

CROSS-BORDER TERROR NETWORKS:
CREATING MARKETS OF OPPORTUNITY?

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'U.S. Senators ask military to patrol the Canadian border'
Toronto Star, February 10, 2011
'Northern border not secure enough'
Fox News, February 5, 2011

INTRODUCTION

In the aftermath of the September 11, 2001 attacks, some Americans have been positing Canada as a weak link; the neighbour to the north was now perceived to be a threat to U.S. national security¹ -- a perception that, as the infamous words by Janet Napolitano² show, continues to persist among some senior US officials. Is their premise correct? Does the Canada-United States border create markets of opportunity for networking that those bent on violent extremism in can exploit to gain access to equipment, skills, financing and support? This paper investigates the role the border plays in the creation of markets of opportunity and/or extremist networks. First, mapping the patterns associated with cross-border flows of the assets and support required by violent extremists in Canada will provide an empirical basis to gauge the actual nature

¹ See for example: Sunde, Scott and Paul Shukovsky. 'Canada border again sore spot; immigration policies seen as creating haven for those suspected of terrorism.' *Seattle Post-Intelligencer*. September 13, 2001: A3; and Jerry Seper. 'Terrorist cells too close for comfort.' *The Washington Times*. December 10, 2003.

² In April 2009 Secretary Napolitano suggested that terrorist routinely enter the United States from Canada. See: <http://www.foxnews.com/politics/2009/04/22/napolitano-riles-canadians-suggesting-terrorists-crossed-border/> accessed September 11, 2011.

and origin of the putative threat. Second, establishing the extent to which cross-border flows occur, why they occur and for what reasons sets the stage for developing policy options to combat the exchange of assets and resources crossing the border between extremist groups.

Since the border between Canada and the United States needs to be secured, it stands to reason that there must be a threat, or at least the perception of a threat that exists on at least one of the two sides of the border. By virtue of parsing alleged threats, is the border not also creating countervailing transaction costs that nefarious rational actors might exploit to lower the cost of doing business by reducing liability? Border theorists suggest that border policy effectively creates markets of opportunity. As Donnan and Wilson observe, the existence of borders can create reasons for crossing them.³ For example, obtaining a firearm in Canada is costly, difficult, might potentially expose the individual to scrutiny by law enforcement; so, why not reduce risk by procuring one inexpensively and perfectly legally at a gun show in Ohio? Similarly, A 2007 study conducted by the Canadian Tobacco Manufacturers' Council suggests that the illegal trade in tobacco between Canada and the United States costs the Canadian federal government and provincial governments \$1.6 billion per year in lost revenues.⁴ If illicit traffickers exploit the comparative advantage created by differential border policy, might terror organizations do likewise?

Organized crime groups and terror organizations share a common denominator: both rely on networks. Without resources -- material, monetary, strategic or tactical --

³ Donnan, Hastings and Thomas M. Wilson. 1999. *Borders: Frontiers of Identity, Nation and State*. New York: Berg. p.87.

⁴ See: Canadian Press. 2007. "Illegal cigarette trade thriving in Quebec and Ontario." Available at: http://www.ctv.ca/CTVNews/Canada/20070803/illegal_cigarette_trade_070803/ accessed August 31, 2011.

terrorist groups are severely constrained in their capacity to plan and carry out violent activities. In his book *Understanding Terror Networks*, Marc Sageman says as much with reference to the ‘global Salafi jihad’ when he states that the ‘distribution of assets seriously affects its mission against the United States’. The assets required for terrorist groups to launch an attack are distributed on a global level; networks are necessary to move assets among cells.⁵ Specifically, Matthew and Shambaugh postulate that networks are used by terrorist groups as a resource in recruiting, training and preparing for an attack.⁶ Little has been written about the way assets required for planning, organizing and launching a violent extremist attack in Canada acquired and distributed. This paper is an attempt, however inchoate, to start filling this void.

RESEARCH DESIGN

In contrast to many borders in the world where we might like to do research into cross-border terrorist networks, the Canada-U.S. border is particularly interesting precisely because of the availability of systematic, unclassified, reliable evidence; so, the originality of this paper lies less in the hypotheses per se than in the availability of sound empirical evidence, however preliminary and incomplete it may be, that allows these hypotheses to be subjected to empirical scrutiny. In an attempt to map Canada-U.S. cross-border networks of terrorist organizations some of the hypotheses that come to mind include the creation, exploitation and payoffs of networks.

⁵ See: Sageman, Marc. 2004. *Understanding Terror Networks*. Philadelphia: University of Pennsylvania Press. p.145.

⁶ Matthew, Richard and George Shambaugh. 2005. “The limits of terrorism: A network perspective.” *International Studies Review*. 7:619.

H1: Policy differences between Canada and the United States *create* cross-border *opportunities* for terrorist organization for recruitment, resources and ideological support.

H2: Terror organizations establish and *exploit* cross border networks for the purpose of recruitment, resources, and ideological support.

H3: If they do, in fact, exploit the border, then one might expect *benefits* to *accrue* to groups on both sides of the border. But do they accrue equitably, or do they accrue disproportionately on one side of the border?

All of these hypotheses are grounded in the literature.

