in the near future. Furthermore, Canada does not want these foreign fighters to recruit more foreign fighters, or to return to Canada to potentially carry out acts of lone actor terrorism.

⁶¹ Public Safety Canada, *2014 Public*.

⁶² Alexander Corbeil, "How to Stop Canadians From Becoming Jihadists," *Open Canada*, August 29, 2014. <https://www.opencanada.org/features/how-to-stop-canadians-from-becoming-jihadists/>.

Canadian Foreign Fighter Example Case Studies

While the Government may be aware of over 130 Canadians who have gone overseas to join terrorist organizations, including ISIS, relatively little is known about those individuals and their journeys from normal Canadian lives to engaging in terrorist activities abroad. Often, the Canadian public does not learn the names of these individuals until they have died in their respective conflicts.⁶³ In some cases, the identities of those suspected of joining Sunni-extremist groups in Syria and Iraq are not revealed, protecting the identity of the unwitting family members left behind in Canada. This makes discerning publically available information on Canadian foreign fighters difficult, especially information on the lives of foreign fighters before they left Canada.

Many Canadian foreign fighter cases follow familiar trends: average Canadians, many of them converts to Islam, narrowing and radicalizing their views on Islam and the world, and eventually leaving or attempting to leave Canada to wage Jihad abroad. Often, the family and friends of these individuals are taken by surprise when they learn that their loved ones have abruptly departed to fight for a terrorist organization in a war-zone. Those we know the most about are those whose family and friends have spoken out about their shock and grief, many with the desire to spare other families the agony of losing a loved one to extremism.

Damien Clairmont

One case I have chosen to highlight, that of Damien Clairmont, is a tragically typical case of Canadians who have left to join ISIS. Born into a Catholic Calgary

⁶³ Amarnath Amarasingam and Mahdi Qasqas, "What do we do about Canadians joining ISIS?" *The Toronto Star*, September 28, 2014. http://www.thestar.com/opinion/commentary/2014/09/28/what_do_we_do_about_canadians_joining_isis.html.

family, Clairmont grew into a troubled teenager, seeming to only find peace after converting to Islam. Clairmont formed a study group at a downtown Calgary mosque, where the group learned about “companions of the prophet” and those being awarded martyrdom for dying on the battlefield.⁶⁴ Clairmont, as well as several other members of the group, eventually left for Syria to wage Jihad. Clairmont was killed at 22 years of age in Aleppo, Syria, reportedly dying in a fight between rival groups of Islamic militants. Clairmont’s mother, Chris Boudreau, has spoken out against homegrown radicalization in Canada and internationally.⁶⁵ She has studied community-based programs for families concerned about their children becoming radicalized, and has called for similar community-based programs in Canada, that would work with religious groups, police, and counsellors to provide support for these families.⁶⁶ Boudeau has tried to raise awareness of the dangers of radicalization, informing people that “it’s not one family dynamic, culture or religion.”⁶⁷ Boudreau hopes to spare other families her grief and suffering by advocating for these programs that combat radicalization.

Andre Poulin

Andre Poulin became a Canadian household name in July 2014 when a propaganda recruitment video in which Poulin played a starring role was published online. However, Poulin did not live to see the attention his video received in Canada

⁶⁴ Reid Southwick, "Calgary mom targeted by jihadist blogger after her radicalized son killed in Syria," *National Post*, July 21, 2014. <http://news.nationalpost.com/news/canada/calgary-mom-targeted-by-jihadist-blogger-after-her-radicalized-son-killed-in-syria>.

⁶⁵ Ibid.

⁶⁶ Bill Graveland, "Mother of radicalized Calgary man killed in Syria wants to make a difference," *The Globe and Mail*, September 11, 2014. <http://www.theglobeandmail.com/news/national/mother-of-radicalized-calgary-man-killed-in-syria-wants-to-make-a-difference/article20567204/>.

⁶⁷ Ibid.

and the rest of the West. The 24 year old died in an attack on a government-controlled airport in Syria, leaving behind a wife and young children.⁶⁸

In the headline-grabbing video, the Timmons, Ontario native described his life as normal and typically Canadian, omitting his past criminal activities, including learning how to build explosives, uttering threats of violence, and threatening to blow up a Timmins gas station. As a young man of 20, the recent convert to Islam followed a strict interpretation of Islam, and concerned himself with how he dressed and how those around him behaved.⁶⁹ However, this strict interpretation did not stop him from having an affair with a married woman or threatening her husband for not being religious enough. Poulin was arrested in 2010, and served two weeks in jail.⁷⁰

Poulin's brief incarceration did not reverse his radicalization. Assistant Crown attorney Gerrit Verbeek believes that Poulin's radicalization is due to the internet, rather than contact with specific local individuals, saying he had "nothing to suggest [Poulin] got any of that [extremist views] from here [in Timmins]. I would suspect it's from the Internet, and he just took things a lot further than anyone else would have."⁷¹

Considering the proliferation of online posting and messages Poulin sent, it is clear that he spent much of his time on the Internet. He posted about getting out of jail, being accused of supporting terrorism and of being followed by police. The police tail, whether

⁶⁸ CBC News, "Andre Poulin, jihadi from Timmins, Ont., confirmed dead in Syria," *CBC News*, January 16, 2014. <http://www.cbc.ca/news/andre-poulin-jihadi-from-timmins-ont-confirmed-dead-in-syria-1.2499801>.

⁶⁹ Ibid.

⁷⁰ Michael S. Schmidt, "Canadian Killed in Syria Lives On as Pitchman for Jihadis," *The New York Times*, July 15, 2014. <http://www.nytimes.com/2014/07/16/world/middleeast/isis-uses-andre-poulin-a-canadian-convert-to-islam-in-recruitment-video.html>.

⁷¹ Benjamin Aubé, "Crown recalls curious case of Andre Poulin," *Timmins Press*, January 17, 2014. <http://www.timminspress.com/2014/01/17/crown-recalls-curious-case-of-andre-poulin>.

imagined or real, did not prevent Poulin from leaving Canada to join a unit of other foreign fighters in late 2012.⁷²

Montreal Six (January 2015)

It is not only individuals who are travelling to partake in the Syrian conflict. In mid January 2015, a group of four men and two women in Montreal, some as young as 18 years old, left Canada for Turkey and then went on to Syria.⁷³ A father of one of the young men accused of joining ISIS recounted how he had noticed an alarming change in his son, who had becoming increasingly religious and radical, and as a precaution had confiscated his passport. However, the son was able to report his passport stolen to Citizenship and Immigration Canada (CIC), who issued the young man a new passport, unbeknownst to his concerned parents. Four of the individuals were students at the Collège de Maisonneuve in Montreal, where an organization run by Adil Charkaoui rented space. Upon hearing that a student of one of Charkaoui's courses was suspected of travelling to join ISIS, the college suspended the agreement with Charkaoui, who in 2003 had been arrested under a security certificate, which was overturned in 2009.⁷⁴

Collin and Gregory Gordon

Like Montreal, Calgary has also seen its young men leave to fight for terrorist groups abroad. Calgary Police estimated in 2014 that at least 30 local Calgary residents travelled abroad with the intention of participating in foreign conflicts.⁷⁵ Two of these locals, Collin and Gregory Gordon, two Calgary brothers, were well-educated, athletic,

⁷² CBC News, *Andre*.

⁷³ CTV News, "6 young people from Montreal leave to join ISIS," February 26, 2015. <http://www.ctvnews.ca/canada/6-young-people-from-montreal-leave-to-join-isis-1.2255229>.

⁷⁴ *Ibid*.

⁷⁵ John McCoy, and Andy Knight, "Homegrown Terrorism in Canada: Local Patterns, Global Trends," *Studies in Conflict & Terrorism*, (2015): 265.

social and well-liked. However, after studying in Kamloops, BC, Collin moved back to Calgary and “started to be hardcore Muslim,” according to a former friend.⁷⁶ While it is unclear how the brothers became radicalized, after seeing so many Calgarians leave Canada to engage in foreign fighting, a prominent local Imam, Syed Soharwardy, suggested that university lecturers may be preying on vulnerable students, and that he found it unlikely that these lecturers were not on the radar of intelligence officials. Soharwardy has warned university administrators and police about this, stating:

It is impossible for me to think the intelligence people do not know who is radicalizing Muslim youth. It is going on undercover; it is going on openly sometimes.⁷⁷

While it is unclear as to whether the brothers were radicalized through the radical university lecturers or through other means, it is evident that as Collin became radicalized, he became prolific on Facebook, posting banners of militant groups linked to ISIS.⁷⁸ Within the downtown prayer hall that Collin and Gregory attended, Gregory was known to be courteous and quiet, and apparently suffering from sickle-cell anemia, placing him in and out of the hospital constantly.⁷⁹ Despite Collin’s active online support for ISIS and ISIS-linked groups, family members and members of the prayer hall who knew the young men were shocked when they disappeared from Canada.

