

Welcome Home:

**Using persuasion to expand
foreign fighter reintegration policies**

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Introduction

Since the September 11, 2001 attacks on the World Trade Center, civilians who travel abroad to join foreign conflicts have been increasingly conflated with terrorists. Foreign fighters who joined conflicts in Afghanistan, Somalia and Iraq were deemed a threat to their home country, and at times were barred from return. Their rights under international humanitarian and human rights law were increasingly overlooked in legally-binding United Nations Security Council Resolutions (UNSCR), creating tensions between the security and human rights communities. As the conflict in Syria and Iraq began attracting unprecedented numbers of foreign fighters from across the globe, home governments once again resorted to familiar security-centric responses. Governments strengthened legislation to take citizens' passports, prosecuted travel to the conflict zone, or revoked citizenship. Yet the uncertainty wrought by the new conflict also provided opportunity to present a more human security-centered approach to returning foreign fighters. The little-known town of Aarhus, Denmark developed a localized reintegration program and used a variety of persuasion techniques to encourage replication in their region and within international bodies. The most striking success of these efforts was the mention of reintegration as an alternative response to returning foreign fighters in the corresponding 2014 UNSCR. Since then, strong nations have suddenly changed their tone towards this group in international forums and are being pressured to comply with reintegration alternatives. This paper analyzes the strategic and comprehensive use of persuasion tools used to shift political rhetoric regarding foreign fighter returnees, and through this case challenges the utility of 'pure argumentative' persuasion and the predictive power of persuasion presented in the literature.

Focusing on the process through which the Aarhus model made an impact on international and regional institutional rhetoric allows for broader understanding of the political implications of the foreign fighter phenomenon. Previous literature on the subject focused on the threat posed by foreign

fighters and possibilities for expanding state security structures in response to this threat.¹ Discussion on alternative, human-security approaches to returnees mainly comment on the process and feasibility of disengagement and deradicalization.² Instead of investigating whether reintegration efforts reduce the foreign fighter security threat or placing judgement on one approach over the other, it is also instructive to understand how new ideas join the marketplace of this highly emotional and heavily institutionalized debate.

The case of foreign fighters also adds to the persuasion literature – emphasizing the power of persuasion as a political tool, but highlighting the vulnerability of persuasion theory’s comprehensiveness and predictive capability. Investigating the key means and degree to which the Aarhus model has shifted rhetoric within Europe and the UN allows for nuanced analysis of the key persuasion techniques that breed success in such an environment, the degree to which success can be recognized, and the continuing challenges. The program’s political entrepreneurs used tools beyond pure rhetoric in order to take advantage of their environment to advertise localized success while constructing an argument that was easily acceptable and accessible to its audience. However, this case underscores the fact that the clear progression from institutionalization of an argument to wide norm adoption is not necessarily linear. Limited adoption among Denmark’s neighbors reflects the degree to which the assumption of a norm cycle cannot be taken for granted.

Informal argument analysis will define the Aarhus argument in light of the dominant narrative, which understands foreign fighters to be terrorists.³ The first two sections of this paper will provide an overview of the persuasion literature and background on the foreign fighter phenomenon. The detailed

¹ Byman and Shapiro, “Homeward Bound? Don’t Hype the Threat of Returning Jihadists”; “Hidden Within”; “Foreign Fighters’ Threat Focus of INTERPOL Counterterrorism Meeting”; “Hidden Within.”

² Neumann, “ICSR Report - Victims, Perpetrators, Assets”; “De-Radicalisation”; “Offering Foreign Fighters in Syria and Iraq a Way Out”; Porges, “The Saudi Deradicalization Experiment”; Schulze, “Indonesia’s Approach to Jihadist Deradicalization”; Ashour, *The De-Radicalization of Jihadists*; Lister, “Returning Foreign Fighters.”

³ Crawford, *Argument and Change in World Politics*. 120-125; Crawford, interview.

discussion of persuasion in international relations will provide the framework from which the case will be analyzed. The brief overview of foreign fighters highlights the minimal attention granted to the potential political feasibility of alternative policies towards this group. This background will then support the key steps of informal argument analysis. The first step involves identifying the role and purpose of the argument as well as the environment in which the argument is being made. Second, foundations of the argument will be isolated and examined – specifically the assumptions, beliefs, emotions, and level of institutionalization built into the argument. The final stage of informal argument analysis involves measuring success. Argument success is judged in two ways. First, it involves tracing whether and how the argument ‘change[d] the terms of the debate’, the degree to which it was able to de-normalize and redefine the existing frame, and whether there is a change in political power dynamics. Second, alternative explanations to the shift must be noted and disproved. Causal importance of persuasion can be illustrated by ensuring that the argument preceded the change, that behavioral change (rhetorical or actions) is evident, and that parties begin to act counter to their interests in favor of the new argument. The paper will conclude with a discussion on the implications of this shift and the remaining challenges for the Aarhus argument.

Persuasion

The power and pervasiveness of persuasion and argumentation has been highlighted by many international relations theorists. Classical authors including Thucydides, Kant, Carr and Angell all note the centrality of persuasive tactics to the practice of international affairs.⁴ Carr recognized the ability to put forward an ethical argumentation as an indicator of power; only ethical arguments from those in power are likely to be heeded.⁵ Modern scholars have similarly noted the centrality of rhetoric and

⁴ Strassler, *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War*; Kant, *Political Writings*; Carr, *The Twenty Years' Crisis, 1919-1939*; Angell, *The Great Illusion*.

⁵ Carr, *The Twenty Years' Crisis, 1919-1939*.

persuasion to decision-making and state relations. Rational game theory relies on persuading other players to take certain moves. This persuasion does not always take the form of argumentation, but can be made through signaling intentions or using threats or rewards. Thomas Schelling notes that this process of successfully persuading another actor to change course can be more powerful than the use of force.⁶ Within the realist tradition, Morgenthau also understands the ability to persuade within diplomacy to be an attribute of national power.⁷

Persuasion and norm creation literature focuses on the power of argumentation and persuasion to change understandings and actions simply through appeal to the better argument, without the use of force or reward. Arguments are understood as having the ability to convince others to “change their views of the world, their normative beliefs, their preferences, and even their identities.”⁸ This particular tool is therefore a primary component in norm emergence, which can lead to norm socialization, institutionalization, and internalization of new beliefs and values.⁹ Beyond the ability to change beliefs, persuasion can also compel actors to certain behaviors by developing a sense of ‘oughtness’. Even if the proposed norm is not widely internalized, it may have the power to shame actors into compliance based on the new understanding of what is acceptable inter/intra-state behavior.¹⁰

To understand the causal impact of the Aarhus argument on shifts in rhetoric regarding foreign fighters, this paper will focus exclusively on persuasive techniques made for the sake of reaching an alternative understanding of dominant norms and beliefs. Thus, this paper will build on the constructivist norm literature, which centrally examines persuasion as a unique tool for creating institutional change in international relations.

⁶ Schelling, *The Strategy of Conflict*.

⁷ Morgenthau, *Politics Among Nations*.

⁸ Risse, “Let’s Argue!” 8.

⁹ Finnemore and Sikkink, “International Norm Dynamics and Political Change.”

¹⁰ March and Olsen, “The New Institutionalism: Organizational Factors in Political Life.”

Setting the stage

Persuasion as a distinct tool of statecraft is a process, rather than an event. The process begins with questioning existing norms and their underlying assumptions, values, and beliefs. This questioning is accompanied by developing and presenting alternative understandings in the form of an argument.

Beyond this general framework, there is little agreement as to when and how persuasion is evident or successful. Jürgen Habermas posits that persuasion can only be recognized when a common lifeworld is present and when both parties are open to being persuaded to the better argument.¹¹ He assumes that the process involves rational actors who voluntarily participate. He also implies that persuasion is only evident if there is a joint desire for consensus of understandings. On the other hand, Thomas Risse presents cases in which human rights advocates pressed arguments to non-receptive state parties, arguing that voluntarism need not be apparent at the outset of the process. He does, however, agree that the emphasis should be on reaching consensus on the better argument, judged through rational and moralistic considerations. In this vein, arguing is separate from efforts to either coerce through punishment/reward or to compel with the power of norms.¹² Alternatively, Neta Crawford recognizes persuasion in nearly every aspect of statecraft – from norm setting to use of coercion to pursue state interests.¹³ However, she does highlight ethical argumentation as a distinct form of persuasion that relies specifically on rhetorical tools within this wide context. Finally, Tine Hanreider utilizes a comprehensive definition of persuasion that rejects Habermasian focus on rationalist and moralist assumptions. Rather than understanding persuasion within the narrow lens of a pure speech situations, Hanreider suggests that analysis should take into account successful performance.¹⁴ In other words, reasoning is effective not because it is the better argument, but because it is practiced (performed)

¹¹ Habermas, *Theory of Communicative Action, Volume One: Reason and the Rationalization of Society*.

¹² Risse, “International Norms and Domestic Change: Arguing and Communicative Behavior in the Human Rights Area”; Risse, “Let’s Argue!”

¹³ Crawford, “Homo Politicus and Argument (Nearly) All the Way Down: Persuasion in Politics.”

¹⁴ Hanreider, “The False Promise of the Better Argument.”

most successfully. This is built on theories presented by Boltanski and Thevenot, who focus on the importance of looking beyond the ‘better argument’ into the abstract reasoning, cognitive and material devices mobilized for making the argument.¹⁵

Together, these approaches allow for a broad persuasion toolkit with which to investigate the Aarhus persuasion process. Although theorists suggest that both parties should voluntarily be involved in the process for the sake of reaching a consensus understanding, in reality, this is rarely the case in international politics. This paper will build on the possibility that persuasion can be present in a variety of contexts and that actors can be persuaded of an argument without willingly taking part in the exercise. Finally, while the rhetorical devices of deconstructing, delegitimizing, and reframing the dominant narrative are key components of the process, this paper will also take into account the possibility for emotions and practice to play a key role in eventual success. Ultimately, investigating the relative success of the Aarhus argument benefits from incorporating all interpretations of persuasion and argumentation. The following sections will discuss the key tools and measures of success from each of these perspectives that will provide a framework through which to deconstruct the Aarhus model’s argument for reintegrating foreign fighters.