BACKGROUND

The end of the Cold War brought an end to the bi-polar era. For scholars of international relations, and subfields such as peace and security studies, this marked a period of change for theorizing and understanding the security dynamics of the international community.

The explanatory power of the systems and state level approaches that dominated international relations theory was increasingly challenged in the post-Cold War world, as new approaches to understanding the global security dynamic gained more traction among scholars. In the absence of a bi-polar world academics began to emphasize the explanatory power of other variables such as culture⁷ and social understanding.⁸ At the same time security threats previously defined by superpower conflict and global nuclear

⁷ See for example: P. Katzenstein, ed, *Culture of National Security: Norms and Identity in World Politics* (Ithaca: Cornell University Press, 1996); A. Johnson, "Thinking about Culture". *International Security*. 1995, 19(4): 32-64; and M. Desch, "Culture Clash: Assessing the Importance of Ideas in Security Studies". *International Security*. 1998, 23(1): 141-170.

⁸ See for example: R. Koslowski, F. Kratochwil, "Understanding Change in International Politics: The Soviet Empire's Demise and the International System," *International Organization*. 1994, 48(2): 215-47; V. Kubalkova, N. Onuf and P. Kowert. ed.. *International Relations in a Constructed World* (London: M.E. Sharpe, Inc. 1998); Alexander Wendt, *Social Theory of International Relations* (Cambridge: Cambridge University Press, 1999); J. Ruggie, J., "What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge". *International Organization*. 1998, 52(4): 855-885.

war rapidly became more localized, to include fragile states, intra-state conflict and regional conflicts. Whereas matters of war and peace had previously defined the field of international security, asymmetrical and non-traditional threats such as terrorism and transnational criminal activity have gained a foothold in the field.⁹ Certainly in the west, the post-September 11, 2001 period placed further emphasis on regional and local security as the United States, Canada, and Mexico as well as a host of other countries, put greater emphasis on homeland security, by tightening up their respective boundaries,¹⁰ adding more resources to local security actors, and by “fighting the away game” in order to keep the homeland secure.

The idea that policy can be driven by a regional paradigm is hardly new. The old axiom of “good fences make good neighbors” speaks to the importance of keeping a watchful, if not defensive eye, on other members of the neighborhood. In the last twenty-five years however, the end of the Cold War and the deepening regional integration in various parts of the globe have seriously challenged the accuracy of systems and state level analysis. The rise of the European Union (EU) and the Common Market of the South are examples of regional trading blocs that have expanded beyond simply shared economic concerns to broader regional issues, to include shared conceptions of security. Buzan and Waever¹¹ and Lake and Morgan have proposed less conventional approaches

⁹ See: Richard K. Betts, *Conflict after the Cold War: Arguments on Causes of War and Peace* (Boston: Allyn and Bacon, 1994), especially Part 7.

¹⁰ See for example: Peter Andreas, “Redrawing the Line: Borders and Security in Twenty-First Century.” *International Security*. 2003, 28(2): 78-111; Peter Andreas and Thomas J. Biersteker, editors, *The Rebordering of North America: Integration and Exclusion in a New Security Context* (New York: Routledge, 2003).

¹¹ Barry Buzan 1991. *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*. 2nd ed. Boulder: Lynne Rienner; and Barry Buzan and Ole Waever. 2003. *Regions and Powers: The Structure of International Security*. Cambridge: Cambridge University Press.

to security analysis.¹² They have suggested that an alternative level of analysis exists at the regional level. These authors suggest theoretical approaches for understanding and analyzing regional dynamics. Buzan and Waever's regional security complex theory (RSCT) concentrates its focus on security considerations that drive the development of what they call regional security complexes. Lake and Morgan's approach, by contrast, considers security to simply be one of the important variables that drive the development of regional clusters, but certainly not the only one. Both approaches are instructive on understanding contemporary regional concerns and the building of cross-border networks.

The regional level, they argue, may provide a more accurate picture of the security atmosphere since most threats travel over shorter distances, and, therefore, insecurities that states feel are frequently a result of the neighborhood. The extension to this security approach, of course, is to consider security threats to the neighborhood as threats to those states (and by extension the citizens of those states) within the neighborhood. In our view regional security has two related, yet conceptually different components: the impact of security threats that emanate within the region; and the impact of those that enter from outside the region. Although conceptually different, logic states that if a threat can move into the region from outside, it can certainly move within the region once established in the neighborhood.¹³ The integrated nature of the North

¹² Lake, David and Patrick Morgan. 1997 *Regional Orders: Building Security in a New World*. University Park: The Pennsylvania State University Press.

¹³ This is certainly the case in early January 2010 with regards to an estimated 20 Yemeni-trained al Qaeda terrorists, who, according to Canadian intelligence officials were trying to gain access to North America by entering through Canada. The intelligence reports suggested that their target was not Canada, but ultimately the United States. See: "Security warnings prompted airline security alert: Baird," CTV News. January 12, 2010, http://toronto.ctv.ca/servlet/an/local/CTVNews/20100112/airport_security_100112/20100112?hub=TorontoNewHome, accessed January 14, 2010.

American market place, a result of the North American Free Trade Area (NAFTA), has substantially increased the amount of cross-border interaction between member countries, specifically Canada and the United States (NAFTA also includes Mexico, but our focus is the Canada – U.S. border) facilitating not only the trans-border movement of legitimate goods, people and services, but also those goods, people and services that could be considered illegitimate and security threats.¹⁴ Examples include weapons, money, technical support or other assets required for violent extremist activities.