Collin has continued to be active on social media since joining ISIS. As with many foreign fighters, he has posted pictures of his life in Syria, as well as praise for the terrorist group that he joined. In one post, he referred to the beheading of American

⁷⁶ Nadim Roberts, "Gregory and Collin Gordon, Calgary brothers, join ranks of Canadians fighting for ISIS," *CBC News*, August 28, 2014. <http://www.cbc.ca/news/gregory-and-collin-gordon-calgary-brothers-join-ranks-of-canadians-fighting-for-isis-1.2749673>.

⁷⁷ CBC News, "Suicide bomber killed in Iraq part of wider jihadi base in Calgary," June 3, 2014. <http://www.cbc.ca/news/canada/suicide-bomber-killed-in-iraq-part-of-wider-jihadi-base-in-calgary-1.2663890>.

⁷⁸ McCoy, *Homegrown*, 265.

⁷⁹ Roberts, *Gregory*.

journalist James Foley as “the perfection of terrorism.”⁸⁰ It is perplexing to many observers, including those closest to the Gordon brothers, how young men with seemingly bright futures ahead of them can become so enraptured in terrorism and celebrating deadly acts of violence. It is not only outwardly troubled or disenfranchised youths who are susceptible to radicalization, but also those who would have no perceivable motive to be hateful, angry, or unhappy with the state of their lives.

⁸⁰ Roberts, *Gregory*.

The Government Of Canada's Response To The Foreign Fighter Phenomenon

Quite frankly, the scope of the threat, the speed of change, and the ease with which people engaged in threat-related activity connect means we no longer have the luxury of time to contemplate our response...The phenomenon will still be with us 10 years from now.

-Michael Coulombe

The domestic and international terrorist threat in Canada has evolved. In the Royal United Service Institute (RUSI) report entitled "The Role of Community Policing in Preventing Terrorism in Canada, Edwards et al. describe how the perceptions of threats to Canadian public safety have changed. Before the October 2014 attacks, the biggest concern for Canadians was global warming. Some suggested reasons for Canadian "exceptionalism" to the terrorist threat are: (i) political factors, such as a difference in foreign policy, perception of peacekeeping and not an occupying power; (ii) societal factors, including less disparity between the rich and poor and an elite and educated immigrant population; and (iii) cultural factors, such as multiculturalism, diversity, and a lack of "gun culture" compared the United States.⁸¹

The RUSI report also notes that the terrorist threat in Canada has evolved similarly to that of other Western nations. The threat has historically come from separatist or nationalist groups, such as the FLQ and Sikh extremists in the Air India bombing. Today, the greatest terrorist threat is posed by Al Qaida, its affiliates, and inspired groups, such as ISIS. This threat stems not only from established networks, but also from individuals unaffiliated with, but inspired by, terrorist groups. Another trend is fighters returning from conflicts overseas, particularly from Syria and Iraq. Foreign

⁸¹ Charlie Edwards et al., "Out of Reach? The Role of Community Policing in Preventing Terrorism in Canada," *Royal United Services Institute* (2015): 5.

fighters who join extremist groups are subjected to radicalization and violence, and may acquire knowledge and skills to launch terrorist attacks upon returning to their countries of origin. According to a June 2014 report, 12,000 foreigners had travelled to fight in Syria since 2011, including 3,000 individuals originating from Western countries.⁸²

The foreign fighter phenomenon has necessitated a strong and swift response from the international community, including Canada. Canada, while by no means the top contributor of foreign fighters to ISIS, does not want to be branded as an exporter of terrorists, or as incapable of preventing its citizens of joining terrorist organizations and returning home. While the country continues employing Operation IMPACT, the Canadian Armed Forces' (CAF) contribution to the Middle East Stabilization Force (MESF), a multinational coalition to carrying out airstrikes on ISIS in Syria and Iraq, it also has a legal obligation to prevent its citizens from leaving Canada to partake in the "perpetration, planning of, or participation in terrorist acts."⁸³ Canada cannot be seen as a country that paradoxically carries out airstrikes on ISIS targets while allowing its citizens to support, bolster, and join the organization.

On the Government of Canada website, where the most up-to-date information is expected, the Government's approach to combating the flow of Canadians joining ISIS in Syria and Iraq is briefly described. It should be noted that this is one of the first Government of Canada products that adds the word "terrorist" to the term foreign fighters,⁸⁴ perhaps as an attempt to distinguish individuals joining ISIS from the growing number of Canadians leaving Canada to fight against ISIS. This webpage, entitled

⁸² Edwards, *Out*, 2.

⁸³ UN Press, "Security Council Unanimously Adopts Resolution Condemning Violent Extremism, Underscoring Need to Prevent Travel, Support for Foreign Terrorist Fighters," *United Nations*, September 24, 2014. <http://www.un.org/press/en/2014/sc11580.doc.htm>.

⁸⁴ Government of Canada, *Stopping*.

“Stopping the flow of foreign terrorist fighters,” briefly describes Canada’s approach to dealing with foreign fighters abroad and domestically.

Stemming the flow of foreign fighters is one of five key areas of work for Canada and its partners. Abroad, the Canadian Government has highlighted its work multilaterally. Canadian officials and delegates have made strong public statements at various international forums, such as at the United Nations (UN) Security Council. Canada has also worked with various taskforces to address the phenomenon, such as the Global Counterterrorism Forum (GCTF) Terrorist Fighters working group. The working group hosts meetings where experts in law enforcement, border security and policy to share views and best practices and make recommendations to address the foreign fighter problem.⁸⁵ However, despite drafting and endorsing new framework documents responding to the violent extremism and the foreign fighter phenomenon; *Abu Dhabi Memorandum on Good Practices for Education and Countering Violent Extremism*, *The Hague Memorandum on Good Practices for the Judiciary in Adjudicating Terrorism Offenses*, and the *Recommendations for Using and Protecting Intelligence Information in Rule of Law-Based, Criminal Justice Sector-Led Investigations and Prosecutions*, these documents have yet to be implemented.⁸⁶ While there is significant concern internationally over the foreign fighter threat, there has been limited concrete multilateral work to date.

⁸⁵ GCTF, "First Expert Meeting of the GCTF 'Foreign Terrorist Fighters' Initiative: Police and Border Law Enforcement, Judiciary, and Information Sharing," *The Global Counterterrorism Forum*, May 15, 2014. https://www.thegctf.org/documents/95472/109184/14May27_Summary_First+Expert+Meeting+of+FTF+I+initiative_14-15+May+2014+Marrakech.pdf.

⁸⁶ GCTF, "Sixth Ministerial Plenary," *The Global Counterterrorism Forum*, September 27, 2015. <https://www.thegctf.org/web/guest>.

The Canadian Government has also chosen to highlight funding to curtail the flow of foreign fighters. In September 2014, the Government of Canada announced \$15 million in funding to “strengthen front-line security measures and combat the threat of foreign fighters and violent extremism.”⁸⁷ This is part of a strategy to help regional actors “detect, deter and interdict foreign fighters at source, destination and transit points and to limit their movement into Syria and Iraq.”⁸⁸ While this strategy sounds promising in principle, few details have been released, making any informal external evaluation nearly impossible.

The Government of Canada has also updated the *Criminal Code* in response to the threat of ISIS and its supporters. In August 2012, Al Qaida in Iraq, which would eventually become ISIS, was listed as a terrorist entity in the Canadian *Criminal Code*. In September 2014, this list was updated to include ISIS under its assumed name.⁸⁹ By listing ISIS as a terrorist entity, the Canadian Government ensured that anyone associating with ISIS would face punishment as set out in the *Criminal Code*:

*83.18 (1) Every one who knowingly participates in or contributes to, directly or indirectly, any activity of a terrorist group for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activity is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.*⁹⁰

Listing ISIS as a terrorist entity has a number of implications, not least of which is leaving little room for doubt or interpretation that those associating with ISIS are guilty of associating with a terrorist organization. This may not be a strong deterrent for many

⁸⁷ House of Commons, "Thursday, March 26, 2015," *House of Commons Debates* 147, no. 190 (2015). http://publications.gc.ca/collections/collection_2015/parl/X3-412-190-eng.pdf.