Key tools for success

The persuasion process includes three steps – deconstruction and delegitimizing the dominant frame, then proposing an alternative. Within this process there are several key factors regarding the environment in which persuasion is attempted and the argument itself that can lend to success. Environmental factors include the power relations in play, existence of a well-known framework or ‘common lifeworld’, the level of institutionalization, and levels of confusion and uncertainty. Factors of a successful argument include framing the discourse within existing understandings, leveraging

¹⁵ Boltanski and Thevenot, “The Sociology of Critical Capacity”; Boltanski and Thevenot, “On Justification: Economies of Worth.”

internal credibility and external institutions, and reflecting success through practice. Not all factors must be present at all times, and the degree to which they support the argument differs by issue.

Stark power hierarchies can undermine the environment of mutual respect and cooperation needed for persuasion to be possible. Persuasion theorists that focus on ideal speech situations centrally situate the importance of party intentionality and the need for consensus. Habermas relies strongly on party rationality and voluntary participation by suggesting that true reasoning is only possible when the ‘participants assume they can persuade the other only based on better arguments’. Accordingly, the argument itself must take center stage, while power hierarchies and alternative objectives must recede.¹⁶ Risse similarly argues that both parties must be open to being swayed in their pre-existing assumptions and beliefs. Actors’ goals must be centered on reaching consensus and shared definitions based on rational argumentation rather than ‘egocentric calculations of success’.¹⁷ Crawford states that ethical arguments must revolve around the discourse itself and should not be simply laying groundwork for a future argument or playing to a political audience.¹⁸ There is thus agreement that alternative objectives for success or power be set aside in order for persuasion to be the central factor.

While equilibrium of power is necessary for persuasion success, it need not be present for the persuasion process to be initiated. There are several case studies of human rights arguments being posed to non-responsive states. Often the argument is initially not even acknowledged by the powerful actor. However, when the argument is successfully institutionalized at the international level or by domestic interest groups, increased pressure (internal and external) can force the state to respond to the argument. Thus, argument entrepreneurs can use pressure to level power dynamics and encourage increased willingness to developing shared definitions and understandings. Ultimately, for the

¹⁶ Risse, “Let’s Argue!” 17.

¹⁷ Ibid. 2, 17.

¹⁸ Crawford, *Argument and Change in World Politics*. 30-33.

argument to proceed, there must be a key point at which the stronger party is more receptive to discussing the new norms and chooses to take part in the argument, even if the power asymmetry still exists between parties.¹⁹

In addition to common intentions, arguments are best suited for situations in which participants arrive from common understandings. Habermas terms these to be a ‘common lifeworld’.²⁰ While some scholars believe such a common frame to be impossible within the international realm,²¹ similar values and beliefs can be found or created for all audiences. Proxies for a common lifeworld may instead include a common culture,²² broad understandings of how the international arena functions (i.e. anarchy),²³ increased participation in global institutions,²⁴ or ‘fitting’ arguments to pre-existing norms of all parties.²⁵ Identifying these commonalities in constructing an argument frame can help increase potential receptivity as well as highlight root differences and possible points of cohesion between the arguments in play.

High levels of deliberative institutions are focal points for commonality and can play a key supporting role for hosting arguments. Institutions help level power hierarchies between members and provide a common platform from which parties can share and disseminate ideas. Their voluntary nature also implies that parties are more receptive to emerging arguments. Furthermore, they expand the possibility of face-to-face communication, which can dramatically increase possible success of a persuasive discourse.²⁶ Crawford argues that because of these benefits, there is a correlation between

¹⁹ Ibid.; Risse, “Let’s Argue!”

²⁰ Habermas, *Theory of Communicative Action, Volume One: Reason and the Rationalization of Society*.

²¹ For a broader discussion of this discussion, see: Risse, “Let’s Argue!”

²² Crawford, *Argument and Change in World Politics*. 68.

²³ Risse, “Let’s Argue!” 10.

²⁴ Crawford, *Argument and Change in World Politics*. 419.

²⁵ Finnemore and Sikkink, “International Norm Dynamics and Political Change.” 895, 914-15.

²⁶ Risse, “Let’s Argue!” 13.

establishing a strong democratic order and the ability to share arguments.²⁷ This institutionalization can extend beyond the state to also include regional and international bodies.

The final environmental factor relates to the level of confusion or uncertainty. In times of uncertainty, parties to a discussion may be more willing to try something new. Either the dominant narrative is under scrutiny because it did not prevent the current uncertainty, or the dominant narrative does not take into account the current situation. Either way, this uncertainty can provide an opening for discourse to be held.²⁸

The argument itself can take advantage of these environmental factors by incorporating existing beliefs and emotions into the framing. Framing the argument within an existing context makes it more accessible and expands the perception of a common lifeworld. Thus the frame should identify the arguments that have become established 'truths' and conclusions that are taken for granted as well as the emotions attached to those circumstances.²⁹ It is highly impractical to disaggregate beliefs underpinning a certain norm without also identifying the corresponding emotions, because beliefs are often formed and reinforced by emotional responses to events and other groups. Emotions, along with beliefs, help to structure understanding of a situational environment.³⁰ The beliefs underpinning a specific situation may be instrumental (practical cause-effect ideas of how nature and society operates), identity related, (involving roles of the actors) or foundational (based on experiences and observations).³¹ Successful argument framing must take into account and align with each of these.

²⁷ Crawford, *Argument and Change in World Politics*; Crawford, "Homo Politicus and Argument (Nearly) All the Way Down: Persuasion in Politics." 119.

²⁸ Risse, "Let's Argue!"; Crawford, *Argument and Change in World Politics*; Crawford, "Homo Politicus and Argument (Nearly) All the Way Down: Persuasion in Politics"; Hanrieder, "The False Promise of the Better Argument"; Pisiu, "Pragmatic Persuasion in Counterterrorism."

²⁹ Crawford, *Argument and Change in World Politics*. 49.

³⁰ Crawford, "Institutionalizing Passion in World Politics"; Lutz, *Unnatural Emotions: Everyday Sentiments on a Micronesian Atoll and Their Challenge to Western Theory*. 212.

³¹ Crawford, *Argument and Change in World Politics*. 40.

The argument must also take into account how deeply and widely these beliefs and emotions are institutionalized. Institutionalized emotion and belief can take physical form in a separation wall or broad-based sanctioning; they can also be built into institutional language and processes such as empathetic human rights discourse or rejection of rights for certain groups due to fear or distrust. Beliefs regarding a certain group or situation can become perceived interests within an institutionalized system and form the basis for group behaviors and justifications for actions.³² Institutional practices and procedures ultimately meet emotional needs (i.e. for safety) and then embody, produce, and reinforce emotional responses to certain groups and events.³³ The persuasion process requires incorporating and addressing the meanings built into institutional actions and rhetoric in order to present an alternative that accounts for these normative and emotional needs.³⁴

Finally, a well formulated argument may benefit from expert support and demonstrated success to overcome external institutional barriers. Expert testimony to reinforce arguments both lend credibility to the argument and increase the ability to reach a wider audience through media and institutions. Successful performance can also expand the repertoire of the actor presenting the argument. If performed successfully, the case may be more persuasive and ‘force’ a response from the stronger party.³⁵ Both expertise and performance can be leveraged to build a comprehensive argument and broaden the audience.

³² Sikkink, “The Power of Principled Ideas: Human Rights Policies in the United States and Western Europe.” 167; Crawford, *Argument and Change in World Politics*. 99.

³³ Bleiker and Hutchison, “Fear No More: Emotions and World Politics”; Bleiker and Hutchison, “Theorizing Emotions in World Politics”; Linklater, “Anger and World Politics: How Collective Emotions Shift over Time”; Mattern, “On Being Convinced: An Emotional Epistemology of International Relations”; Crawford, “Institutionalizing Passion in World Politics.” 537, 547.

³⁴ Finnemore and Sikkink, “International Norm Dynamics and Political Change.” 914-915. Crawford, *Argument and Change in World Politics*. 99.

³⁵ Hanrieder, “The False Promise of the Better Argument”; Boltanski and Thevenot, “The Sociology of Critical Capacity”; Boltanski and Thevenot, “On Justification: Economies of Worth.”

Measuring success

Theoretical literature on persuasion presents an optimistic life cycle from persuasion to norm integration. Norms first emerge through active efforts by a political entrepreneur to persuade at the domestic level and then internationally. Then, as the norm is proposed at the international level and sanctioned by a critical mass, ‘norm cascades’ retranslate the norm back into neighboring domestic spheres. The final stage involves internalization of the norm, after which it becomes the foundation for new norm emergence.³⁶ According to this theory, there should be two main shifts – from persuasion to institutionalization and then institutionalization to internalization within the domestic sphere. Success, or progress of the argument can thus be measured based on evidence of these shifts.

Measuring this progress and, more importantly, the causal importance of persuasion within this process is often an ex-post exercise. However, it is possible to identify current areas of success using methodologies presented in the persuasion literature. Generally, success can be measured through visible behavior change, attempts to justify non-compliance to the newly proposed standards, and evidence of a strong actor complying with a weaker power’s proposition or taking actions directly counter to their perceived interests.

Behavior change is not easily measured, but can be reflected in institutional changes or rhetoric. Institutions may adopt new rules of procedure or recommendations for their members. They can also adopt rhetoric along the lines of the proposed new norm. This can take the form of official documents or statements by officials.³⁷ Actors within the institution may also be forced to justify non-compliance. If a shift is evident, this justification begins to be framed in the context of the new narrative.³⁸

³⁶ Finnemore and Sikkink, “International Norm Dynamics and Political Change.” 892-895

³⁷ Crawford, interview..

³⁸ Linklater, “Anger and World Politics: How Collective Emotions Shift over Time”; Crawford, *Argument and Change in World Politics*; Finnemore, “Fights about Rules: The Role of Efficacy and Power in Changing Multilateralism”; Crawford, “Homo Politicus and Argument (Nearly) All the Way Down: Persuasion in Politics”; Finnemore and Sikkink, “International Norm Dynamics and Political Change”; Risse, “International Norms and Domestic Change: Arguing and

It is more straightforward to identify actions that either adhere to the argument of a weaker party or appear to go against the actor's interests. If a weak power adopts the argument of a strong power, this can be attributed to fear of punishment or hopes for reward. However, if a strong power adopts the language and actions suggested through an argument presented by a weaker power, it is highly likely that this represents successful persuasion.³⁹ Acting against supposed interests can similarly apply to emotions. If the prevailing emotions guiding behavior can be tempered through new discourse, there has likely been a degree of successful persuasion. Additionally, if an event does not produce the expected physical, rhetorical, or emotional response, this may indicate evidence that persuasion has taken place and has begun to be internalized in the institutional procedures and understandings of such events.