With respect to terrorist organizations in Canada, we would expect to find a two-way movement of terrorist and/or terrorist groups between Canada and the United States for the purpose of resourcing, securing ideological and financial support, accessing elites and for committing nefarious acts against the adjacent state. Since this research paper is limited to Canadian terrorists/groups, we would expect to find patterns of cross-border movement and networks consistent with the premise that the regional context provides a suitable framework for understanding the emergence of cross-border networks. But how exactly does the Canada-US border create opportunity and incent cross-border networking?

Borders are fundamental to the study of security between neighboring states. As Malcolm Anderson notes, borders, as a process, have four functions. First, they are instrument of state policy, manipulated by government to provide an advantage or public good for their respective states and therefore are representative of state priorities.

Second, borders provide an indication of the capabilities of a state, by illustrating the

¹⁴ Lee Hudson Teslik, “NAFTA’s Economic Impact,” Council on Foreign Relations, July 7, 2009, <http://www.cfr.org/economics/naftas-economic-impact/p15790>, accessed July 11, 2010; Clyde Gary Hufbauer and Jeffrey J. Schott, *NAFTA Revisited: Achievements and Challenges* (Washington, D.C.: Pearson Institute for International Economics, 2005).

capacity of the state to control or regulate the cross-border flows. Third, boundaries between states provide insight into the nature of state identity, which provides a further indication of political culture and political beliefs. Fourth, borders are terms used in discourse that have meaning to our understanding of the function and purpose of borders. The term “border” in the E.U. for example carries a different meaning and therefore different policy choices that it does for the demarcation line between the United States and Mexico.¹⁵

At the most base level, the function of borders is to demarcate and control territory. In recent years border scholars have argued that the functions of borders have changed substantially. These arguments have been developed as a response to the end-of-nation-state thesis, in the context of globalization, mass migration, and the impact of cyberspace. However, as David Newman points out, the compartmentalized Westphalian world, dominated by the existence of the nation-state, remains intact.¹⁶ The controls exercised along borders varies across the globe along a continuum, where in some localities border controls are virtually non-existent to other areas where fences and other security apparatus are being augmented. This in turn translates to conditions where some borders are becoming increasingly permeable while other are becoming increasingly closed.

Much has been written about the increased securitization of the United States borders (that being the border with Canada and southern border with Mexico), including the extension of the border wall over the past number of year, and the militarization of

¹⁵ Malcolm Anderson, *Frontiers: Territory and State Formation in the Modern World* (Cambridge: Policy Press, 1996),2.

¹⁶David Newman, “Boundaries, borders and Barriers: Changing Geographic Perspectives on Territorial Lines.” In Albert Mathias,, David Jacobson and Yosef Lapid, ed. 2001. *Identities, Borders, Orders: Rethinking International Relations Theory* (Minneapolis: University of Minnesota Press),138.

the border,¹⁷ and the increase in assets along the Canada-United States border, leaving many observers of border politics with the impression that the U.S. border remains a liability, if not to the territorial integrity of the United States, then certainly to its citizens. At the same time, of course, the North American Free Trade Agreement, signed by Mexico, the United States and Canada in 1992 has sought to increase economic competitiveness within the North American region by making access to production and markets easier for business. The mix between creating a secure border barrier while maintaining the necessary ease of cross-border movement to facilitate competitive trade seems to define U.S. border policy with Canada.

Considered in the context of the cross-border movement of extremist assets, the Canada-United States border has two important functions. First, the *raison d'être* for borders in the post-9/11 period is a zone for sorting legitimate from illegitimate movement. This task has become increasingly the function of the U.S. Border Patrol, Customs and Border Protection, the Royal Canadian Mounted Police and the Canada Border Services Agency. The second function, which has received short-schrit thus far, is the border as a dividing line between markets of opportunity for criminal organizations, and violent extremist groups. The border demarcates different laws and cultures between Canada and the United States. Gun laws stand out as one example that differentiates Canada and the United States, but one might also suggest that Canada's multiculturalism policy equally differentiates the two states. In short, the border parses policy. Which begs the question whether, and how, differences in policy lend themselves to being

¹⁷ Peter Andreas, *Border Games: Policing the U.S. – Mexico Divide* (Ithaca: Cornell University Press, 2000); Peter Andreas, and Timothy Snyder, eds. *The Wall Around the West: State Borders and Immigration Controls in North America and Europe* (New York: Rowman and Littlefield Publishers, 2000); and Timothy Dunn, *The Militarization of the U.S. – Mexico Border 1978-1992: Low Intensity Conflict Doctrine Come Home* (Austin: University of Texas Austin, 1996).

leveraged by violent extremist groups to enable just the sort of networks that are fundamental to their existence?

Networks are thought to have “given terrorist unprecedented access to resources, delivery systems, targets and media and have protected them from being easily decimated or even controlled through traditional security strategies.”¹⁸ The ability to understand the development and functions of networks and to map them creates opportunities for security agencies to identify vulnerabilities within networks and to develop strategies for countering the violent extremist networks. Social network theory has the benefit that the analysis focuses on the network structure and its ability to allow access to new ideas, recruit individual and continue its existence.¹⁹ In the context of cross-border networks a number of secondary issues arise, including knowing why these types of networks come into being, the need for greater international cooperation and the capacity of the border to act as a point of intervention or strategic stop-gap for disrupting these networks.