⁸⁸ Government of Canada, *Stopping*.

⁸⁹ Public Safety Canada, "Archived - The Government of Canada updates the Criminal Code list of terrorist entities to include the Islamic State," *Government of Canada*, September 24, 2014. http://news.gc.ca/web/article_en.do?mthd=index&ctr.page=1&nid=887229.

⁹⁰ Government of Canada, "Criminal Code (R.S.C., 1985, c. C-46)," *Government of Canada*, November 05, 2015. <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-35.html#h-32>.

foreign fighters who think they will die in battle or do not plan to return to Canada, and do not think of themselves as within reach of Canadian domestic law.

Bill S-7, Combatting Terrorism Act

While the Canadian Government has taken steps to try to combat extremism and the foreign fighter phenomenon, it has not been without controversy. Bill S-7, An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act, also known as the Combating Terrorism Act, was introduced in the Senate by the Honourable Claude Carignan, Deputy Leader of the Government in the Senate, in February 2015, seven months before Al Qaida in Iraq, now known as ISIS, was listed as a terrorist entity by the Government of Canada. The bill contains clauses from the former Bill C-17, which contained provisions in the former Bill C-19 and the amended Bill S-3 such as investigative hearings and preventative arrests.⁹¹

As is the case with its predecessors, Bill S-7 contains provisions for investigative hearings and preventative arrests in circumstances where a terrorism offence is under investigation. Similar provisions were introduced in 2001 with Bill C-36, *the Anti-terrorism Act*. These provisions were not extended on February 27th, 2007, after the motion was defeated in the House of Commons.

After the second reading in the Senate, the bill was referred to the Special Senate Committee on Anti-Terrorism. On May 16, 2012, the bill was reported back to the Senate with two amendments. The first amendment widened the scope of section 83.3, allowing any judge of provincial courts to vary conditions on recognizance, rather than

⁹¹ A legislative summary of Bill S-7 can be found at the Library of Parliament: http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?source=library_prb&ls=S7&Parl=41&Ses=1&Language=E&Mode=1.

limiting it to the same judge who imposed the original recognizance. The second amendment ensured that the English and French versions of section 83.32, which deals with parliamentary committee review provisions, correspond with each other.

On May 30th, 2012, the Senate adopted the committee's report, and on May 31st, 2012, Bill S-7 was referred to the House of Commons. Bill S-7 was given royal assent on April 25, 2013.

Bill S-7 is a direct legislative response to the foreign fighter phenomenon, making leaving or attempting to leave Canada to partake in terrorist activity or join a terrorist group punishable by a maximum of 10 years imprisonment. At the time of the bill's introduction, the terrorist entity Al-Shabaab was at the centre of the debate, as Canada saw many young nationals departing to join the terrorist organization in Somalia.

The bill was presented as a proactive, preventative, and a deterrent for would-be foreign fighters:

The horrific nature of terrorism requires a proactive and preventive approach. These new offences will allow law enforcement to continue to intervene at an early stage in the planning process to prevent terrorist acts from being carried out. The new offences would send a strong deterrent message, would potentially assist with threat mitigation and would make available a higher maximum penalty than would otherwise apply.⁹²

This strong message of deterrence and harsher punishments for those not deterred is part of the Government of Canada's commitment to uphold Canada's national security. Of course, this may not be a deterrent for those who do not think they will get caught or who are intent on dying for their cause abroad.

There are several elements to Bill S-7, some of which have proven controversial. First, the bill sought to re-enact investigative hearing and recognizance conditions that

⁹² House of Commons, "Wednesday, February 29, 2012," *Debates of the Senate* 148, no. 55 (2012).

were in the Criminal Code, but expired in 2007. Courts could compel someone with information about terrorism or potential terrorism offences to appear for questioning. These hearings are for information, not to charge or convict witnesses. Recognizance with conditions would allow peace officers, with permission from the courts to compel an individual to appear before a judge in order to prevent terrorist activity. Both these provisions have strict conditions and safeguards, including requiring the consent from the Attorney General.

The bill also creates new substantive offences, criminalizing: “knowingly participate in or contribute to any activity of a terrorist group for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activity; knowingly facilitate a terrorist activity; commit an indictable offence for the benefit of a terrorist group; and commit an indictable offence that is also a terrorist activity.”⁹³ Then Justice Minister Rob Nicholson argued these new offences would send a strong deterrent message.

Furthermore, the bill amends the harbouring offence in the Criminal Code, increasing the maximum penalty from 10 to 14 years “where the applicable terrorist activity constitutes a terrorism offence for which the person is liable to imprisonment for life. In all other cases the maximum penalty for that section would remain 10 years.”⁹⁴ Finally, the bill proposed that the Attorney General’s certificate of the Canada Evidence Act duration be reduced to 10 years from 15 years.

⁹³Parliament of Canada, "Issue 1 - Evidence - Meeting of March 26, 2012," *Proceedings of the Special Senate Committee on Anti-terrorism*, March 26, 2012.

<http://www.parl.gc.ca/content/sen/committee/411/ANTR/01EV-49437-e.HTM>.

⁹⁴ Ibid.

Several high-ranking officials from Canada's security agencies spoke to the necessity and value of the bill. In front of the Special Senate Committee on Anti-Terrorism, Assistant Commissioner Gilles Michaud, National Security Criminal Investigations, Royal Canadian Mounted Police, discussed how the RCMP is supportive of Bill S-7, and how the bill could impact the RCMP's ability to fulfill its national security criminal investigative mandate.

Michaud emphasized the importance of prevention, especially in terrorism. Recognizance with conditions provisions may be necessary to preventing terrorist activities from being carried out. It would allow for the detention of a person for a maximum of 72 hours, as well as allow a judge to place conditions on the individual being released from custody. Michaud added that from 2001 to 2007, the RCMP had access to recognizance with conditions, but never used them. Michaud argued that this shows that the RCMP recognizes that situations where these provisions are used must be exceptional, and that they would only be used when all other options have been exhausted.

Michaud closed his statement by stating that police need "a flexible approach and "a full array of investigative tools in order to provide a proportionate response." According to the Michaud, Bill S-7 will give the police the tools—which would only be utilized under exceptional circumstances—to conduct criminal investigations relating to Canada's national security.⁹⁵

The RCMP was not the only group testifying in front of the Special Senate Committee on Anti-Terrorism in support of the Bill. Then-Director of the Canadian

⁹⁵ Michaud's full testimony can be found at the Parliament of Canada: http://www.parl.gc.ca/Content/SEN/Committee/411/antr/01ev-49456e.htm?Language=E&Parl=41&Ses=1&comm_id=597.

Security Intelligence Service (CSIS), Richard Fadden, discussed the Service's support for Bill S-7. He framed Bill S-7 as a tool that would provide law enforcement and the justice system with tools needed to respond to terrorist activity. He argued that terrorism, in particular Sunni Islamist extremism, is the greatest threat to Canada's national security. According to Fadden, in 2011, approximately 250 people, located in both Canada and abroad, were involved in terrorism-related activity.

Fadden acknowledged that in recent years, there has been "an alarming number of Canadians" travelling or planning to travel overseas in order to engage in terrorist activities. These individuals, many of which are in their early twenties, pose a threat to Canada and the international community. The new provisions in Bill S-7 will prevent some terrorist activity by making it an offence for leaving or attempting to leave Canada to commit terrorist acts. Fadden also noted that the evidentiary threshold will remain high.⁹⁶

David Vigneault, Associate Vice-President of the Programs Branch at CBSA, discussed CBSA's role in Canadian national security and border management. CBSA supports Bill S-7, seeing it as a tool for law enforcement and the justice system. CBSA is a critical law enforcement partner, due to its ability to turn information into intelligence about potential national security threats. CBSA shares information with the RCMP and CSIS on a daily basis, while also working with the United States in the implementation of the Beyond the Border action plan.

Bill S-7 reviewed by the House of Commons and the Senate. Two committees, the House of Commons Standing Committee on Public Safety and National Security

⁹⁶ Fadden's full testimony can be found at the Parliament of Canada: http://www.parl.gc.ca/Content/SEN/Committee/411/antr/02ev-49469-e.htm?Language=E&Parl=41&Ses=1&comm_id=597.

Subcommittee on the Review of the *Anti-Terrorism Act* and the Senate's Special Committee on the *Anti-Terrorism Act* were charged with reviewing the bill and making recommendations.