In reality, this is not a linear process. An argument that takes place over an extended period of time may not necessarily reflect any one of these stages entirely. For example, there may be periods when a weaker power is making progress, but also points at which the stronger party chooses to step away. An argument may appear to be causing shifts in institutional rhetoric, but a traumatic event may reverse that progress. Finally, the parties may decide that the change is in fact detrimental to their interests, and the proposed norm may disappear altogether. That said, as the process is ongoing, it is instructive to identify evidence of shifts towards institutionalization or internalization in order to pose possible predictions for future progress or recommendations for redefining the argument.

Foreign Fighters

The first step of informal argument analysis involves analyzing the existing dominant frame through which foreign fighters are understood. Although there is an extensive history of civilians joining

Communicative Behavior in the Human Rights Area"; Risse, "Let's Argue!"; Payne, "Persuasion, Frames and Norm Construction."

³⁹ Risse, "Let's Argue!" 18; Crawford, *Argument and Change in World Politics*. 120.

foreign wars, current understandings and discussion of this group is mainly centered around post-9/11 rhetoric institutionalized through the UNSC. The following section will define foreign fighters and provide background on the political and legal discussions regarding this group, as well as the emotions, beliefs and power relations built into the institutionalization of that discourse post- 9/11.

Defining foreign fighters

Much of the literature on foreign fighters has focused on defining the phenomenon.⁴⁰ At a very broad level, foreign fighters are civilians who travel from their home country to join a conflict elsewhere, either with a state or non-state actor. Foreign fighters are, as Thomas Hegghammer notes, an ‘intermediate actor category lost between local rebels, on the one hand, and international terrorists, on the other’.⁴¹ Specifically, foreign fighters are not mercenaries, soldiers in any national army or international terrorists (specializing in out-of-area violence against noncombatants). Instead, some may be recruited due to kinship relation or ideology. They may be convinced to commit terrorist acts once in the conflict zone, but their intention in joining the conflict is not to target civilians.⁴²

Politically, foreign fighters have either been ignored, encouraged, or abandoned by various governments throughout history. There was open recruitment of USSR civilians to join the Spanish Civil War as well as open foreign engagement in the Greek War of Independence and in Israel following World War II.⁴³ The Soviet war in Afghanistan resulted in conflicting responses. It is strongly believed that the Saudi government encouraged foreign national fighters to join the conflict

⁴⁰ Malet, “Foreign Fighter Mobilization and Persistence in a Global Context”; Zelin, “Foreign Fighters”; Malet, “Foreign Fighters”; Byman and Shapiro, “Western Foreign Fighters in Syria and Iraq”; “Foreign Fighters In Iraq And Syria -- Where Do They Come From?”; “Hidden Within”; “Militant Ideology Atlas”; Hegghammer, “Should I Stay or Should I Go?”; Hegghammer, “The Rise of Muslim Foreign Fighters”; “Foreign Fighters: An Update”; Barrett, “Foreign Fighters in Syria.”

⁴¹ Hegghammer 55.

⁴² Malet, “Foreign Fighters”; “Foreign Fighters under International Law”; Hegghammer, “The Rise of Muslim Foreign Fighters”; Colgan and Hegghammer, “Islamic Foreign Fighters: Concept and Data.”

⁴³ Malet 101-2

with direct funding.⁴⁴ Yet, the Islamic scholar and recruiter, Abdullah Azzam, notes that “some countries simply refused to let the fighters return. They became a stateless, vagrant mob of religious mercenaries.”⁴⁵ These stateless fighters are believed to have formed the core of foreign fighter contingents in subsequent conflicts in Bosnia and Iraq.⁴⁶

Legally, foreign fighters have always held a tenuous position with few protections. The majority of foreign fighters join non-international armed conflicts (NIAC), through which they are not entitled to combatant or prisoner of war status that is afforded combatants in an international armed conflict under the Geneva Convention.⁴⁷ Absence of combatant status, implies that governments can punish citizens for taking up arms in a manner that is legal under international humanitarian law.⁴⁸ Furthermore, states have an incentive and legal responsibility to prevent and punish citizens who choose to fight abroad.⁴⁹ The International Court of Justice determined that military support for an armed opposition group in an NIAC is unlawful when it constitutes ‘indirect form of support for subversive or terrorist armed activities within another State’.⁵⁰ Given the broad definition of ‘terrorist armed activities’ and the fact that many foreign fighters were joining groups considered to fall under this category, states recognized a legal stake in preventing and punishing citizens who chose to fight.

Post-9/11

Immediately following the terrorist attacks on 9/11, the UNSC began taking steps to increasingly standardize, centralize and globalize counter-terrorist efforts. At this juncture, the majority of foreign fighters were joining insurgent groups considered to be terrorist organizations by the UN – al-Shabab,

⁴⁴ Hegghammer82.

⁴⁵ Malet 106.

⁴⁶ Bosnia - Evan F. Kohlmann, *Al-Qaida's Jihad in Europe: The Afghan-Bosnian Network* (New York: Alfred A. Knopf, 2006). 27-28; Felter and Fishman, “Al-Qa’ida’s Foreign Fighters in Iraq: A First Look at the Sinjar Records.”

⁴⁷ Geneva Academy, 15, 19-20,

⁴⁸ Ibid 52-53

⁴⁹ Ibid 50

⁵⁰ Ibid. ICJ. Nicaragua case, SS 154-8

the Taliban, al-Qaeda.⁵¹ There was also an apparent bulge in foreign participation in NIACs. For example, between three to ten percent of the insurgents involved in the Iraq war were foreigners, which was determined to be the highest proportion of foreign fighter participation in a conflict to date.⁵²

The 9/11 attacks and more vigorous attention to foreign fighters corresponded with more rigid legal and political responses at the international level, which are best measured through consequent UNSCRs. The UNSC became the central actor defining and guiding political and legal action against terrorism following 9/11, where they had previously only focused on responses to particular attacks. This shift is particularly important because of the binding nature of UNSCRs on all Member States. Previous counterterrorism conventions were only binding on members that voluntarily ratified the relevant treaties. Through this more direct and expansive role, the UNSC is reported to have ‘established a detailed and complex normative framework in support of counterterrorism, and related oversight bodies’ that would guide subsequent rhetoric surrounding all terrorism issues, including foreign fighters.⁵³

The 2001 UNSCR 1373 was adopted to obligate Member States to combat terrorism by criminalizing terrorist acts (including financing, planning, preparation, and perpetration) in domestic laws and regulation.⁵⁴ The UNSCR repeats measures contained in international conventions against terrorism for sanctioning, denying travel and safe haven, and preventing recruitment. However, unlike previous conventions, UNSCR 1373 does not include fair trial guarantees nor an exclusion clause pertaining to

⁵¹ These are the fighters that were of concern to governments. For examples see: “The Post 9/11 FBI”; Hegghammer, “Should I Stay or Should I Go?”; Felter and Fishman, “Al-Qa’ida’s Foreign Fighters in Iraq: A First Look at the Sinjar Records.”

⁵² Hegghammer notes 5 percent, while Felter and Fishman suggest that the number could be higher than expected. See: Cordesman, “Iraq’s Evolving Insurgency”; Hegghammer, “Should I Stay or Should I Go?”; Felter and Fishman, “Al-Qa’ida’s Foreign Fighters in Iraq: A First Look at the Sinjar Records.”

⁵³ Geneva Academy, 30

⁵⁴ UNSCR 1373 2(e)

acts governed by international humanitarian law. The focus on specific terrorist actions also came at the expense of developing an overall definition for terrorism. This remains controversial because of states' consequent ability to interpret and broadly use the term to criminalize rebel groups.⁵⁵

The following year, UNSCR 1390 was passed in order to broaden sanctions from the Taliban to al-Qaeda. This resolution also implied permanent status of those sanctioned.⁵⁶ These two resolutions were tempered through UNSCR 1566 in 2004, which delineated a more nuanced definition of terrorism, and then through UNSCR 1989 in 2011, which provides guidance regarding to whom the sanctions apply.⁵⁷ Although more nuanced, these definitions left open the option for states to broadly criminalize association with groups or individuals designated as terrorists.⁵⁸ No distinction is made at any point for state citizens in the war zone or upon return. Discussion of foreign fighters was entirely wrapped up in the understanding of terrorism provided in these binding documents.

UN monitoring notes quick and almost universal compliance with the security requirements in these resolutions. The 2012 UN report on implementation of the UN Global Counter-Terrorism Strategy notes that nearly all countries adapted criminal codes to match international terrorism legislation.⁵⁹ No distinction is made for foreign nationals aside for the need to prevent citizens from traveling overseas with the intention of joining terrorist groups.

Although there was general compliance with the legal obligations placed by the UNSCRs, tensions between this security-centric approach and pre-existing human rights norms was increasingly evident. Members of the international human rights community quickly criticized UNSCR 1373 for the lack

⁵⁵ "Foreign Fighters under International Law." 39.

⁵⁶ United Nations Security Council, *Resolution 1390 (2002)*.

⁵⁷ United Nations Security Council, *Resolution 1566 (2004)*; United Nations Security Council, *Resolution 1989 (2011)*.

⁵⁸ A. Bianchi, 'Assessing the Effectiveness of the UN Security Council's Anti-Terrorism Measures: The Quest for Legitimacy and Cohesion'. *European Journal of International Law*, No. 17 (2006), pp.899-900

⁵⁹ United Nations General Assembly, *United Nations Global Counter-Terrorism Strategy*.

of definition for terrorism and lack of assurances for human rights compliance.⁶⁰ This conversation between the security and human rights approaches encouraged improved cooperation between the two approaches through subsequent resolutions. UNSCR 1535 established a Counter-Terrorism Committee Executive Directorate (CTED) that was mandated to liaise with the UN High Commissioner for Human Rights. A human rights expert was also appointed to the CTED.⁶¹ Since this point, human rights concerns were consistently included in following resolutions on terrorism.

The security apparatus not only felt compelled to nominally include human rights discourse in official documentation and rhetoric, but increasingly made efforts to intertwine the emotional needs for security with human rights values. Domestic institutions began to focus not only security concerns, but also on victim support. The US government, in particular, was increasingly compelled to justify actions in Afghanistan and Iraq in light of both human rights and humanitarian law.⁶² Counter-terrorism actions were increasingly framed as a means of upholding human rights around the world.⁶³ Furthermore, in an effort to match security with human rights concerns, governments began efforts to prevent radicalization and rehabilitate terrorists through the prison systems. Several Western European governments began prevention programs towards the end of the Iraq war that included community engagement to support early radicalization identification.⁶⁴ The 2005 European Union Counter-Terrorism Strategy includes prevention as a main pillar of concern alongside protect, pursue and respond. Indonesia began a comprehensive prevention and prison rehabilitation program in 2002 following the Bali bombings, and Saudi Arabia began a prison rehabilitation system for convicted terrorists in 2004.⁶⁵ The success of both programs continues to be questioned, and while there were

⁶⁰ Scheinin, "Back to Post-9/11 Panic?"; "Foreign Fighters under International Law."