It is widely understood that social networks tend to grow by preferential attachment, in which a new node tends to connect to an existing node in proportion to the number of edges already attached to that node. Preferential attachment creates networks that are scale-free, that is they look roughly the same at any level of detail. Such networks have the property that the distance between any pair of nodes is much smaller than naively expected from the number of nodes and the “random” nature of their creation.²⁰

¹⁸ Matthew and Shambaugh. 2005:624.

¹⁹ Ressler. Steve. 2006. “Social network analysis as an approach to combat terrorism: Past, present and future research.” *Homeland Security Affairs*. 2(2).

²⁰ D.J. Watts and S.H. Strogatz. 1998. Collective Dynamics of ‘Small-World’ Networks, *Nature*, 393: 440-442.

The scale-free property explains the so-called “six degrees of separation” property initially observed by Milgram – even scale-free networks with millions of nodes have paths from edge to edge that are of length 5-7.²¹ Criminal and terrorist networks do not necessarily conform to this simple model because of the need for security. The short-distance property, viewed from a security perspective, means that discovering one member of a network makes it easy to discover the rest. Sophisticated networks will address this by using some variant of the “cell” concept, where connections between subgroups are kept few and private.

Borders will also affect the structure of criminal and terrorist networks via two counter-posed pressures. First, different environments on both sides of a border create incentives for connections and transits across it, for example to obtain materiel. Second, borders impose transactions costs that presumably tend to separate networks into segments that are more disjoint than they would naturally be. The balance between these two forces, and its effect on the underlying social and operational processes that lead to network connections in the first place, have not been studied significantly.

According to Stohl and Stohl, the theoretical and empirical foundations of network theory provide a much better framework for policymakers and security experts to understand, make decisions and develop policy options in the fight against violent extremists. They contend that there are five reasons for this:

1. Networks are the fundamental organizational form of the post-industrial information society.

²¹ J. Travers and S. Milgram. 1969. “An Experimental Study of the Small World Problem,” *Sociometry*, 425-443.

2. Advances in network theory allow analysts to view networks as dynamic processes that evolve and change due to different stimuli.
3. Network theory has moved beyond information sharing to involve other, more tangible goods and behaviours.
4. Network theory in the social sciences share some of the findings of network theorists working in the natural sciences, insofar as there are structural properties that influence how we think, organize and make sense of the world around us.
5. Multi-theoretical and multi-level models have significantly advanced organization studies and network theory specifically.²²

The study presented in this paper draws on three different theoretical frameworks and combines them to test against empirical data collected on violent extremists arrested, charged and convicted in Canada. We agree with Buzan and Waever with regards to threats moving easiest between neighbouring states. We expand to a certain degree on the Regional Security Complex Theory insofar as “threats” are understood, where we contend that threats may also equate to having access to information, resources and/or other support that is required for violent extremist actions. The border is important in understanding the cross-border movement of resources between extremist groups for two reasons. First, the border divides sovereign regions that have unique laws and customs, which may provide some explanatory power as to why cross-border networks emerge. Second, the border is a point of intervention, and therefore a possible point of entry into the disruption of cross-border networks, therefore the security function of the border is important. Finally, the foundation for this research is network theory, and the emergence

²² Stohl, Cynthia and Michael Stohl. 2007. “Networks of terror: Theoretical assumptions and pragmatic consequences”. *Communications Theory*. 17:96-97.

of networks as the fundamental organizational tool for violent extremist groups. In short, we want to know if violent extremist groups in Canada are accessing and developing cross-border networks in the United States for the purpose of accessing information, support and/or resources for attacks in Canada, and if so why?

METHOD

In the literature, the bulk of insights gleaned about terrorist networks, their genesis, purpose, and the way they work, stems from interviews with incarcerated and former terrorist.²³ Methodologically, however, such evidence cannot stand on its own. First, we cannot just assume *prima facie* that people are telling the truth; after all, are the minds of terrorists now necessarily a bit twisted to begin with? Second, *ex post facto* interviews are prone to the psychological phenomenon of hindsight bias: an interviewee's memory is susceptible to distortion when asked to recollect and reconstruct content. Third, interviews suffer from the Hawthorne effect: people change their answers by simple virtue of the fact that they know that they are being studied. Fourth, interview results are subject to coding bias. Fifth, information gained through interviews is subject to a priming effect that is inherent in the way questions are posed and the order in which they are posed. In light of these methodological challenges, we opted instead for a more scientific approach that relies on readily replicable data.