There was significant concern over the impact Bill S-7 would have on youth, and if children would be adequately protected by the provisions in the bill. Canada is a signatory to the Optional Protocol on the involvement of children in armed conflict to the Convention on the Rights of the Child, and some speakers wondered whether the Bill was respecting the optional protocol. The case of Omar Khadr came up on multiple occasions, demonstrating the polarizing nature of cases involving youth and terrorism.

There were also discussions over whether the bill was necessary. Some speakers questioned whether the new offences created in the bill were needed, and wondered whether the criminal acts do not already fall under different legislation already in place. Moreover, some speakers took the issue further, arguing that the bill was not needed because it overstepped rights enshrined in the Charter, and was not a proportionate or balanced response to the threat. Conversely, other speakers argued that the nature of the terrorist threat has evolved, and that Bill S-7 is a necessary piece of legislation that provides law enforcement and national security agencies with the tools they need to protect Canadians.

Unsurprisingly, some discussions revolved around oversight and external review of Canadian security agencies. Some speakers lamented the lack of oversight of Canada's national security agencies, while others lauded Canada as having more oversight than its allies.

Several speakers also asked witnesses what was being done to prevent recruitment, especially of youth. There were concerns as to whether there were enough measures to prevent youth recruitment to terrorist organizations, such as community engagement for disenfranchised youth.

Bill C-51, Anti-Terrorism Act 2015

Bill C-51, *An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts (Security of Canada Information Sharing Act)* was introduced on January 30, 2015 by Steven Blaney, then Minister of Public Safety and Emergency Preparedness. Although controversial, Bill C-51 achieved Royal Assent on June 18, 2015.

Bill C-51 can be divided into five parts. Part one enacts the Security of Canada Information Sharing Act, giving Government of Canada institutions authorization to share information with other Government of Canada institutions mandated to protect Canadian national security. Blaney explained that there is a need to ensure that “the left hand of government knows what the right hand is doing.”⁹⁷ There are currently no provisions that allow for the sharing of information between passport offices or consulates in the Middle East and the RCMP or CSIS. He argued that this can undermine Canadian national security, and “Canada is not and does not want to become an exporter of terrorism.”⁹⁸

⁹⁷ House of Commons, "Evidence - Tuesday, March 10, 2015," *Standing Committee on Public Safety and National Security*, 53, no. 2 (2015).

⁹⁸ *Ibid.*

Blaney also argued that there will be mechanisms to protect privacy and the Constitution. Information that would be shared under the bill is already being collected, just not shared. Furthermore, the information must undermine the security of Canada, and must be transferred to a relevant organization. The bill also specifies that the information collected and shared must respect the provisions of the Canadian Charter of Rights and Freedoms.⁹⁹¹⁰⁰

Part two enacts the Secure Air Travel Act. Through Bill C-51, the no-fly list is expanded to include “persons who may engage in an act that poses a threat to transportation security or who may travel by air for the purpose of committing a terrorism offence.”¹⁰¹ Part two also specifies an appeal process for those on the list. During the Senate Committee on National Defence and Security’s examination of the bill, Senator Runciman pressed Blaney for details on the list, including whether it would be necessary to include photographs of the individuals on the list, given that some individuals who have had their passports seized were still able to leave the country with fake identification. Blaney responded that the goal of the section of the bill in question is to prevent high-risk travellers from flying, and that he was open to recommendations on specifics on how that could be achieved.

Part three amends the Criminal Code with in three ways. First, it lowers the threshold on tests for imposing recognizance against an individual, and strengthens the existing terrorism peace bond in the Criminal Code. The threshold would be lowered, from a fear on reasonable grounds that someone *will* commit a terrorism offence, to fear

⁹⁹ House of Commons, *Evidence - Tuesday, March 10*.

¹⁰⁰ *Ibid.*

¹⁰¹ Parliament of Canada, "C-51," *House Government Bill*, August 02, 2015.

<http://www.parl.gc.ca/LEGISInfo/BillDetails.aspx?Language=E&Mode=1&billId=6842344&View=8>.

that someone *may* commit a terrorism offence. Second, the bill criminalizes the promotion or advocacy of terrorism offences. It allows for the seizure and/or deletion of “terrorist propaganda,”¹⁰² including in electronic form. Finally, Bill C-51 amends the Criminal Code to increase the protection of witnesses playing a role in security investigations or criminal intelligence. At the bill’s introduction, then Minister of Justice and Attorney General Peter MacKay argued that the legislative proposals are a “proportionate response to the threat of terrorism in Canada” and an effort to modernize “investigative package of enforcement tools.”¹⁰³

Part four amends the Canadian Security Intelligence Service Act, allowing CSIS, within Canada or abroad, to take “measures to reduce threats to the security of Canada.”¹⁰⁴ This includes disruption and “counter-message” activities, such as interfering with travel plans, phone calls, and financial transactions, and challenging online communications of those suspected of becoming radicalized.¹⁰⁵ It also entails new reporting requirements for CSIS and requires the Security Intelligence Review Committee’s (SIRC) evaluate the Service’s measures to reduce threats to Canadian national security.

Part five amends Part 1 of the Immigration and Refugee Protection Act. Bill C-51 allows the Minister to ask for proceedings in certificate cases to be sealed at any point in the proceedings, rather than the end.

During the Munk Foreign Policy Leaders’ Debate during the 2015 federal election, Stephen Harper argued that the new Canadian legislation was not only

¹⁰² Parliament of Canada, *C-51*.

¹⁰³ House of Commons, *Evidence - Tuesday, March 10*.

¹⁰⁴ Parliament of Canada, *C-51*.

¹⁰⁵ Laura Payton, "Anti-terrorism powers: What's in the legislation?" *CBC News*, January 30, 2015. <http://www.cbc.ca/news/politics/anti-terrorism-powers-what-s-in-the-legislation-1.2937964>.

constitutional, but warranted: “The threat we face today is not CSIS, it is ISIS.”¹⁰⁶ This sentiment and sense of urgency in handling the threat was expressed prior to Bill C-51’s formal introduction. In the 2013-2014 CSIS Annual Public Report, CSIS Director Michel Couombe listed terrorism as the greatest threat to Canada, and paid special attention to the foreign fighter phenomenon. He described the threat that foreign fighter returnees, who have become seasoned in battle, pose to Canadians, in both the literal sense of physically harming them, as well as the dimension of them being able to effectively radicalize and recruit more Canadians for foreign fighting. It is not organized and sophisticated terrorist acts that can inflict damage, but “a single assailant with low-tech weaponry – a rifle or even a car – can bring tragedy and insecurity to our communities.”¹⁰⁷ Couombe also emphasized that we cannot afford to ignore foreign fighters once they leave Canada:

*Even if a Canadian extremist does not immediately return, he or she is still a Canadian problem. Just as Canada expects other nations to prevent their citizens from harming Canadians and Canadian interests, we too are obligated to deny Canadian extremists the ability to kill and terrorize people of other countries.*¹⁰⁸

According to Couombe, the Canadian government cannot stand by and allow its citizens to exacerbate conflicts or terrorize and kill citizens of other countries, and C-51 is a tool to prevent Canadians from doing so.

While many Canadians would agree with Couombe’s assertion that the Canadian government has a duty to prevent its citizens from exacerbating conflicts and terrorism in other conflicts, many individuals and experts have expressed scepticism, and in many

¹⁰⁶ Macleans, "Tale of the tape: Transcript of the Munk Debate," *Macleans*, September 28, 2015. <http://www.macleans.ca/politics/ottawa/tale-of-the-tape-transcript-of-the-munk-debate-on-the-refugee-crisis/>.

¹⁰⁷ Canadian Security Intelligence Service, *2013-2014*.

¹⁰⁸ *Ibid.*

cases, condemnation, of Bill C-51. Detractors, such as Craig Forcese and Kent Roach, argue that Bill C-51 will give remove some limits on CSIS's power. Warrant proceedings under Bill C-51 will allow the fate of the individuals in question being left to secret deliberations, with little means for recourse, appeal, or even discussion of civil rights. Forcese and Kent argue that CSIS, even prior to Bill C-51, has gone beyond what the Federal Court has authorized, and that due to secrecy concerns over disclosing information on operations and disruptions will, Bill C-51 will "risk a secret jurisprudence on when CSIS can act beyond the law."¹⁰⁹ Bill C-51 has also been criticized as unnecessary. Roach and Forcese argue that Bill C-51 has very little value-added, as it provides temporary solutions to complex problems, and has no provisions for counter-radicalization,¹¹⁰ an area in which Bill C-51 could have added value to previous legislation in anti-terrorism, such as Bill S-7. CSIS's penchant for acting beyond what it has been authorized to do, as well as the lack of necessity of the bill, given previous legislation such as Bill S-7, have justifiably caused concern.