⁶¹ United Nations Security Council, *Resolution 1535 (2004)*.

⁶² "Foreign Fighters under International Law."

⁶³ Pisoiu, "Pragmatic Persuasion in Counterterrorism."

⁶⁴ Service, "Foreign Fighters and European Responses"; Vidino, Snetkov, and Pigoni, "Foreign Fighters: An Overview of Responses in Eleven Countries"; "Response to Foreign Terrorist Fighters and Recent Terrorist Attacks in Europe."

⁶⁵ Schulze, "Indonesia's Approach to Jihadist Deradicalization"; Porges, "The Saudi Deradicalization Experiment."

similar efforts to prevent radicalization in European prisons, there was not widespread support for replicating such full-scale deradicalization programs.

The Syrian civil war

The unprecedented number of foreign fighters involved in the conflict in Syria, along with the increased complexity of their motives required more nuanced understanding of this group. Current estimates suggest that there are over 20,000 foreign fighters currently fighting in the Levant.⁶⁶ Twenty percent of these are nationals or residents of Western Europe, over half are assumed to be from the Middle East.⁶⁷ Motivations for traveling to the conflict zone are more varied than in previous recent conflicts. Aaron Zelin notes four main appeals – emotional resonance of the ‘cause’ (which may include humanitarian concerns),⁶⁸ ease of travel, 5-star jihad appeal (Syrian jihad is seen as ‘cool’ when compared to other jihad destinations), and religious-historical millenarian pull.⁶⁹ The Soufan Group also notes this millenarian rhetoric to be highly attractive, particularly for those with ‘rudimentary’ religious knowledge.⁷⁰ Intentions to commit terrorist acts are not considered a main pull. Because of the variety of intentions, individuals may also not have clear intentions of joining one group or another. Many join terrorist groups such as al-Nusra or Da’esh, but others also try to join the US-backed Free Syrian Army.⁷¹ Returnee narratives imply that affiliations are in fact quite fluid, and that individuals often do not hold allegiance to only one group.⁷²

⁶⁶ This represents the large mobilization of foreign fighters to a Muslim majority country since World War II and is double the estimate from late 2013. See: Neumann, “Foreign Fighter Total in Syria/Iraq Now Exceeds 20,000; Surpasses Afghanistan Conflict in the 1980s”; “Foreign Fighters: An Update.”

⁶⁷ These numbers are rough estimates – figures from governments and researchers differ broadly. See the following for example methodologies: Neumann, “Foreign Fighter Total in Syria/Iraq Now Exceeds 20,000; Surpasses Afghanistan Conflict in the 1980s”; Van Ostaeyen, “Sourcing Question”; “Pieter van Ostaeyen.”

⁶⁸ Soufan 21

⁶⁹ Zelin, “Foreign Fighters.”

⁷⁰ Soufan Group, 20-21.

⁷¹ The Soufan Group reports that the majority are joining Ahrar al-Sham, Jabhat al-Nusra and the Islamic State. See: Barrett, “Foreign Fighters in Syria.”

⁷² “My Childhood Friend, the ISIS Jihadist”; Neumann, “ICSR Report - Victims, Perpetrators, Assets.”

This confusion and the obvious concern of home governments has led scholars to attempt to redefine foreign fighters and analyze the threat these foreign fighters pose to their home country. To this end, Hegghammer (tentatively) reports that one in nine foreign fighters between 1980-2000 returned home with the intention of committing a terrorist act. He also notes that attacks are more deadly if there is a former foreign fighter on the planning team.⁷³ Although one of nine represents a small portion of foreign fighters, the absolute value of such a prediction is much larger given the current number of fighters in the Levant. However, given the greater variety of motives among current fighters, it may not be appropriate to judge the threat based only on returning foreign fighters from earlier conflicts. A compilation of several threat typologies can be summarized by four broad categories of returnees: many do not return (by choice or fatalities in the conflict), many return disengaged with no further intentions to commit violence and simply (hope to) return to their former lives, and among those who do not disengage, some are veteran fighters focused on wars abroad and others can be considered homebound international terrorists that train overseas with the explicit intention of overthrowing the regime at home.⁷⁴ The last category are of course the main concern of the home government.

Although terrorism represents only one of four possible returnee responses, home governments and international bodies have reverted to the preexisting legal framework to meet the new threat. Interpol has stressed the need for increased cooperation, particularly in sharing flight records and threat information.⁷⁵ The UN Counter-Terrorism Implementation Task Force and Counter Terrorism Centre both shifted focus specifically to this group within their existing counter-terrorism mandate. The European Union (EU) Counter-Terrorism Coordinator also called for a more stringent legal framework to manage returning foreign fighters and to improve communication and coordination

⁷³ Hegghammer, "Should I Stay or Should I Go?"

⁷⁴ Byman and Shapiro, "Homeward Bound? Don't Hype the Threat of Returning Jihadists"; Zelin, "Foreign Fighters."

⁷⁵ "Foreign Fighters' Threat Focus of INTERPOL Counterterrorism Meeting."

between legal bodies. Specifically, the body called for stronger and more effective European Passenger Name Records and modernized external border controls.⁷⁶ Several domestic security services now consider foreign fighters to be primary threats to national security.⁷⁷ Governments have additionally taken steps beyond those required by the existing international framework including suspending travel documents and preventing travel,⁷⁸ extending police and judicial powers,⁷⁹ and revoking citizenship of dual nationals.⁸⁰ Amidst these changes, little effort is made to draw distinctions between returnee motivations.

The fear attached to the unknowns posed by returning foreign fighters has only been heightened by the increasingly complex terrorist attacks in Europe. The May 2014 attack on the Jewish Museum in Brussels was claimed by individuals who had fought in Syria with the Islamic State.⁸¹ The coordinator of the November 2015 Paris attacks had also been in Syria.⁸² The February 2015 Copenhagen shooter claimed to have been inspired by Da'esh and previous European attacks. He had not been to Syria, but the connection to the conflict raised concerns.⁸³ The most recent attacks in Brussels in March 2016 were coordinated by returnees from Syria, which increased concerns of a growing network of returnees operating across Europe. Analysts and security sector specialists are now not only concerned by lone-wolf attacks by returnees, but their potential to rally non-foreign fighters to commit terrorist

⁷⁶ EU Counter-Terrorism Coordinator, "Foreign Fighters and Returnees: Discussion Paper"; "Joint Statement"; "Informal Meeting of the Heads of State or Government Brussels."

⁷⁷ For example: "Assessment of the Terror Threat to Denmark"; S  kerhetspolisen, "Security Service Yearbook 2014"; "The Urgent Threat of Foreign Fighters and Homegrown Terror"; Townsend, McVeigh, and Anthony, "Isis Fighters Must Be Allowed Back into UK, Says Ex-MI6 Chief"; *Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014*.

⁷⁸ Australia, Belgium, Canada, India, up for discussion in the Netherlands, New Zealand, UK proposed. See: "Treatment of Foreign Fighters in Selected Jurisdictions."

⁷⁹ Australia, France, Germany, up for discussion in the Netherlands, New Zealand, UK. See: Ibid.

⁸⁰ Austria to a limited extent, Belgium considering, Canada, Indonesia, up for discussion in the Netherlands. See: Ibid.

⁸¹ "Brussels Jewish Museum Scene of Deadly Shooting"; "Belgium Hunts Man Linked to Brussels Jewish Museum Terror Attack Suspect Medi Nemmouche."

⁸² "Paris Attacks Organiser Abaaoud Boasted of Atrocities."

⁸³ "Denmark Suspect Swore Fidelity to ISIS Leader."

acts.⁸⁴ As mentioned, Hegghammer's research concludes that attacks with support from a foreign fighter tend to be more lethal, as was the case in Brussels March 2016. This evolution highlights the unpredictability of Da'esh tactics in Europe and amplify the fear underlying security-centric policies towards foreign fighters.

Yet, as security efforts were amped up, there were efforts to conceptualize the feasibility and implications of alternative responses to foreign fighters. Peter Neumann at the International Center for the Study of Radicalization and Political Violence assesses the possibility of disengaging and deradicalizing returning foreign fighters.⁸⁵ Professor Preben Bertelsen explained the benefits of reintegrating foreign fighters through a psychological and social perspective.⁸⁶ Several organizations have collated domestic policies towards foreign fighters in order to judge patterns or best practices. However, thus far only Aarhus, Denmark has attempted to put these theories to practice by encouraging return through full reintegration without punishment.⁸⁷

The Aarhus Argument for Reintegration

Denmark has exported the second highest number of European foreign fighters (as a proportion of their population) to the conflict in Syria.⁸⁸ The majority of these individuals come from Copenhagen and Aarhus, both of which had established preventative counter-terrorism programs prior to the Syrian civil war. Yet, when the city of Aarhus recognized that the program was not preventing individuals from joining the civil war, they did not choose to dismantle the program. Instead, the city expanded and strengthened their community outreach and prevention strategy. Furthermore, instead

⁸⁴ Rubin and Gladstone, "Brussels Attack Lapses Acknowledged by Belgian Officials"; Meyer, "Secret Cable"; Neumann, "Terror Expert Neumann."

⁸⁵ Neumann, "ICSR Report - Victims, Perpetrators, Assets"; "De-Radicalisation"; "Offering Foreign Fighters in Syria and Iraq a Way Out."

⁸⁶ Bertelsen, "Danish Preventative Measures and De-Radicalization Strategies: The Aarhus Model."

⁸⁷ "Counter-Terrorism: May 2015 Monthly Forecast"; "Foreign Fighters"; "Foreign Fighters and European Responses."

⁸⁸ "Foreign Fighters In Iraq And Syria -- Where Do They Come From?"

of taking efforts to prevent foreign fighters from returning to Denmark (as many of their neighbors were), the city took steps to encourage foreign fighter return through institutionalized reintegration and support systems.

Although the program is small in overall scope, recent successes and Aarhus' reputation for being a hub for extremism position it to play a significant role in the discussion on foreign fighters. Sixteen individuals have chosen to take part in the program thus far.⁸⁹ While seemingly inconsequential, they represent half of the Aarhus foreign fighter population. Additionally, while 31 individuals left for the conflict zone in 2011-12, only one departed in 2014 and two in 2015.⁹⁰ Despite these successes, stakeholders have needed to actively build an argument that is reliant on existing domestic beliefs and institutions, domestic uncertainty, and invested local entrepreneurs in order for the reintegrative alternative to resonate domestically and internationally.