²³ Examples of research on terrorism that is heavily reliant on first-hand accounts conveyed through interviews include: Bower-Bell, J. 2000. *The IRA 1968-2000: An Analysis of a Secret Army*. London: Frank Cass; Bruce, Steve. 1992. *The Red Hand: Protestant Paramilitaries in Northern Ireland*. Oxford: Oxford University Press; Coogan, Tim Pat. 1995. *The IRA*. London: Harper-Collins; Della Porta, Donnatella. 1995. *Social Movements, Political Violence and the State*. Cambridge: Cambridge University Press; Jamieson, Alison. 1989. *The Heart Attacked: Terrorism and Conflict in the Italian State*. London: Marian Boyers; Taylor, Max. 1988. *The Terrorist*. London: Brassey's; White, Robert. 1993. *Provisional Irish Republicans: An Oral and Interpretive History*. Westport, CT: Greenwood Press; Fail, C C. 2008. "Who are Pakistan's militants and their families?" *Terrorism and Political Violence* 20(1): 49-65 and Hegghammer, T. 2006. "Terrorist recruitment and radicalization in Saudi Arabia," *Middle East Policy* 13(4): 39-60.

First, in an effort to be consistent, we confine our “N” to those Canadians who have been convicted or indicted of terrorist offences.²⁴ To begin with, we have to distinguish who is and is not a terrorist. For the sake of consistency, we are using the definition of terrorism found in the Criminal Code of Canada.²⁵ In other words, our data

²⁴ In that sense, our method is somewhat analogous to the Homegrown Terrorism Cases project by the New America Foundation and Syracuse University’s Maxwell School of Public Policy which examines the post-9/11 cases of Americans or U.S. residents convicted of or charged with some form of terrorist activity. However, our project does not discriminate based on jihadis, nor do we include cases of involving citizens who traveled overseas to join a terrorist group but were never actually convicted for that activity. See <http://homegrown.newamerica.net/table>

²⁵ “terrorist activity” means

(a) an act or omission that is committed in or outside Canada and that, if committed in Canada, is one of the following offences:

- (i) the offences referred to in subsection 7(2) that implement the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970,
- (ii) the offences referred to in subsection 7(2) that implement the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971,
- (iii) the offences referred to in subsection 7(3) that implement the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973,
- (iv) the offences referred to in subsection 7(3.1) that implement the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979,
- (v) the offences referred to in subsection 7(3.4) or (3.6) that implement the Convention on the Physical Protection of Nuclear Material, done at Vienna and New York on March 3, 1980,
- (vi) the offences referred to in subsection 7(2) that implement the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on February 24, 1988,
- (vii) the offences referred to in subsection 7(2.1) that implement the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988,
- (viii) the offences referred to in subsection 7(2.1) or (2.2) that implement the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on March 10, 1988,
- (ix) the offences referred to in subsection 7(3.72) that implement the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997, and
- (x) the offences referred to in subsection 7(3.73) that implement the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on December 9, 1999, or

(b) an act or omission, in or outside Canada,

(i) that is committed

- (A) in whole or in part for a political, religious or ideological purpose, objective or cause, and
- (B) in whole or in part with the intention of intimidating the public, or a segment of the public,

set does not include Canadians merely suspected of terrorism or violent extremism, nor does it include individuals killed in terrorist-related operations. Our research is agnostic as to the type of terrorism. In the field we mine open sources on whose convictions fall within this definition. Sources include newspapers, academic research, reports by think tanks and government and NGOs, and the Internet (caveat emptor). Our fieldwork includes the collection of data relative to precursor crimes associated with terrorists' preparatory conduct in advance of a terrorist incident; and the collection of additional data on the behaviors of terrorists after indictment. This allows us to discern temporal and geospatial patterns.

Second, we compile and code court-case records for each individual. This approach has its limitations: Only in common-law democracies do such documents become a matter of public record once a trial has wrapped up. This is salient for our purposes because much of the information on networks is contained in police statements,

with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and

(ii) that intentionally

(A) causes death or serious bodily harm to a person by the use of violence,

(B) endangers a person's life,

(C) causes a serious risk to the health or safety of the public or any segment of the public,

(D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or

(E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),

and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counseling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law See: *Criminal Code of Canada*, Section 83.01(1) available at: <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-24.html> .

investigational reports, and court testimony. For cases tried in Canada this requires contacting the court of jurisdiction and requesting the court documents. For Canadians tried in the United States or other jurisdictions the process is more complicated since regulations vary by jurisdiction.²⁶ Investigating individuals already convicted of terrorist offences allows us to be more objective in the selection of our case studies. The elements of the offence are fairly clear in the *Criminal Code of Canada*, and a conviction by a court in Canada or elsewhere provides a solid case on which to rest guilt or commission of the offence. Moreover, many cases involved multiple trials in different jurisdictions, thus ensuring that the same evidence was tested repeatedly, often in different countries.

Ultimately, we intend to supplement these findings with border-crossing information (such as when an individual crossed, how often, where, in whose company and so forth) on each of the subjects from the Canada Border Services Agency (CBSA) and US Customs and Border Protection (CBP) as well as interviews to cross-check findings and fill in gaps. Canada does not have a system for tracking exits; so, the ability to cross-reference U.S. entry data would substitute for a *de facto* exit system for Canada. Unlike CBP has a higher rate of compliance than Canada because everyone who enters the United States is supposed to be tracked by scanning the individual's passport.

Our data set now includes Canadians convicted of terrorist offences in Canada or abroad between 1999 and 2010. We intentionally did not limit our search to Canada because we want to avoid sampling on the dependent variables. That is, we are interested not just in Canadians but also where Canadians are committing terrorist offences.

²⁶ In the United States Federal Court records are available through the Public Access to Court Electronic Records (PACER) for a fee.