Bill C-24, Strengthening Canadian Citizenship Act

In February 2014, Bill C-24, An Act to amend the Citizenship Act and to make consequential amendments to other acts (Strengthening Canadian Citizenship Act) was introduced to the House. The bill was introduced as an update to the *Citizenship Act*, which had not seen any significant amendments since it was enacted in 1977. The bill

¹⁰⁹ Craig Forcese and Kent Roach, "The Canadian Security Intelligence Service's proposed power to 'reduce' security threats through conduct that may violate the law and Charter," Vol. 2, Ottawa, Ontario: Canadian Electronic Library, 2015.

¹¹⁰ Kent Roach and Craig Forcese, "The government has not made its case for C-51," *The Globe and Mail*, March 29, 2015. <http://www.theglobeandmail.com/globe-debate/the-government-has-not-made-its-case-for-c-51/article23678195/>.

was also stated as a means to better align the *Citizenship Act* with the *Immigration and Refugee Protection Act*.¹¹¹

Bill C-24 has many provisions, but the most controversial is the provision that allows for Canadians who have dual citizenship or are eligible for citizenship with another country, to be stripped of their Canadian citizenship if they are convicted of terrorism, espionage, or treason.¹¹² Canadian citizens not holding or eligible for dual citizenship cannot have their citizenship revoked, as Canada is a party to the 1961 Convention on the Reduction of Statelessness, which prevents states parties to the Convention from rendering individuals stateless.¹¹³ This provision has been controversial, as it is has been suggested that the legislation will create a tiered scale of citizenship, where those who have, or are eligible for, dual citizenship are somehow “less-Canadian” than their peers with only Canadian citizenship. Even more concerning is that the Minister of Citizenship and Immigration or his delegate, instead of a Federal Court judge, would decide most of these revocation cases.¹¹⁴ This takes the decision out of the hands of the judiciary, and places it directly in the hands of the government. C-24 also recognizes convictions of terrorism made in foreign courts, where judicial standards may be less stringent than in Canada.¹¹⁵ While most Canadians would never consider engaging in espionage, treason, or terrorism, and would similarly not want terrorists to

¹¹¹ Julie Bécharde et al., "Legislative Summary of Bill C-24: An Act to amend the Citizenship Act and to make consequential amendments to other Acts," *Library of Parliament*, August 8, 2014. http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?source=library_prb&ls=C24&Parl=41&Ses=2&Language=E&Mode=1.

¹¹² Ibid.

¹¹³ UN High Commissioner for Refugees, "Convention on the Reduction of Statelessness." *UNHCR*. August 30, 1961. <http://www.unhcr.org/3bbb286d8.html>.

¹¹⁴ CTV News, "What dual citizens need to know about Bill C-24, the new citizenship law," *CTV News*, June 17, 2015. <http://www.ctvnews.ca/canada/what-dual-citizens-need-to-know-about-bill-c-24-the-new-citizenship-law-1.2426968>.

¹¹⁵ ABC News, "Fact check: How does Australia's plan to strip foreign fighters of citizenship compare to other nations?" *ABC News*, June 11, 2015. <http://www.abc.net.au/news/2015-06-11/foreign-fighters-citizenship-around-the-world/6498920>.

become Canadian citizens, many are troubled that their citizenship has suddenly become conditional, regardless of what those conditions are.

The controversial citizenship provisions of Bill C-24 became an election issue in the 2015 federal election. During the Munk Foreign Policy Leaders' debate, then Prime Minister Harper defended the bill and the Conservative Government's approach to fighting radicalization:

There's many other steps we've taken on anti-radicalization....including the fact that this government is clear we will and have revoked the citizenship of people who are convicted of terrorist offenses who do not need to remain to be our citizens. There's no reason why we would not do that.¹¹⁶

Harper not only presented the bill as warranted by the threat, he argued that it was the right and logical response to the situation. Liberal Leader Justin Trudeau took issue with Harper's statement, saying that this creates a "two-tiered citizenship" that "not Canadian," and "a slippery slope" in revoking citizenship of those the government classifies as terrorists.¹¹⁷ In another poignant moment during the debate, when Harper pressed Trudeau on his stance on the citizenship of Canadians convicted of terrorism offences, Trudeau responded that "a Canadian is a Canadian is a Canadian,"¹¹⁸ effectively stating his party's position that Canadian citizenship will not be conditional under a Liberal government. Trudeau would go on to repeat this line during his acceptance speech after winning a Liberal majority on October 19, 2015.

So far at least five individuals have been sent letters informing them that they no longer have Canadian citizenship, including the alleged mastermind of the Toronto 18's

¹¹⁶ Macleans, *Tale*.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

plot to bomb downtown Toronto.¹¹⁹ While the Liberal and New Democratic Party have taken strong stands against the bill, neither party stated what they would do with those who have had their citizenship revoked due to C-24, should they gain power. Many Canadians may be against the bill, but it is a difficult sell to the Canadian people that those convicted of clear-cut cases of terrorism should have their Canadian citizenship reinstated. However, if “a Canadian is a Canadian is a Canadian,” the new governing party may be put in a particularly difficult situation.

¹¹⁹ CBC Radio, "Bill C-24 up for debate as first Canadian stripped of citizenship," *CBC Radio*, September 29, 2015. <http://www.cbc.ca/radio/thecurrent/the-current-for-september-29-2015-1.3248143/bill-c-24-up-for-debate-as-first-canadian-stripped-of-citizenship-1.3248282>.

The Liberal Platform and Policy Recommendations

On October 19, 2015, a Liberal majority government, under Justin Trudeau, was elected to govern the country. Running on a platform based on change and as the alternative to Stephen Harper's Conservatives, the Liberals have made promises and statements that will require their immediate attention. The Liberals will have several tough decisions to make, including what to do with Bill C-51, a bill they ended up supporting. Trudeau and his party will be in the unenviable position of being the change the electorate was clearly seeking, while at the same time reconciling their position on Conservative legislation they supported as the third placed party. In his first speech as Prime Minister-Designate, Justin Trudeau had a message to the rest of the world: "On behalf of 35 million Canadians: we're back."¹²⁰ If the Liberals keep their election promises, it appears that the country will be employing a very different foreign and domestic policy than what Canada has been exhibiting for the past ten years.

"Underestimating the threat is dangerous and overestimation expensive, so policy makers need assessments grounded in facts"¹²¹

The Liberal Platform

The foreign fighter threat will not disappear because a new government is elected. However, this new government will have the mandate to build on the best practices of the previous administration, and improve what has been lacking. The Liberals, who ran their

¹²⁰ Joan Bryden and Jim Bronskill, "'We're back,' Justin Trudeau says in message to Canada's allies abroad," *The Canadian Press*. September 20, 2015.
<http://www.thecanadianpress.com/english/online/OnlineFullStory.aspx?filename=DOR-MNN-CP.eb78ca9802e94d1eba162295c94fcd86.CPKEY2008111303&newsitemid=35007909&languageid=1>.

¹²¹ Hegghammer, *Should*, 7.

electoral campaign based on the slogan “better is always possible,”¹²² have the opportunity to prove that, when it comes to Canadian foreign fighters joining ISIS, Canada can do better.

The Liberal platform, entitled “A New Plan for a Strong Middle Class,” outlines the party’s promises for change. In the platform, the Liberals’ approach emphasizes a balance between protecting rights and improving security. Under the heading, “Keeping Canadians Safe,” the Liberals dedicate half a page to describing how the party would protect Canada’s security, including how a Liberal government would handle Bill C-51, a bill they had supported when they held third party status during the Conservative government regime. The platform promises that a Liberal government will “repeal the problematic elements of Bill C-51” and “introduce new legislation.”¹²³ In contrast to the previous administration, the Liberal platform emphasizes oversight, including promises that CSIS will respect the *Charter of Rights and Freedoms*, establishing an “all-party national security oversight committee,” requiring the Communications Security Establishment (CSE) to obtain a warrant to engage in surveillance of Canadians, and a statutory review of the *Anti-Terrorism Act* after three years.¹²⁴ While Conservative government officials had argued that Canadian security agencies had adequate oversight, the Liberal party promised to make significant changes to increase oversight of these agencies.