A dual narrative context

Current foreign fighter discourse in Denmark takes place within a hybrid tradition of punishment and prevention that is steeped in community engagement and theories of individually tailored de-radicalization. Following the 9/11 attacks in 2001, Denmark immediately responded by bolstering the security and intelligence sector and providing military support to the conflict in Afghanistan. The strong security sector put in place by President Rasmussen was reinforced over time, particularly following the assassination attempt of the cartoonist Kurt Westergaard in 2010.⁹¹ However, amidst this high security environment, in 2009 the government presented a detailed community engagement plan to prevent radicalization of all forms – *A Common and Safe Future: An action plan to prevent extremist views and radicalization among young people*. The original document directed efforts towards contact with

⁸⁹ Henley, "How Do You Deradicalise Returning ISIS Fighters?"

⁹⁰ Williams, "Danish Foreign Fighters Welcomed Back into Country."

⁹¹ Dawar, "Intruder Shot at Home of Danish Cartoonist"; "Danish Foreign Policy Yearbook 2015."; Lindekilde and Sedgwick, "Impact of Counter-Terrorism on Communities: Denmark Background Report."

young people, inclusion, dialogue, democratic cohesion, community support in vulnerable areas, prison initiatives and knowledge partnerships in order to promote values of ‘freedom, security and opportunities for the individual person’.⁹²

This mix of policy objectives was conducted jointly by security and community based agencies. The National Intelligence Service of the Police (Politiets Efterretningstjeneste, PET), Ministry of Interior, Ministry of Social Affairs and local police were the main implementing partners. The focus was on Copenhagen and Aarhus, Denmark’s two main cities and hubs for extremism. In each hub, the PET established city programs involving local police and municipality authorities as well as social workers, schools and families. The program aimed to run outreach programs, dialogue initiatives and public seminars with ‘in-risk communities’ alongside actions taken by social agencies, police, prisons and society to detect individuals at risk of radicalization. Family members and peers would seek support for those at risk of radicalization and they would then be steered toward a tailored exit strategy.⁹³

Denmark also played a leading role in expanding ‘soft’ counter-violent extremism (CVE) initiatives internationally. In 2012, when Denmark held the Presidency of the European Union, it played a role in putting CVE at the forefront of the agenda.⁹⁴ The Danish government has even begun attempts to export their model to Kenya.⁹⁵ CVE, particularly individualized de-radicalization, has become part of the Danish identity and image alongside strict security sector measures.

Reintegration within the Danish context

The strong tradition of dual soft and hard approaches opened up a forum within which to introduce a more nuanced approach to foreign fighters within the city of Aarhus. The city began working with

⁹² “A Common and Safe Future: An Action Plan to Prevent Extremist Views and Radicalisation among Young People.” 12, 6. “How Denmark Learnt From Its Own Charlie Hebdo Moment.”

⁹³ “Danish Foreign Policy Yearbook 2015.” 80.

⁹⁴ Malmstrom, “De-Radicalisation and Disengagement.”

⁹⁵ The pilot phase is just ending and conclusions are not yet publicly available. See: “Danish Foreign Policy Yearbook 2015.”

families of individuals who traveled to the conflict zone in 2012. The police report that the families first approached them for support.⁹⁶ In 2013, with guidance from Professor Bertelsen from the University of Aarhus, the city de-radicalization program was adapted from one focused on prevention to include disengagement and reintegration of returning foreign fighters. While preventative programming is not exceptional to Aarhus or Denmark, including foreign fighters within this paradigm is unique.

The Aarhus model is presented as a logical transition from the dual narrative developed by the 2009 action plan that accounts for both the need for security and the values of restorative justice. The PET and local police maintain regular contact with local schools and mosques, and encourage peers and family members to inform the police when an individual travels to the conflict zone. The police support the family during their departure if necessary, and upon return the family is encouraged to ask the individual to report to the local police. If necessary, the police may ask an individual in for a talk. The approach is thus very 'hands-off'. When an individual reports their return, they discuss their experience with the police. If the police deem there is proof of participation in any criminal activity, the returnee is directed to the court system. It has proven to be very difficult to gather any proof of such criminal activity. As such, there have not yet been any cases brought against a returnee. When a returnee is cleared, a task force assesses the specific needs of the individual, their families, peers and schools, and develops a reintegration plan. The same community outreach, mentoring and reintegration aspects of the original preventative program are then used to encourage and support the returnees to disengage from the conflict and return to civilian life.⁹⁷ Program advocates can thus present the transition to include foreign fighters as a natural progression from the earlier program.

⁹⁶ Henley, "How Do You Deradicalise Returning ISIS Fighters?"

⁹⁷ "Denmark rehabilitates militants with football, education and religion"; "The Aarhus Model"; Khader, "The Danish Model for Prevention of Radicalization and Extremism"; Braw, "Inside Denmark's Radical Jihadist Rehabilitation

The fact that the transition was made so smoothly in Aarhus is partially due to the fact that the central government had yet to establish strict regulations regarding foreign fighters. The Danish PET considers foreign fighters to be one of the country's main security threats.⁹⁸ However, the government does not have an overarching policy regarding their return. Thus, there was space, particularly early in the conflict, for Aarhus to attempt a program that many consider risky. The program continues to be unpopular with many politicians. However, because response continues to be largely decentralized, the program remains intact.

The program also benefited from many invested and active expert advocates. Professor Bertelsen provided academic credential to the feasibility of de-radicalizing and reintegrating foreign fighters. The young and energetic Mayor Bundesgaard applied pressure to local mosques when necessary, but also advocates strongly for the Aarhus model in Denmark and abroad.⁹⁹ Local police have similarly been active in providing security reassurances while also highlighting the practicalities of the program. These local stakeholders continued to play a central role in pressing the argument for reintegration beyond the city of Aarhus and beyond Denmark.

Pressing the argument

Although the context in Aarhus was appropriate for the program to make a smooth transition, stakeholders have needed to engage in concerted persuasion efforts for the model to appeal elsewhere. The argument was framed within broader regional and global beliefs, norms, culture, and emotions. Program experts then capitalized on the heavily institutionalized EU and UN environment to demonstrate and share their argument and success beyond Denmark.

Programme"; Henley, "How Do You Deradicalise Returning ISIS Fighters?"; Bertelsen, "Danish Preventative Measures and De-Radicalization Strategies: The Aarhus Model."

⁹⁸ "The Threat against Denmark."

⁹⁹ Henley, "How Do You Deradicalise Returning ISIS Fighters?"

The Aarhus model argument is built on appeal to the human rights discourse that is central to regional preventative programming. Prevention is the first pillar of the EU strategy and has been replicated in several neighboring countries in Western Europe. Therefore, this rhetoric is familiar within the region. Additionally, as was evident in the construction of the dominant frame, human rights discourse is firmly embedded within global counter-terrorism rhetoric and action. Presenting the argument as an extension of this human rights appeal within the existing legal framework helps the argument to resonate more strongly with a wider audience.

By placing the argument within these familiar frameworks, the argument need not deconstruct the dominant frame entirely, but can present an alternative within it. Reintegration is discussed as being part of the prevention program while making use of the original appeals to democracy, community, and human rights. For example, the Aarhus mayor explains that they ‘have failed...in making sure that these people are well integrated into Danish society’,¹⁰⁰ placing the burden on the community to fix the wrong. Similarly, Professor Bertelsen explains that “...even a well-functioning society has its shadow sides with de facto lack of equal opportunities and exclusion, and the political rhetoric has sometimes been anti-immigrants or racist, so immigrants feel unwanted.”¹⁰¹ Professor Bertelsen also ties this emphasis on inclusion to Danish identity as a democracy: “a citizen of a modern democratic state governed by law...should be given the opportunity of rehabilitation and inclusion into society.” He goes even further to suggest that these ‘individuals have a right to the “redirected” away from their previous trajectory toward more legitimate activities’.¹⁰² This rhetoric keenly appeals to the ethical ambitions of the program and the closely-held values of the Danish and Western European public.

¹⁰⁰ “The Aarhus Model.”

¹⁰¹ Braw, “Inside Denmark’s Radical Jihadist Rehabilitation Programme.”

¹⁰² Lister, “Returning Foreign Fighters.”, 7.

Furthermore, the argument takes into account and directly addresses the fear attached to the foreign fighter topic. The police commissioner emphasizes the fact that "...this is not a get-out-of-jail-free card. If we think we have reason to believe they have committed crimes, we will investigate and prosecute."¹⁰³ Professor Bertelsen says clearly that the program is 'established for those who are genuinely motivated to successfully complete an exit process, and strong measures are taken to prevent the exit programme from being used as some sort of hiding place for people intending to commit terrorist acts.'¹⁰⁴ The rigor of this screening is contested, however advocates continue to emphasize their confidence in the process.

Finally, proponents make a point of highlighting the practicality of the program. Denmark has not yet convicted anyone for fighting in the Syrian conflict. There has not yet been enough proof for a conviction. The Aarhus model is considered to be the best alternative to managing this group without that necessary proof. Not only does the program allow for active monitoring of these individuals, it ensures that they are not incentivized to return to violence. In the words of Professor Bertelsen, "Unless we help them get reintegrated they'll look for a new group that's probably even more aggressive."¹⁰⁵ Advocates also highlight the possibility for the program to be self-sustaining. Professor Bertelsen notes that many of those in the program heard about it from jihadist friends and on social media. Participants themselves help to spread the word and encourage their comrades to return. Participants are also offered the chance to also be mentors for future returnees. Superintendent Aarslev succinctly sums up this emphasis on practicality by saying, "We don't do this out of political conviction; we do it because we think it works."¹⁰⁶

¹⁰³ Henley, "How Do You Deradicalise Returning ISIS Fighters?"

¹⁰⁴ Bertelsen, "Danish Preventative Measures and De-Radicalization Strategies: The Aarhus Model.", 245.

¹⁰⁵ Braw, "Inside Denmark's Radical Jihadist Rehabilitation Programme."

¹⁰⁶ Henley, "How Do You Deradicalise Returning ISIS Fighters?"