Unwittingly, this turned out to be a critical decision: Over half of the Canadians convicted of terrorist offences were actually arraigned outside of Canada. To date there have been six convictions of groups of people charged with terrorist offences in Canada. Although Canada did not have terrorism listed as an offence in the *Criminal Code of Canada* until 2004, we backdated the current elements of the offence to 1999 for purposes of enlarging our “N”.

ANALYSIS

Mining open-source documents, we were able to identify 13 cases between 1999 and 2010 in which Canadians were convicted or indicted on criminal activity that falls under the definition of terrorism found in the Criminal Code of Canada:

1. Ahmed Ressam, arrested in 1999 for attempting to bomb the Los Angeles International Airport.
2. Weibo Ludwig, arrested in 1999 and 2008 for acts of violence directed at the oil and gas industry in Alberta, including blowing up a Suncor Oil Well.
3. Mohammed Jabarah arrested in 2002 in Oman for attempted terrorist activities in Singapore. His brother Abdul Jabarah was killed in a shootout between Saudi police and al-Qaeda suspects.
4. Mohamed Warsame arrested in 2003 in the United States and plead guilty to conspiring to provide support to a terrorist organization. Sentenced to five years jail in the U.S.
5. Momin Khawaja, arrested in Canada in 2004, charged with participating in the activities of a terrorist organization and facilitating a terrorist activity.

6. Darren Thurston, animal rights activist arrested in the United States in 2005 and charged with carrying out arson attacks in the U.S.
7. Thiruthanikan Thanigasalam and Sahilal Sabaratnam arrested in 2006 in the United States for conspiring to purchase anti-aircraft missiles and other equipment for the Tamil Tigers.
8. Toronto 18 – eighteen individuals arrested in Canada in 2006, three youths remain unidentified. Charged with terrorist related offences in Canada with sentences ranging from life in prison to charges being stayed.
9. Bashir Makhtal arrested in Ethiopia in 2006, charged with being a member of the separatist Ogaden National Liberation Front.
10. Said Namouh, sentenced to life in prison in Canada after being arrested in 2007, charged and convicted of four terrorism charges related to a plan to bomb targets in Germany and Austria.
11. Prapaharan Thambithurai, arrested in Canada in 2008 and convicted of terrorist funding of the LTTE. Sentenced in 2010 to six months.
12. Kassem Daher, indicted in the United States of fundraising, recruiting and supplying equipment to terrorist organizations. Currently residing in Lebanon which has no extradition treaty with the U.S.
13. Tahawwur Hussain Rana, Canadian, convicted in the United States in 2011 of providing material support to terrorism. Currently awaiting sentencing.

Table 1 synthesizes each case. Some cases consisted of more than one subject; therefore, our “N” of subjects is greater than our “N” of cases.

Table 1: Typology

DATE	GROUP/INDIVIDUAL(S)	TYPOLGY
1999	Ahmed Ressam	Jihadi
1999	Wiebo Ludwig	Environmentalism
2002	Mohammed Jabarah	Jihadi
2003	Mohamed Warsame	Jihadi
2004	Momin Khawaja	Jihadi
2005	Darren Thurston	Animal Rights
2005	Kassem Daher	Jihadi
2006	Thiruthanikan Thanigasalam Sahilal Sabaratnam	LTTE
2006	Toronto 18	Jihadi
2006	Bashir Makhtal	Jihadi
2007	Said Namouh	Jihadi
2008	Prapaharan Thambithurai	LTTE
2011	Thawwur Hussain	Jihadi

For each case, we queried the data to probe for evidence of a cross-border network.

Network theory posits different hypotheses as to the drivers behind networks: resources, identity, culture, emotions, elite access, ideological support, state practices and recruitment.²⁷ In an attempt to see whether traditional network theory has any tractions with respect to cross-border terrorist networks, we queried our data for the network's purpose. The results are found in Table 2.

Table 2: Network

²⁷ Gunning, Jeroen. 2009. "Social movement theory and the study of terrorism". in *Critical Terrorism Studies: a New Research Agenda*. London: Routledge. p. 160.

DATE	GROUP/INDIVIDUAL(S)	CROSS-BORDER NETWORK	REASON FOR NETWORK
1999	Ahmed Ressam	Yes – United States	resources
1999	Wiebo Ludwig	No evidence	
2002	Mohammed Jabarah	Yes - global	Ideology/resource
2003	Mohamed Warsame	Yes – United States	Ideology/resource
2004	Momin Khawaja	Yes – Great Britain	Idelology/resource
2005	Darren Thurston	Yes – United States	Idelology/resource
2005	Kassem Daher	Yes – United States	Idelology/resource
2006	Thiruthanikan Thanigasalam Sahilal Sabaratnam	Yes – United States	Resource State Practices
2006	Toronto 18	Yes – United States	Resource State Practices
2006	Bashir Makhtal	Yes -Africa	Idelology/resource
2007	Said Namouh	Yes - Europe	Idelology/resource
2008	Prapaharan Thambithurai	No evidence, but probably back to Sri Lanka	
2011	Thawwur Hussain	Yes – United States	Idelology/resource

Data on sentencing are also revealing, not only because they tell us where an individual ended up being incarcerated but also who ends up being convicted and for how long.