The Liberal platform is also significant in its emphasis on preventing radicalizing. The platform states that a Liberal government will:

¹²² Liberal Party of Canada, “Liberals release new campaign ads across Canada,” October 10, 2015. <https://www.liberal.ca/liberals-release-new-campaign-ads-across-canada/>.

¹²³ Liberal Party of Canada. *A New Plan for a Strong Middle Class*, (2015): 53. <https://www.liberal.ca/files/2015/10/New-plan-for-a-strong-middle-class.pdf>.

¹²⁴ Ibid.

*prioritize community outreach and counter-radicalization, by creating the Office of the Community Outreach and Counter-radicalization Coordinator.*¹²⁵

Stressing prevention over other means of counter-terrorism is a departure from the previous government's policies, which, while mentioning research initiatives to counter radicalization, such as the Kanishka Project¹²⁶, focuses on strong laws to deter and punish those who leave Canada to fight alongside ISIS and other Jihadi groups abroad.¹²⁷ From their platforms, it is clear that the Liberals and the Conservatives differ on how to best address the threat of radicalization and the foreign fighter threat.

The Liberal platform also makes promises involving Canada's international engagement. While Justin Trudeau has announced his government's intention to halt Canada's involvement in conducting airstrikes on ISIS targets, that does not mean that Canada will adopt isolationist policies that withdraw the country from the international stage. The Liberal platform promises that the Canadian government, under Liberal direction, will "help regional and local partners prevent the spread of terrorism and Radicalization" by "vastly [increasing] the scope of training assistance missions" and through "support programs that admit and train partner country military students."¹²⁸ As with the Liberal's domestic plan, the platform signals an emphasis on prevention, through increasing the capacity of partner countries to stop the spread of radicalization.

Policy Recommendations

Building on the Liberal platform, this paper puts forward a three-pillar approach for handling the foreign fighter phenomenon domestically: (1) Prevention; (2) De-

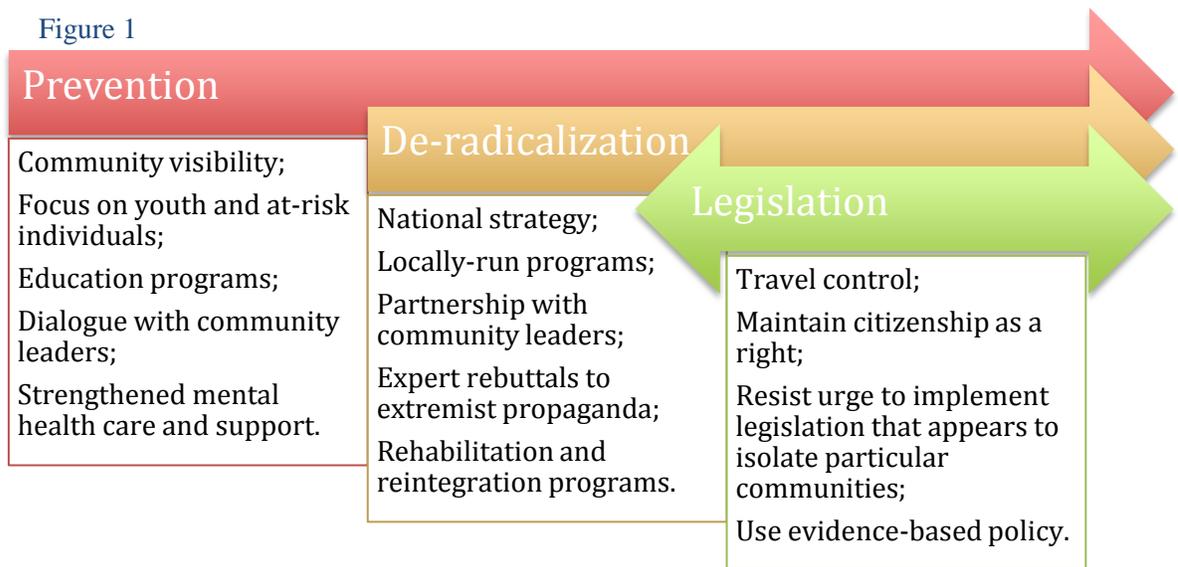
¹²⁵ Liberal Party of Canada, *New*, 53.

¹²⁶ For more information on the Kanishka Project, see the Government of Canada's website detailing the project: <http://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/r-nd-flight-182/knshk/index-eng.aspx>.

¹²⁷ Conservative Party of Canada, "Protecting Our Economy." Conservative Party of Canada (2015). <http://www.conservative.ca/media/plan/conservative-platform-en.pdf>.

¹²⁸ Liberal Party of Canada, *New*. 71.

radicalization; and (3) Legislation. In this approach, each pillar is an escalation of the previous one, but they could be run concurrently, as Canada is already in the throes of the foreign fighter phenomenon. Furthermore, step 2, de-radicalization, may be returned to after step 3, legislation. These policy recommendations are not exhaustive, but an overview of an approach that would address the core of the foreign fighter phenomenon, building on the Liberal platform’s focus on prevention.



Prevention

The first and most important pillar of this approach is the prevention of the core of the foreign fighter phenomenon, radicalization. This paper echoes Edwards et al.’s recommendation in the RUSI report that the RCMP should use its positive reputation to expand community-outreach, and expand community engagement and trust-building.¹²⁹ As argued by Edwards et al., the government and its security institutions should continue to be visible in communities, creating a dialogue, especially with community leaders.¹³⁰ According to the Organization for Security and Cooperation in Europe’s (OSCE)

¹²⁹ Edwards, *Out*, 55-56.

¹³⁰ *Ibid.*, 40.

“Guidebook on Democratic Policing,” community-based policing “should provide police officers with the skills and structure to respond locally and to determine policing priorities in partnership with the community.”¹³¹ A national strategy with locally run programs would provide a coherent and consistent national strategy for community-based policing, while also being responsive to the varying needs of local communities. If the RCMP is visible in communities and builds a strong history of engagement with local religious leaders, locals and their leaders will be more trusting of police, and may be more inclined to report suspicious behaviour. This would fall under the purview of the Office of the Community Outreach and Counter-radicalization Coordinator, should the Liberals deliver on their promise of creating this office. The RCMP has already experienced successes in community outreach, such as the preventative arrests made in *Project Smooth*, and this model can be emulated and adapted for communities across the country.

In addition to building strong working relationships with community leaders, preventative action should also target those most vulnerable to radicalization. While not ignoring other demographics, prevention and outreach efforts should focus on young men, as most Jihadi foreign fighters in Syria are under the age of 29.¹³² That is not to say that all radicalized individuals will become foreign fighters, nor does it rule out the possibility that older individuals are being radicalized, but because of their age they may be less inclined to travel abroad to carry out their terrorist ambitions. What is clear is that

¹³¹ OSCE Secretary General, "Guidebook on Democratic Policing." 2nd ed., *Organization for Security and Co-operation in Europe (OSCE)* (2008): 30. <http://www.osce.org/spmu/23804?download=true>.

¹³² Stern, *ISIS*.

ISIS is targeting young, mostly male individuals,¹³³ and given the numbers at which they are leaving their countries to join ISIS, they are clearly very vulnerable.

McCauley et al. compared the characteristics between lone-actor terrorists and school shooters, two groups composed of typically young males carrying out violence, and found “disproportionate levels of grievance, unfreezing [substantial life crises such as marital problems, unemployment or the death of parents] and mental disorder.”¹³⁴

Identifying common characteristics can aid policymakers in identifying appropriate means of preventing future acts of violence by these groups. McCauley et al. suggest that these common characteristics “might serve as a useful guide for channelling resources to minimise the threat of future violence from these types of perpetrators,” and that psychologists may be able to identify potential lone actors with mental health problems or grievances.¹³⁵ The authors believe that those identified by psychologists as having the potential for carrying out lone actor violence can be offered medication, counselling or family assistance.¹³⁶ If the RCMP is successful in its outreach activities and is able to continue to gain the public’s trust, they can educate the public on the characteristics or signs of radicalization. This would also allow community members to refer community members of concern displaying worrisome characteristics to the RCMP for counselling, medication, and other professional help.

De-radicalization

The second prong of this paper’s approach is de-radicalization. Although this paper advocates for an emphasis on prevention, it is not so idealistic or naïve to suggest

¹³³ Stern, *ISIS*.