Proponents further address the feasibility of the program by hailing successes – through interviews with program participants and emphasizing the decrease in departures and lack of recidivism. Advocates recognize that the Aarhus model is a critical ‘test’ for alternative responses to foreign fighter returnees. If returned foreign fighters are able to reintegrate and act as positive examples within their community, and, most importantly, if the program does in fact maintain security, other cities may be more willing to accept the alternative. Success also ensures that opposition politicians are forced to consider the merits of the program. Program stakeholders have been consciously open to sharing individual success stories and overall success of the model itself with both politicians in Denmark and through media outlets. Furthermore, the longer and more success the program realizes, the more likely it is to be recognized (possibly accepted) as ‘best practice’. Incorporating evidence of successful performance into rhetoric surrounding the program is critical to encouraging successful persuasion.

Aside from the argument itself, statements are all put forward by experts in their fields, increasing the credibility and reach of the persuasive efforts. Professor Bertelsen understands and explains the program from a psychological perspective using his life approach framework.¹⁰⁷ In speaking from a respected university, this perspective lends itself to an academic audience to study the program merits. The police are not only central to the program, but strongly advocate for its success. The PET also continues to work closely with the program although it has not directly commented on it. These groups represent security-sector buy-in. Finally, the town Mayor has taken on a key spokesperson role, having accepted several speaking engagements overseas, including an anti-radicalization conference at the White House.¹⁰⁸ He also uses his platform as an expert at the Washington Institute in the United States to share the theories and logic underlying the Aarhus model.¹⁰⁹

¹⁰⁷ Bertelsen, “Danish Preventative Measures and De-Radicalization Strategies: The Aarhus Model.”

¹⁰⁸ “Jacob Bundsgaard to Participate in the White House Summit to Counter Violent Extremism.”

¹⁰⁹ de Kerchove et al., “Rehabilitation and Reintegration of Returning Foreign Terrorist Fighters.”

Finally, program stakeholders have taken advantage of the uncertainty created by the foreign fighter phenomenon to make strategic use of regional and global institutions related to terrorism. Because there had been little discussion regarding foreign fighters in Denmark or internationally at the start of the program in 2013, there was space within which to propose the Aarhus alternative. The Aarhus model has been presented at the EU Radicalization Awareness Network (RAN) on several occasions, and is highlighted in the RAN 2013 best practices for member states.¹¹⁰ The program's success was then highlighted by the Global Counterterrorism Forum in 2014, which provided the framework for the UNSCR 2178 on foreign fighters. Exposure to the Aarhus program grew exponentially following the vote for UNSCR 2178 and has allowed the program argument to continue its momentum.¹¹¹ Expanding the scope of the argument not only denies the possibility for local opposition to deny or ignore the salient points, but also continues to draw others into the discussion.

Measuring Success

This section will focus on the third step of the informal argument analysis model by investigating the continuing challenges of the Aarhus argument and where success is evident at the national, regional and international level. Success is judged by examining shifts from argumentation to institutionalization with focus on the chronology of those shifts related to the argument's development. Examples of such a shift include whether and how the argument is used outside its immediate sphere (i.e. in external institutions), evidence of efforts to justify the dominant frame in light of the alternative, or adoption by a strong power, particularly when counter to the actor's

¹¹⁰ Radicalisation Awareness Network, "The RAN Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration"; "Radicalisation Awareness Network (RAN)"; Radicalisation Awareness Network, "RAN Update 21," 21.

¹¹¹ "Denmark rehabilitates militants with football, education and religion"; "Denmark's Jihadist Rehab Aims to Stop Young People Travelling to Syria"; "How Denmark Learnt From Its Own Charlie Hebdo Moment"; "Militant Rehab in Denmark"; Ertel and Hoppe, "Community Response"; "Denmark"; "How Denmark Has Been Reintegrating Former Extremist Fighters"; Henley, "How Do You Deradicalise Returning ISIS Fighters?"; Dutton, "Can Returning Jihadis Be Reintegrated into Society?"; Khader, "The Danish Model for Prevention of Radicalization and Extremism."

expected response. Recent events suggest that although the argument has not been successful at encouraging replication in practice, it is increasingly being incorporated into institutional discourse at the international level, forcing a consequent shift in rhetoric within the region.

Domestically

The Aarhus argument remains contentious within Denmark and has arguable made the least progress domestically. The February 2015 shooting in Copenhagen presented a challenge to the feasibility of the Aarhus argument and led to renewed focus on security measures from the federal government. The shooter claimed inspiration from Da'esh and was also inspired by the *Charlie Hebdo* attacks in France a month earlier. He had not been to Syria, however knowledge that he had been known by the PET to be a possible threat discomfited the already mourning public. Immediately after the shooting, the Prime Minister announced a new 'terror package' that would fund twelve initiatives including strengthened surveillance, improved analysis capabilities, increased access to airline information, new initiatives for prevention and correctional institutions, and an evaluation of terror-fighting efforts.¹¹² In line with these expanded security-centered responses, the Danish Eastern High Court took the unprecedented step of revoking citizenship from Sam Mansour for terrorist propaganda in July 2015.¹¹³ Furthermore, the Criminal Code Council (Straffelovrådet) recommended that Denmark adjust its definition of treason to include all citizens who join terror groups, including Da'esh and al-Nusra. This would allow the government to punish foreign fighters for working against the state and would present a more definite security-centered national policy towards foreign fighters.¹¹⁴

Within this sphere there has been no mention of the Aarhus model or consideration for its expansion, but there has also not been talk of dismantling the program. The durability of the program within this

¹¹² "Denmark Announces New Anti-Terror Initiatives."

¹¹³ "Convicted Terrorist Loses Danish Citizenship."

¹¹⁴ "Denmark to Get Tough on Foreign Fighters' 'Treason.'"

environment appears to contrast with the dominant understanding of national security interests. Furthermore, the Aarhus argument continues to be an issue to which politicians must respond. Aarhus is one of Denmark's largest cities, and, being home to the majority of Danish foreign fighters, has a significant stake in the discussion. There also remains direct support from PET and acceptance by national politicians. Sponsorship in both the domestic political and security sector have forced replies from opposition, even if it remains highly negative. One Minister of Parliament stated "...if you've been a war tourist — as we like to describe it — when you get back if you're not a Danish citizen you shouldn't be allowed in the country. If you are [a] Danish citizen you should be sent to jail. Basically, I'd like for them not to come back at all."¹¹⁵ Similarly, Mr. Geertsen from the Liberal Party 'wants to avoid a situation where society "feels sorry" for people who should really be punished.'¹¹⁶ While negative, these statements reflect the degree to which the Aarhus model has forced a debate domestically.

Multi-laterally

The Aarhus model has had more direct impact on international institutional rhetoric and has arguably moved beyond domestic negotiation to international sanctioning despite the fact that the prior is ongoing. Aarhus political entrepreneurs have actively taken advantage of the high degree of deliberative institutions in the EU and UN to broaden the scope of their arguments. The success of this campaign can be judged by rhetoric in public statements, best practice recommendations, and in the 2014 UNSCR 2178.

As the numbers of foreign fighters to the Syrian conflict became increasingly apparent, the EU took a decisively active and aggressive stance. The EU Counter-Terrorism Coordinator, Gilles de Kerchove,

¹¹⁵ Williams, "Danish Foreign Fighters Welcomed Back into Country."

¹¹⁶ "Militant Rehab in Denmark."

reports that foreign fighters have been a top priority since mid-2013. He identified four areas for EU focus – prevention, information exchange and identification and detection of travel, criminal justice response, and cooperation with third parties (namely Turkey).¹¹⁷ There was also discussion to update criminal legislation in the Amended Council Framework Decision 2008/919/JHA to be in line with the UNSCR 2178 on foreign fighters. Such an update would harmonize criminalization of foreign fighters across the union, act as a reference point for EU agencies, and support security cooperation.¹¹⁸ In January 2015, an EU Committee on Foreign Fighters and Related Issues was established to re-examine criminalization of terrorist acts.¹¹⁹ In May 2015, the Committee presented a protocol to the Convention on Terrorism focused on security and the need for increased coordination. The legally-binding protocol was later agreed to by the Council of Europe.¹²⁰

The EU rhetoric began to include possible alternative responses to foreign fighters towards the end of 2014. A December 2014 discussion paper from the European Council to the EU CTC specifically raises the issue of rehabilitation and disengagement of foreign fighters as an alternative response to their return.¹²¹ A February European Parliament Briefing paper specifically highlights the Aarhus model in describing Danish efforts to address foreign fighters.¹²² In the same month, a statement by the EU CTC in response to the Paris attacks, directly calls for greater emphasis on vocational training, job opportunities and rehabilitation alongside the anticipated security measures.¹²³

First evidence of argument expansion amidst this transition is through the Radicalization Awareness Network internal and external dimensions (RAN INT/EXT) working group, which was established

¹¹⁷ “Response to Foreign Terrorist Fighters and Recent Terrorist Attacks in Europe”; “Foreign Fighters.”

¹¹⁸ “Council Framework Decision 2008/919/JHA”; EU Counter-Terrorism Coordinator, “Foreign Fighters and Returnees: Discussion Paper.”

¹¹⁹ “Committee on Foreign Terrorist Fighters and Related Issues (COD-CTE).”

¹²⁰ “Foreign Fighters”; “European Foreign Ministers Adopt New Legal Standards for Tackling ‘foreign Terrorist Fighters.’”

¹²¹ EU Counter-Terrorism Coordinator, “Foreign Fighters and Returnees: Discussion Paper.”

¹²² “Foreign Fighters.”

¹²³ “Informal Meeting of the Heads of State or Government Brussels.”

to focus on countering radicalization through diaspora and raising awareness of foreign fighters. The RAN was developed in 2011 to ‘provide a platform for practitioners to gather and share best practices in countering radicalization leading to violent extremism’. The INT/EXT Working Group began operations in 2012 and is chaired by the director of the International Centre for Counter-Terrorism – The Hague.¹²⁴ Initial working groups were organized with practitioners, policymakers, and academics, and discussed both security and counter-narrative, preventative options. Soft measures discussed in the first meeting included support for affected communities, creating space for dialogue between government and civil society, and developing counter narratives. These were all reminiscent of pre-existing prevention programs. The concept of reintegration for post-conflict returnees was not addressed until the fourth conference in late 2013 after introducing the Aarhus reintegration program. The consequent *Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration* is truly comprehensive, considering each of these issues on their own and thematically.¹²⁵ Reintegration is clearly supported as an alternative response to returnees within this environment. The January 2014 Cities Conference, which included representatives from Aarhus, specifically highlights likely ‘psychological trauma associated with war...require health assistance, rehabilitation and reintegration type interventions’.¹²⁶ The follow-up meeting in May 2014, was focused exclusively on “Reintegrating Foreign Fighters with a Focus on Family Support Structures”, indicating full acknowledgement of this alternative.¹²⁷ The most recent 2016 RAN Collection of Best Practices, which is intended for training practitioners, highlights the Aarhus model once again as a prime example for community engagement and empowerment efforts.¹²⁸

¹²⁴ “RAN INT/EXT Working Group.”