Table 3: Sentencing

DATE	GROUP/INDIVIDUAL(S)	SENTENCE
1999	Ahmed Ressam	22 years (currently on appeal) in the U.S.

1999	Wiebo Ludwig	28 months in Canada (arrested but released in 2008 without charge)
2002	Mohammed Jabarah	Life sentence in Oman
2003	Mohamed Warsame	92 months US prison deported to Canada in May 2009
2004	Momin Khawaja	10.5 years in Canada
2005	Darren Thurston	37 months in U.S.
2005	Kassem Daher	Indicted in U.S. currently believed to be in Lebanon
2006	Thiruthanikan Thanigasalam	25 years in the U.S.
	Sahilal Sabaratnam	25 years in the U.S.
2006	Toronto 18	All in Canada
	Fahim Ahmad	16 years
	Zakaria Amara	Life imprisonment
	Nishanthan Yogakrishnan	2.5 years
	Saad Gaya	12 years
	Ali Mohamed Dirie	7 years
	Steve Chand	10 years
	Shareef Abdelhaleem	Life sentence
	Saad Khalid	14 years
	Amin Mohamed Durrani	7.5 years
	Jahmall James	7 years
	Asad Ansari	6.5 years
	Qayyum Abdul Jamal	charges stayed
	Yasin Abdi Mohamed	charges stayed
	Ahmad Mustafa Ghany	charges stayed
	Ibrahim Alkhalel Aboud	charges stayed
	Unknown Youth 1	charges discharged

	Unknown Youth 2	charges stayed
	Unknown Youth 3	charges stayed
2006	Bashir Makhtal	Life sentence in Ethiopia
2007	Said Namouh	Life sentence in Canada
2008	Prapaharan Thambithurai	6 months in Canada currently under appeal
2011	Thawwur Hussain	Found guilty in U.S.; sentencing date not yet set

Additional cases are currently before the courts, other cases remain unsolved, and others where the elements of the offence meet the requirements of the *Criminal Code of Canada* in theory but the criminal charges laid in the case thus far do not reflect a terrorist dimension in practice. Cases before the courts that will expand the n once they have worked there way through the legal system include:

1. Aiva Alizadeh, Misbahuddin Ahmed and Khurran Syed Sher, the Ottawa based cell arrested in 2010.
2. Roger Clement, Matthew Morgan-Brown and Claude Haridge, Ottawa based group that firebombed the Royal bank, arrested in 2010.
3. Matin Abdul Stanikzy, Pembroke, Ontario based individual arrested with explosives in 2010, believed to be targeting CFB Petawawa.
4. Mohamed Hersi, arrested in 2011 and charged with terrorist offences for his efforts to join Al-Shabab.

Ergo, both the n of cases and n of subjects will grow larger over time. Canadians rumored to be participating in or who have been killed during terrorist activities overseas include:

1. Ahmed Said Khadr, killed in 2001.
2. Rudwan Khalil Abubaker killed in Chechnya 2004.
3. Abdul Rahman Jabarah killed in Saudi Arabia 2003.
4. Mohamed Elmi Ibrahim, killed in Somali 2010.
5. The “lost boys” of Winnipeg (3 young men), believed to have joined the Jihadi in Pakistan in 2007.
6. Five young males from Toronto believed to have joined Al-Shabab in 2009.

There are a number of limitations that have to be noted with regards to this project. First, the n is not very large. The time frame for this study approximates the start of Canada being drawn into the global fight against terrorism. A second limitation is that many events that come under the elements of terrorist activity in the *Criminal Code* are nonetheless tried under different legislation, and are therefore not widely publicized in the media. Third, there is a selection bias at work since convictions for terrorism in Canada or terrorism committed by Canadians is disproportionately rare relative to the number of incidents. Bombings for which the Resistance Internationale in Quebec has claimed responsibility – 2004 hydro towers, 2006 car bombing and 2010 bombing of a Canadian Forces recruiting centre – are the case in point. Were we to enlarge our n by focusing on incidents rather than groups, the sample would be larger, but it would not get us any closer to the networks behind these incidents.

Our method does not address the basis on which networks are established. We are not trying to determine if networks are established through family or relative links²⁸, by rational selection, established by elites or some other reason. We are simply trying to establish whether cross-border networks exist, the reason behind the networks, how they are being used, and whether policy differences between Canada and the United States act as network enablers.

DISCUSSION

Preliminary findings indicate that Canadians convicted of terrorist activities have a Canada – United States cross border connection in seven of 13 cases. The main reason behind these networks are ideology and resources.

Seven cases of trans-border activity, as well as nature of resource/ideology being procured:

- “in the case of the Toronto 18, individual members of the cell traveled to the United States for the purpose of procuring weapons” (also, it was alleged that Jahmaal James travelled to Pakistan to receive terrorist training there, although there is some discord here – it is also alleged that he travelled there simply to get married but fell ill).
- “Thiruthanikan Thanigasalam and Sahilal Sabaratnam were able to establish links with two like-minded individuals in the United States and then attempt to purchase stinger missiles and AK-47s to support the LTTE in Sri Lanka.”

²⁸ See: Magouirk, Justin; Scott Atran and Marc Sageman. 2008. “Connecting terrorist networks.” *Studies in Conflict and Terrorism*. 31: 1-16.