¹³⁴ Clark McCauley et al., "Characteristics of Lone-Wolf Violent Offenders: a Comparison of Assassins and School Attackers," *Perspectives on Terrorism*, 2013: 18.

¹³⁵ *Ibid*, 19.

¹³⁶ *Ibid*.

that every case of radicalization can be prevented. It is preferable that individuals are prevented from being radicalized for various obvious reasons, including the fact that radicalized individuals may go on to commit acts of violence or seek to radicalize additional people or groups of people. It is important that the new federal government put a strong and coherent strategy in place to facilitate the de-radicalization and reintegration of former extremists into society, as prevention is not foolproof. This aspect of combating extremism was not thoroughly discussed throughout the 2015 federal election, including an absence in the Liberal Platform. Few details have been provided on planned mechanisms or specific policies, although it can be expected that at least some responsibility over the de-radicalization of Canadians will be the responsibility of the promised Office of the Community Outreach and Counter-radicalization Co-ordinator.

Most importantly, this paper repeats a call for a national strategy with locally-run programs, for the same reasons listed in the previous section on prevention. The national strategy must be coherent, and the local programs must be responsive and effective. This national strategy must also be designed for the long term, with sustainable, scalable, cross-cutting policies. Local programs can coordinate and share best practices while working with local leaders to ensure that the communities' needs are being met. Community leaders are integral in determining the most effective ways to implement these local programs.

There are several different components that can be included in Canada's national de-radicalization. As discussed in earlier in this paper, ISIS has been particularly effective in radicalizing and recruiting foreign fighters through propaganda campaigns that meticulously select religious texts that the organization believes supports its claim to

authority. De-radicalization programs have the opportunity to challenge ISIS' authority in the eyes of those radicalized through education programs that counter this narrative. The RCMP's 2007 report, "Words Make Worlds," which examined the use of language in describing terrorist activities, found that the most successful strategy "against al-Qaida-type extremism" in the long term was rooted in the use of "alternative narratives" undermining extremist messaging.¹³⁷ These de-radicalization messages must also demonstrate an understanding of the target audience, including cultural, religious, and sociological factors that have helped formed the identities of radicalized individuals. De-radicalization programs should successfully present arguments that counter ISIS' claims, including through the use of religious texts that denounce the types of actions ISIS has taken.

De-radicalization programs should also be targeted to those likely to be the most receptive to these counter-extremist messages. The aforementioned RCMP report notes that from past experiences, such as the Cold War, it has been determined that the most effective messaging focuses away from a group's strongest and most ardent supporters, and towards those closer to the fringes who may be less hardened in their views. It suggests that "hardened activists are probably a lost cause, whereas confused and idealistic adolescents may represent real opportunities to exert far-reaching influence."¹³⁸ It is common sense for these programs to identify where there are real opportunities for change, and make sure that resources are not used in situations that have little hope of achieving success.

Legislation

¹³⁷ Royal Canadian Mounted Police. "Words Make Worlds." *National Security Criminal Investigations* (2007): 3.

¹³⁸ *Ibid.*, 13.

Despite the Canadian government's best efforts, there will still be those radicalized and enticed to join terrorist entities abroad. Although prevention and de-radicalization are preferable to immediately using legislation to address radicalization and the foreign fighter phenomenon, legislation is a necessary and viable option when prevention and de-radicalization fail. However, striking a balance between respecting individual rights and keeping the public safe is a difficult task with very few clear answers. This paper does not make specific recommendations as to what the legislation should contain, but instead makes broad suggestions as to what Liberal policymakers should keep in mind as they draft new legislation.

Although the Liberal platform does not provide details on how it will amend Canadian anti-terrorism legislation, it does emphasize one important indication of how the party will govern: evidence-based policy. Evidence-based policy, which dictates that policy "should be determined by what is known to be effective from conclusions drawn through scientific study and that currently implemented policies should also be subjected to scientific evaluations of effectiveness,"¹³⁹ was a focal point of the Liberal platform. Under the heading "Keeping Canadians Safe," the platform promises that the Liberal plan will "keep Canadians safe and protect their rights, without resorting to the politics of fear or letting ideology trump evidence in decision-making."¹⁴⁰ The Liberals have emphasized science and evidence will determine their policies, suggesting a departure from the Conservative's emphasis that the foreign fighter phenomenon calls for harsher penalties and tougher laws.¹⁴¹ The Liberals have promised change from the previous

¹³⁹ Cynthia Lum, et al., "Is counter-terrorism policy evidence-based? What works, what harms, and what is unknown," *Psicothema* 20, no. 1 (2008): 36.

¹⁴⁰ Liberal Party of Canada, *New*, 52.

¹⁴¹ Conservative Party of Canada, *Protecting*, 78-80.

Conservative government, but have shared few details on how this change would impact de-radicalization programs in Canada.

As evidence-based policies are not always popular amongst voters,¹⁴² it is difficult to predict how committed the Liberals will be to implementing evidence-based policy. For example, Lum et al. found that while metal detectors at airports helped prevent hijackings, they actually led to an increase in non-hijacking terrorism incidents.¹⁴³ However, removing metal detectors may make airport patrons feel uneasy or insecure, as metal detectors are a visible reminder that security checks are in place. In the same way, Canadians may feel safer with strong laws and harsh penalties for convicted terrorists, as evidenced by the fact that over 80 percent of Canadians supported Bill C-51 in early 2015.¹⁴⁴ Lum et al. also found that increasing the severity of punishment for hijackers did not appear to dissuade hijackers or reduce the number of hijackings.¹⁴⁵ This finding has been consistent throughout studies on other types of terrorism. In her analysis of Bill C-36, which followed the November 11, 2001 terrorist attacks, Shaffer notes that:

*The experience of other countries which have had a history of terrorist groups operating within their borders suggests that even draconian anti-terrorism measures do not prevent terrorist attacks. If there is a solution to the problem of terrorism it lies not in enacting stiff criminal laws against terrorism, but in trying to deal with the conditions that produce people who are willing to perpetrate terrorist acts in the first place. So long as these conditions exist, people will find a way to commit terrorist actions, notwithstanding harsh punishments or more investigative techniques.*¹⁴⁶

¹⁴² Adrian Cherney and Brian Head, "Evidence-Based Policy and Practice: key challenges for improvement," *Australian Journal of Social Issues* 45, no. 4 (2010): 516-517.

¹⁴³ Lum, *Is counter-terrorism*, 39.

¹⁴⁴ Campbell Clark, "New poll finds Harper's anti-terror bill is a political juggernaut," February 19, 2015. <http://www.theglobeandmail.com/news/politics/new-poll-finds-harpers-anti-terror-bill-is-a-political-juggernaut/article23067983/>.

¹⁴⁵ Lum, *Is counter-terrorism*, 40.

¹⁴⁶ Martha Shaffer, "Effectiveness of Anti-Terrorism Legislation: Does Bill C-36 Give Us What We Need?" in *The Security of Freedom: Essays on Canada's Anti-terrorism Bill*, Edited by Patrick Macklem and Kent Roach (Toronto: University of Toronto Press, 2001): 195.

Although it may be unsatisfying for the public, the evidence tells us that without addressing the conditions that lead to radicalization and terrorism, no amount of strict laws or harsh punishments will deter terrorism.

Furthermore, if harsh punishments are directed at only one group, this may in fact reinforce the notion that the West is intolerant of Islam as a whole, even though ISIS does not represent Islam or its values. Any perceived link between Islam and terrorism can make Muslims in Canada and in the rest of the world, feel that there is a “clash of civilizations” between Islam and the West.¹⁴⁷ The Conservative government was accused of failing to label other groups as terrorists, including far-right wing extremists such as white-supremacists or neo-Nazis which commit crimes for their misguided causes. For example, when a murderous Valentine’s Day plot was foiled in Halifax earlier this year, then Justice Minister Peter MacKay referred to the accused perpetrators as “murderous misfits,” and denied that the plot was terroristic.¹⁴⁸ Punishment or labels that appear to have double standards serve to isolate communities, and perpetrate the narrative that Western countries are targeting Muslims unfairly and disproportionately. They also hinder preventative, community-outreach, and de-radicalization efforts that try to engage with these communities.

The Liberal government will be faced with this ongoing challenge of balancing rights and security, while not isolating communities as it delivers on their promise to draft new legislation. This paper strongly advocates for the Liberals to deliver on their

¹⁴⁷ Royal Canadian Mounted Police, *Words*, 4.