¹²⁵ Radicalisation Awareness Network, “The RAN Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration.”

¹²⁶ “Conference Paper.”

¹²⁷ “RAN INT/EXT Working Group.”

¹²⁸ Radicalisation Awareness Network, “Preventing Radicalisation to Terrorism and Violent Extremism.”

The Global Counterterrorism Forum (GCTF) reflects a similar shift. The GCTF is a forum in which counterterrorism officials and practitioners discuss ‘experience, expertise, strategies, capacity needs, and capacity-building programs’. The Coordinating Committee is co-chaired by Turkey and the United States, with a total of thirty founding members, including Denmark.¹²⁹ The GCTF only established a foreign terrorist fighter working group in 2014, which is co-chaired by Morocco and the Netherlands. Previous focus had been on law enforcement, justice sector, information sharing, border control and countering violent extremism; mention of rehabilitation had only been with reference to prison extremism (Rome Memorandum, 2012).¹³⁰ However, the working group’s first conference in February 2014 following the RAN Cities Conference specifically discusses reintegration of returning fighters. The corresponding Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon designates an entire portion to ‘Develop comprehensive reintegration programs for returning FTFs’.¹³¹

These good practices set the stage for drafting the UNSCR 2178 during the following months. Despite being faulted for its expansive definition of terrorism, the resolution does urge member states to conduct all activities in line with international human rights law (paragraph 11). The resolution calls for cooperation in sharing information, suppressing travel to the conflict zone to stem the flow of foreign fighters, and criminalization of terrorist acts. The novelty of the resolution, and most important aspect for identifying a shift in the debate, is the call to reintegrate returning foreign fighters. The references to reintegration are as follows:

Recognizing that addressing the threat posed by foreign terrorist fighters requires
comprehensively addressing underlying factors, including by preventing radicalization

¹²⁹ “About the GCTF.”

¹³⁰ “Foreign Terrorist Fighters”; “Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders.”

¹³¹ “Marrakech Memorandum.”

to terrorism, stemming recruitment, inhibiting foreign terrorist fighter travel, disrupting financial support to foreign terrorist fighters, countering violent extremism, which can be conducive to terrorism, countering incitement to terrorist acts motivated by extremism or intolerance, promoting political and religious tolerance, economic development and social cohesion and inclusiveness, ending and resolving armed conflicts, and facilitating reintegration and rehabilitation

4. *Calls upon* all Member States, in accordance with their obligations under international law, 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.¹³²

The term ‘reintegration’ is only mentioned twice, almost as an after-thought. Yet, in article four it is clearly designated an alternative and even complementary response to prosecution.

The presence of many world leaders at the presentation of the resolution indicates the importance placed on addressing foreign fighters, but also reflects the challenges of pressing the argument of reintegration in the domestic sphere. President Obama chaired the vote for UNSCR 2178, impressing upon all delegates the importance of the matter by saying ‘...this is only the sixth time that the Security Council has met at a level like this.’ However very little attention was given to the concept of reintegrating foreign fighters in the members’ speeches. The UN General Secretary Ban Ki Moon brought attention to the politics of inclusion as being a more effective tool against terrorism.

¹³² United Nations Security Council, *Resolution 2178 (2014)*. Preamble, Article 4.

Otherwise the topic was only directly raised by the President of Rwanda, the King of Morocco, the Prime Minister of Norway, and the Prime Minister of Belgium (at least in terms of curing the individuals). In fact, the majority of leaders emphasized the need to act ‘sternly’, to leave no room for impunity or even to ensure that they will be ‘jailed for a very long time indeed’ (Prime Minister Abbott of Australia).¹³³ The following section expands on the challenges these statements represent for encouraging domestic implementation.

Regionally

The theoretical norm cycle implies a break from the shift towards institutionalization and the shift back to the domestic sphere through a norm cascade. Recent rhetoric within international forums and direct UN actions imply that there may be limited sanctioning of the reintegrative alternative. However, the limited impact of these instances also imply that these efforts to encourage the norm cascade may be premature.

Examples of limited acceptance among regional neighbors are purely rhetorical in nature despite UN efforts to encourage implementation. One example is Norway’s mention of their plan to adopt reintegrative policies during the UNSCR 2178 vote despite simultaneous efforts to deny foreign fighters citizenship.¹³⁴ Similarly in a speech at the Foreign Terrorist Fighters Working Group, Minister Koenders from the Netherlands noted the need for tailored approaches that are both a blend of reintegration and detention.¹³⁵ Previously, the only mention of reintegration in the Dutch national counter-terrorism strategy referred to detainees.¹³⁶ At the same time, the UN seems willing to begin pressing the reintegrative alternative more forcefully. A UN working group that met in Belgium

¹³³ *Threats to International Peace and Security Caused by Terrorist Acts.*

¹³⁴ Reed, de Roy van Zuijdewijn, and Bakker, “Pathways of Foreign Fighters: Policy Options and Their (Un)Intended Consequences.”

¹³⁵ Minister Koenders, “Speech Minister Koenders at Foreign Terrorist Fighters Working Group.”

¹³⁶ “National Counterterrorism Strategy 2011-15.”

October 2015 to discuss challenges with terrorism and foreign fighters provided several recommendations, including the need to establish structured reintegration programming for returning foreign fighters. The report specifically suggested adopting a program similar to the Aarhus model.¹³⁷

Rhetorical appeals by state officials for foreign fighter reintegration appear hollow in light of state actions. In the Netherlands, several passports have been revoked and one individual was banned from returning, with the warning that he would be tried for war crimes if he chose to return. Returnees are also barred from social benefits and may have their assets frozen. Criminal legislation has been expanded and an Integrated Approach to Jihadism was established late-2014 to allow the government to revoke citizenships, prevent departure, and halt radicalization.¹³⁸ Despite the recent speech by Minister Koenders, there has been no discussion of soft approaches to returnees in the political sphere. The shift to political feasibility is therefore not evident.

Similarly, despite a historical regard for soft counter-terrorism approaches, it is unlikely that the UN recommendations will translate into Belgium's domestic institutions. Belgium's counter-terrorism strategy acknowledges a need for empathy to understand the 'other' and several cities established city-level prevention networks. The major cities also set up apparatuses to track returned foreign fighters and offer rehabilitation if necessary. Prior to the 2016 shootings, some Belgian officials believed these programs were working and stemming the flow of foreign fighters.¹³⁹ They have also been a key actor in encouraging EU focus on the root causes of terrorism.¹⁴⁰ However, Belgium has since been a key battleground for Da'esh operatives, and their network within and from Brussels appears to be

¹³⁷ "Number of Belgian Fighters in Syria and Iraq Totals Nearly 500."; "Behind the Headlines on Violent Radicalisation in Belgium."

¹³⁸ Justitie, "Terrorist Threat Assessment Netherlands"; Justitie, "Cabinet Strengthens Integrated Approach to Jihadism and Radicalisation"; Justitie, "National Coordinator for Security and Counterterrorism"; "The Netherlands Comprehensive Action Programme to Combat Jihadism: Overview of Measures and Actions"; Soeren, "Dutch Jihadists in Syria Pose Threat to the Netherlands."

¹³⁹ Meyer, "Secret Cable."

¹⁴⁰ Coolsaet and Struye de Swielande, "Belgium and Counterterrorism Policy in the Jihadi Era (1986-2007)."

strengthening. Amidst this environment, the grassroots approach has languished in the national mind.¹⁴¹ In the immediate aftermath of the 2014 shooting, twelve measures were decided upon to bolster the security sector.¹⁴² Certain cities have taken steps to remove social welfare services of those who travel to Syria, directly contradicting grass-roots efforts to prevent radicalization and support return.¹⁴³ Families of returnees have also noted a lack of support for returnees who do wish to disengage and reintegrate.¹⁴⁴ As recently as February 2015, a trial of 45 members of the Sharia4Islam group were found guilty of affiliation with a terrorist organization.¹⁴⁵ Following the March 2016 shootings, the Belgian Prime Minister again plead with the EU to establish a union-wide intelligence force akin to the American CIA or FBI.¹⁴⁶ As attacks continue in Belgium and France, there is little political will to consider alternative responses and it is unlikely that recommendation will move forward without external pressure.

Ultimately, although these shifts in rhetoric in international venues may represent the degree to which the argument of reintegration has been increasingly institutionalized, they also illustrate the degree to which success is limited. These cases may represent a trend to increase pressure on domestic governments, particularly governments with extreme difficulties with terrorism and with the resources to accommodate alternative responses. However, no government (including Denmark) has yet adopted a broad reintegration program for foreign fighters, and the political climate for restorative justice appears to be worsening alongside attacks in Western Europe, increased refugee flows and support for extremist political parties.

¹⁴¹ Rubin and Gladstone, "Brussels Attack Lapses Acknowledged by Belgian Officials"; Levitt, "My Journey To Brussels' Terrorist Safe Haven"; Drozdiak and Verbergt, "Belgians Try to Reach Radicals in Muslim Communities."

¹⁴² "Armée dans les rues, retrait de nationalité... Les 12 mesures du gouvernement contre le terrorisme."

¹⁴³ "Belgian Jihadists in Syria Stripped of Welfare Benefits."

¹⁴⁴ "Brussels Acts to Stem Flow of EU's Radicalised 'Foreign Fighters.'"

¹⁴⁵ "Belgium: Extremism and Counter Extremism."

¹⁴⁶ Bartunek and Blenkinsop, "Belgian PM Says Better Data Exchange Needed to Stop Militants."

Alternative Explanations

To guarantee the causal importance of persuasion in bringing about increased acceptance of foreign fighter reintegration at the international level, the informal argument analysis method suggests examining and contesting alternative explanations for the change. This section addresses three possible explanations. First, there may have been reintegration stakeholders within powerful positions that were looking for a successful example to champion their cause. This would be a role reversal in which the Aarhus model was simply used by the institutions. The second alternative argues that the shift at the institutional level was a natural progression of the existing security-community engagement paradigm and did not require persuasion. The third alternative claims that there was in fact no shift at all, or that whatever shift may be apparent is meaningless. Each of these will be addressed in turn.