- Ahmed Ressam travelled to Pakistan from March 1998 to February 1999 to receive training at three different terrorist training camps on subjects ranging from small arms to explosives to sabotage.
- Mohammed Warsame is a Canadian citizen of Somali descent who had lived in Minnesota for several years at the time of his arrest in 2003. He admitted travelling to Afghanistan between spring 2000 and spring 2001 to receive terrorist training and attend lectures given by Osama bin Laden.
- Tahawwur Hussain Rana, a Canadian citizen, was found guilty of one count of conspiracy to provide material support to a terrorism plot and one count of providing material support to a designated foreign terrorist organization, Lashkar e Tayyiba. Not yet sentenced.
- Darren Thurston of the Animal Liberation Front committed several acts of terrorism in Western Canada as a youth before becoming integrated with a network of environmental radicals based in the Western United States and committing acts of terrorism in concert with these individuals.
- Kessam Daher, a former Alberta theatre owner, allegedly co-ordinated the travel of co-conspirators to the Pakistan in order to receive terrorist training. Among those he recruited was Jose Padilla. He was indicted in the United States for conspiracy to murder and kidnap persons in a foreign country, conspiracy to support terrorist and providing material support for terrorists.

One of the more surprising findings is how relatively few of the cases involved cross-border networks for the purpose of committing a terrorist attack in the adjacent country. Southbound, there are two cases the involved cross-border networks. Ahmed

Ressam travelled from Canada the United States with the intention of targeting the United States. His activities were supported by a network that spanned not only into the United States, but also into parts of Asia where Ressam had attended terrorist training camps. The other case is animal-rights activist Darren Thurston whose activities along the west coast spanned the British Columbia/Washington corridor, and his subsequent arrest on arson charges in the United States. Northbound, there is only a single case but with a sizeable “N” of subjects. Members of the Toronto 18 crossed the border with the intention procuring weapons for an attack on Canadian targets.

In other words, Canada is not the menace some in the United States believe it to be. In this regard, the case of the Toronto 18 shows there is also a threat for Canada emanating from the United States. Still, the cases are isolated. No obvious pattern emerges from our data in respect to cross-border threats. It turns out that the majority of Canadians are members of diaspora groups who establish networks into the United States for the purpose of supporting activities abroad. Establishing networks in the United States is done largely to procure equipment for overseas conflicts, and/or to establish cells to supporting conflict overseas. This is not all that surprising. Migration theory posits the strength and robustness of social capital inherent in ethnocentric networks.²⁹

So, a clear pattern emerges as to the purpose of networks. Whether for use in Canada or abroad, weapons are the principal reasons behind cross-border networks. Canadian supporters of violent extremism look to the United States as a source country for weapons. This should really come as no surprise, given the ongoing debate between the Mexican government and the United States concerning the smuggling of weapons

²⁹ Doug Massey, Miguel Ceballos, Kristin Espinosa, Alberto Palloni, and Mike Spittel. 2001. Social Capital and International Migration: A Test Using Information on Family Networks,” *American Journal of Sociology* 106:1262-99.

from the U.S. into Mexico, being used in cartel drug violence.³⁰ There are possibly two explanations for this: more permissive gun laws in the United States, and the existence of the world's largest weapons industry.

The second reason for the establishment of cross-border networks appears to be ideological support. Establishing cross-border networks between like-minded individuals is facilitated by a relatively open border between Canada and the United States, a common language, similar rights in regards to freedom of association and the unencumbered movement of information across the border. These linkages may be a function of the greater latitude afforded to “free of speech” in the United States in contrast to the somewhat encumbered “freedom of expression” in Canada: Certain types of extremist expression, such as hate speech, are an indictable offence in Canada but not in the United States.

With respect to the paper's key hypotheses, then, H1 is confirmed in that policy differences create different markets of opportunity on the two sides of the border which. H2 is confirmed as well: Those intent on extremist violence exploit the countervailing transaction costs thus created. H3 is also confirmed: These countervailing transaction costs are being harnessed to reap material and ideational payoffs. That is the bad news. The good news is that the evidence underpinning these hypotheses suggests that the actors involved behave strategically. In so far as their behavior is thus rational, it is also predictable.

CONCLUSION

³⁰ See: Council on Hemispheric Affairs. 2011. “Mexican drug violence fueled by U.S. guns.” Available at: <http://www.coha.org/mexican-drug-violence-fueled-by-u-s-guns/> accessed September 11, 2011.

This paper set out to examine whether cross-border networks between Canada and the United States are established and subsequently exploited by Canadian-based terrorists for the purpose of recruiting, accessing resources, and ideological support. The paper's findings suggest that these networks are exploited for the payoffs generated by crossing the border as differentials in public policies between states create countervailing transactions costs. Our data suggests that Canadian violent extremist organizations use cross-border networks primarily to procure resources and ideological support. The existence of a border creates opportunities on one side that are most costly on the other side. In other words, the evidence suggests that the border does indeed create markets of opportunity that not only lend themselves but are being actively exploited by extremist groups. Finally, with reference to Regional Security Complex Theory, there is finding imply that threats are trans-regional and that terrorists behave strategically by accessing resources wherever transaction costs are lowest and maximizing payoffs by exporting these resources to conflicts in other regions -- where transaction costs are higher than in North America.