¹⁴⁸ Shanifa Nasser, "Ottawa's de-radicalization focus much too narrow, reformed skinhead says," March 5, 2015, *CBC*. <http://www.cbc.ca/news/canada/ottawa-s-de-radicalization-focus-much-too-narrow-reformed-skinhead-says-1.2981671>.

promise to “establish an all-party national security oversight committee.”¹⁴⁹ While the Conservative government argued that Canada enjoyed some of the strongest oversight of its security agencies in its defence of Bill C-51, that statement has been disputed by the bill’s detractors and security experts. Controversial figure Edward Snowden went so far as to remark that Canada has one of the “weakest oversight” capacities of the Western intelligence world.¹⁵⁰ This paper would encourage the Liberal government to ensure that Canada’s security agencies are accountable to the government and the citizens it represents. Wark argues that in theory, greater accountability can benefit everyone. Accountability is more than just oversight, as it “represents the big picture objective of a system operating at numerous points of contact with, and scrutiny of, security and intelligence agencies,” with oversight and review elements.¹⁵¹ With improved accountability, Canadians can be more confident that their security agencies will respect their rights while they protect their safety. As the Liberals prepare to draft new legislation, they should first strengthen the accountability of Canada’s security agencies.

International Cooperation

Internationally, Canada must continue to work with country-partners to develop a comprehensive plan to combat the foreign fighter threat. Words are no longer enough. National governments must work together to develop comprehensive action plans that address the foreign fighter threat. The threat is universal, and the response should be organized and united. The RCMP has long recognized that radicalization is a problem

¹⁴⁹ Liberal Party of Canada, *New*, 53.

¹⁵⁰ CBC News, "Edward Snowden says Canadian spying has weakest oversight in Western world," *CBC News*, March 5, 2015. <http://www.cbc.ca/news/canada/edward-snowden-says-canadian-spying-has-weakest-oversight-in-western-world-1.2981051>.

¹⁵¹ Wesley Wark, “Once More Into the Breach,” *Canada 2020*, March 30, 2015. http://canada2020.ca/once-more-into-the-breach/#note_0.

calling for a global response, arguing that “no single agency, no single sector, and no single government can undertake such a strategy on its own.”¹⁵² Radicalization is a problem that does not recognize borders, and ISIS’s capabilities have shown they are easily able to overcome language and geographical barriers. All governments have an incentive to cooperate and effectively respond to this growing threat.

The Canadian government and its allies also have an obligation to continue to prevent the cross-border travels of those suspected of travelling with the intention of joining ISIS and other terrorist organizations. UN Security Council (UNSC) resolution 2178 (2014), which was adopted unanimously, “calls on all Member States” to:

*cooperate in efforts to address the threat posed by foreign terrorist fighters, including by preventing the radicalization to terrorism and recruitment of foreign terrorist fighters, including children, preventing foreign terrorist fighters from crossing their borders, disrupting and preventing financial support to foreign terrorist fighters, and developing and implementing prosecution, rehabilitation and reintegration strategies for returning foreign terrorist fighters.*¹⁵³

This is not only limited to each country’s own borders, but should also include building the capacity of countries neighbouring Syria and Iraq, such as Turkey, to effectively manage and control their borders. This also involves sharing data, identifications of travel patterns, and best practices for “evidence -based travel and screening procedures.”¹⁵⁴ This paper would also add sharing intelligence to the list of information to be shared, but understands the difficulty of formally including that provision in a UNSC resolution.

¹⁵² Royal Canadian Mounted Police, *Words*, 15.

¹⁵³ UN Press, "Security Council Unanimously Adopts Resolution Condemning Violent Extremism, Underscoring Need to Prevent Travel, Support for Foreign Terrorist Fighters," *United Nations*. September 24, 2014. <http://www.un.org/press/en/2014/sc11580.doc.htm>.

¹⁵⁴ United Nations Security Council Report, "S32014/787," *United Nations*, November 05, 2014. http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_787.pdf.

The Internet is an important tool for terrorist groups to recruit supporters, and it cannot be addressed by any one country alone. Countries must work together to specifically address radicalization and foreign recruitment. This will also require the cooperation of social media companies, such as Facebook and Twitter, in monitoring, reporting, and removing terrorist propaganda. Countries, such as Canada, must work with these companies and organizations to develop coherent and organized guidelines and strategies for combating the prevalence of terrorist propaganda. While governments have a responsibility to help create these strategies and frameworks for an online response, social media companies, such as Facebook and Twitter, must also take responsibility for the type of content they host. They have the responsibility to find innovative and improved ways of preventing, detecting, and removing terroristic propaganda, such as through improved algorithms using the user data these companies already collect from users of their platforms.

This global problem calls for a global solution. Canada must work with international partners to combat this phenomenon by exchanging data, best practices, and intelligence that will help shape a coherent response. Capacity-building, especially along the borders of Syria and Iraq are also essential, as Canada has an obligation to help stop its citizens from crossing into Syria and Iraq with the intention of engaging in terrorist activities. Canada and its allies must also coordinate with international media companies, in order to build more effective strategies of preventing and removing terrorist propaganda from social media platforms. Canada's domestic efforts, while important, must be complemented by international cooperation if Canada wants to have an effective and lasting response to the foreign fighter phenomenon.

Conclusion

Canadian citizens leaving Canada to join ISIS and other extremist groups in Syria and Iraq present a complex and multifaceted challenge for policymakers. While ISIS has employed effective radicalization and propaganda campaigns to recruit foreign fighters, Canada's response to the foreign fighter phenomenon has left much to be desired. Anti-terrorism legislation under the Conservative government has missed the mark, giving Canadian security agencies extensive powers that could lead to the infringement of the rights that are supposed to be guaranteed to all Canadians, while not preventing aspiring foreign fighters from leaving the country to join terrorist groups abroad. This paper advocates that the new Liberal government fulfill its campaign promises to revisit Canada's anti-terrorism legislation. This paper supports the Liberal position of focusing on prevention in fighting radicalization, the root of the foreign fighter problem, and offers a three-pronged approach in fighting radicalization based on prevention, de-radicalization, and legislation. This is underscored by the need for a coherent national strategy in combating radicalization, as well as a unified international approach and cooperation, including in capacity-building, information-sharing, and border controls. The foreign fighter phenomenon requires urgent action, and the new government will be well-placed to learn from the mistakes, and build off the successes, of previous governments.

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Annex 1: ISIS Alternate Names

According to Public Safety, ISIS is also known as:

Islamic State in Iraq and the Levant; ISIL;
Islamic State of Iraq and Syria;
Islamic State of Iraq and al-Sham;
ISIS, Al-Dawla Al-Islamiya fi al-Iraq wa al-Sham;
Al Qaida in Iraq, al-Qaida in Iraq;
Al-Qaeda in Iraq;
Al Qaeda in Iraq, AQI;
AQI-Zarqawi;
al-Tawhid;
al-Tawhid and al-Jihad;
Kateab al-Tawhid, Brigades of Tawhid;
Monotheism and Jihad Group;
Al Qaida of the Jihad in the Land of the Two Rivers;
Al-Qaida of Jihad in the Land of the Two Rivers;
Al-Qaeda in the Land of the Two Rivers;
Al-Qaida in the Land of the Two Rivers;
Al-Qaida of Jihad Organization in the Land of the Two Rivers;
Al-Qaida Group of Jihad in Iraq;
Al-Qa'ida of Jihad in Iraq;
Al-Qaida Group of Jihad in the Land of the Two Rivers;
The Organization of Jihad's Base in the Country of the Two Rivers;
The Organization of al-Jihad's Base of Operations in the Land of the Two Rivers;
The Organization of al-Jihad's Base of Operations in Iraq;
The Organization of al-Jihad's Base in Iraq;
The Organization of al-Jihad's Base in the Land of the Two Rivers;
The Organization Base of Jihad/Country of the Two Rivers;
The Organization Base of Jihad/Mesopotamia;
Al-Qaida in Mesopotamia;
Tanzim Qa'idat Al-Jihad fi Bilad al-Rafidayn;
Tanzim al-Qaeda al-Jihad fi Bilad al-Rafidain;
Tanzeem Qa'idat al Jihad/Bilad al Raafidaini;
Jama'at Al-Tawhid Wa'al-Jihad;
JTJ;
Islamic State of Iraq;
Islamic State in Iraq;
ISI;
Mujahidin Shura Council;
Unity and Holy Struggle;
Unity and Holy War;
Unity and Jihad Group; and
al-Zarqawi Network