The argument for reverse causation can be addressed by looking closely at the chronology of the process. Although the topic of ‘soft’ approaches towards foreign fighters was discussed as early as 2012, the issue of reintegration was not raised until after reintegration efforts started. The Aarhus model and its reintegrative approach received most of its early publicity through the RAN. Through this venue, by the time the GCTF held its first conference on returning foreign fighters, the issue of reintegration was an acceptable alternative within EU institutional rhetoric. The corresponding Marrakech Memorandum directly help shape the consequent UNSCR 2178.¹⁴⁷ Following the UNSCR 2178, publicity of the Aarhus model in the international media and within academic circles snowballed. Most of the international media attention to the program and discussions in academic forums outside of Denmark occurred following the UNSCR 2178 either in late-2014 or 2015. This suggests that institutional shifts did bring more attention to the program. However, the program argument was presented before being internationally sanctioned.

¹⁴⁷ “Foreign Fighters.”

This does not imply that there were not key individuals receptive to the Aarhus option for restorative justice. In fact, receptivity would be necessary for the argument to be persuasive. Because of this, the success of the Aarhus model was likely considered a mutual win for the argument as well as for institutional stakeholders invested in restorative justice options. Regardless, the chronology implies that the argument had to be practiced successfully and advocated for by practitioners in order to be persuasive to a broader audience.

Furthermore, the argument itself was weak relative to arguments for revamped security measures and therefore required persuasive efforts to advance. Persuasion literature argues that persuasion is likely at play when a strong power shows signs of adhering to the understandings of a weak power or when a strong power appears to act counter to their interests. The ease with which the majority of governments resorted to security-centered approaches indicates the strength of the dominant narrative. The fact that the Aarhus argument continues to hold ground and be referred to in international forums as an acceptable alternative or supplement to this dominant narrative, implies causal importance of persuasion.

The second argument that reintegrating foreign fighters is a natural progression ignores the reality that there continues to be a significant degree of push-back from practitioners. Aarhus argument entrepreneurs do frame the argument within existing domestic prevention programming. The natural progression argument would then translate this to the broader tension between security and human rights approaches to terrorism. According to this logic, because many countries as diverse as Saudi Arabia and Belgium have implemented de-radicalization and soft counter-terrorism measures alongside and within their security apparatuses, efforts to reintegrate foreign fighters within the latter would happen regardless of persuasion. The most obvious response is the fact that only one of those diverse examples has successfully agreed to and begun implementing foreign fighter reintegration

outside the prison system. Furthermore, if it were a natural progression there have been external shocks through which that progression would be hastened. Instead, governments have proved reticent to adopt the alternative policy. Finally, if reintegration were considered to be as fundamental to the international value system as human rights more generally it would be similarly monitored. When monitoring UNSCR 2178 compliance, the monitoring team addressed global compliance with improvements to the security sector and human rights generally, but no mention was made of steps taken to implement reintegration programs. This implies that the UN does not consider this to be a critical or automatic next step for states.

Third, is the argument that there has been no shift towards institutionalization. In other words, the brief references to reintegration within the EU and UN are meaningless because they have not been followed by actions. The previous section details the shift in rhetoric, and will not be repeated here. However, it is worth repeating how the rhetoric is spread across agencies. The RAN most quickly adopted the call for reintegration, then it was picked up by the GCTF, which helped shape the globally-relevant and legally-binding UNSCR 2178. The topic has also been of interest in international academic and media forums. Of course, the process was not this linear, however the argument was accepted and repeated in and across many different venues. Additionally, the persuasion literature requires a critical mass of adoption prior to the norm cascade, and suggests that concerted pressure can be used to establish that critical mass. UN efforts to pressure countries such as Belgium into adopting reintegration suggest that there are stakeholders interested in creating this cascade, but that the critical mass may not yet been reached. This raises the question as to whether the argument will continue to be relevant in the future, but does not undermine the possibility for persuasion to have been evident.

Discussion

Analyzing the argument posed by the Aarhus model and its relative successes through a persuasion lens poses some questions, but also holds implications for understanding the art of persuasion and the future of possible progress of the Aarhus model. First of all, the relative success of the program indicates that persuasion can be effective, even concerning highly emotional and institutionalized issues. The relative success also suggests that governments who have the resources to account for the alternative view posed by the Aarhus model will be pressured to do so by international bodies. That said, the model has proven to be politically divisive, even in Denmark. The few examples of states considering the Aarhus model illustrate the significant challenges to potentially encouraging the second shift from institutionalization to internalization. These challenges subsequently highlight the limited predictive power of theoretical norm cycles.

Persuasion a viable tactic in highly emotional and institutionalized environments

The conflation of foreign fighters with terrorists is heavily embedded in emotional and normative appeals at the domestic level and highest international levels. Many governments successfully introduced 'soft' measures including efforts to investigate the root causes of terrorism and implement radicalization prevention programming. However, the dominant response to returning foreign fighters' return is largely incarceration, mistrust, and surveillance. These security-centric approaches were established and internalized amidst highly emotional events early in the century. They were institutionalized by the UNSCR, mandating that security responses be universally adopted into domestic legal codes. Finally, the narrative made use of normative beliefs such as human rights, making it difficult for alternatives to use this language in a new frame. In sum, the dominant narrative made use of entrenched emotional and normative appeals, was highly institutionalized, and was sponsored by dominant security council powers.

While the argument for reintegrating foreign fighters is not yet an internalized norm, the case reflects an instance of successfully shifting the debate within this emotionally and institutionally embedded frame. This effort required subtle, but strategic use of framing to build the argument as well as use of experts, context, and institutionalization to share the argument. The dominant narrative appealed to emotions and human rights, and the Aarhus argument accounted for both in the argument design. The Aarhus model was also built within familiar, existing institutions (domestically and internationally), particularly institutions that were supposed to be in opposition to the possibility of reintegration – namely the UNSC.

The argument was shared directly by local experts and proven through performance. The program is sponsored by Professor Bertelsen, who provides expertise on the process itself. The mayor represents political backing, while vocal police and PET support presents assurances from the security sector. This sponsorship bolsters the argument in each of these key areas. These experts also were able to easily make their argument because of what they consider evidence of success. Interviews regularly highlight the high participation and steep decline of foreign fighter numbers.

Thus, the Aarhus argument could only be persuasively presented as an alternative through a comprehensive approach. Argument sponsors made use of framing tools suggested in the persuasion literature in order to make the argument familiar and appealing (Habermas, Risse). The sponsors made use of their expertise and environment to share the argument with as wide an audience as possible, ensuring that it could not be ignored by opposition parties (Crawford, Risse). Finally, Aarhus' ability to reflect success was not only a happy coincidence, but became central to the argument itself (Hanrieder). This suggests that successful persuasion need not be viewed solely through the lens of a perfect speech situation, but can and should take advantage of all available tools.

Governments to be held increasingly accountable to the alternative argument

Success is most evident in the shift in international institutional rhetoric; it has had limited practical appeal. Even within Denmark, politicians appear reticent to consider expanding the model beyond Aarhus. Proponents of the dominant narrative make no effort to dismantle the reintegrative argument, but it is not making actionable inroads either. Although politicians may be forced to acknowledge the alternative, there is little evidence of such a program being politically feasible.

Yet, international bodies that have institutionalized the alternative are increasing pressure on governments with the capability to comply. The UN recommendation for a Belgium foreign fighter reintegration program is unprecedented and reflects an intention and willingness to expand the alternative from rhetoric to action. The UN has little force beyond making recommendations. However, the persuasion literature suggests that such international pressure can support the downward cascade to a broader domestic level. In fact, examples of human rights norm cascades often involve such external pressure before domestic argumentation or institutionalization can be realized. However, while the evidence of international pressure suggests that there are stakeholders within the UN who are more willing to hold governments accountable, the following section discusses the continuing challenges that the argument will face in bringing about this second shift.

A challenge to the predictive power of the norm cycle

Despite apparent efforts to shift the norm of reintegration from institutionalization to domestic action through a norm cascade, governments facing larger potential returnee populations and increasingly hostile political climates will likely find the argument unconvincing. Norm literature suggests that following the initial shift from norm emergence to institutionalization, there is a second shift back to domestic renegotiation and norm internalization. The first challenge for this shift lies with the argument itself, namely its reliance on continued program success. If only one individual program

participant does not entirely disengage from violence, the credibility of the program is lost. Current exogenous and political shocks will also likely be more immediately detrimental to argument progression. Taking all of these into account, the Aarhus argument may need to consider strategies outside the life-cycle presented by persuasion theorists.

Shocks to the EU appear to be encouraging draconian legislation and a more extreme political climate. Most obvious are the terrorist attacks on the Jewish Museum and transportation system in Brussels, the attack on *Charlie Hebdo* headquarters, the coordinated November 2015 attacks in Paris, and the Copenhagen shootings. In all of these instances, governments made efforts to assure their constituents that security sector reform was under consideration. The most recent March 2016 shootings in Brussels highlighted the weakness of the security sector in Belgium and inability to adapt to Da'esh evolution, despite anticipating such an attack. The leadership roles played by foreign fighters also amplified the perceived threat that this population poses. Furthermore, they highlighted the failure of pre-existing preventative programs to overcome home-bound foreign terrorist fighter appeals. The impotence of prevention programs in light of the networks established by Syria returnees may weaken faith in a dual security-human security approach towards returnees.

The influx of refugees from Syria have also stoked panic. An EU refugee distribution system was passed only by majority vote and has continued to be contentious.¹⁴⁸ In early 2016, US Secretary of State Kerry considered the refugee question a 'near existential threat to the politics and fabric of life in Europe', indicating the wide-acknowledgement of Europe's sense of vulnerability.¹⁴⁹ The issue has even endangered the sanctity of the Schengen zone, as EU ministers threatened to exclude Greece if it is unable to manage their migrant intake.¹⁵⁰ Finally, the United Kingdom vote to remain in the EU

¹⁴⁸ Traynor, "Germany to Push for Compulsory EU Quotas to Tackle Refugee Crisis."

¹⁴⁹ Cowburn, "EU Referendum: John Kerry Says United States Wants 'strong UK Staying in Strong EU.'"

¹⁵⁰ Traynor and Smith, "Greece Hits Back after EU's Schengen Threat."

presents an additional challenge to the violability of the union.¹⁵¹ These issues will all have an immediate impact on ability to cooperate meaningfully to develop and manage a foreign fighter response, and will unlikely produce an environment conducive to reintegrative responses.

In fact, the legislative response has been clearly in line with the dominant understanding of foreign fighters solely as terrorist threats. Belgium is considering the option of revoking citizenship for those who travel to the conflict zone, as is the Netherlands. Austria and Canada have already determined their right to revoke citizenship (although the new government in Canada is currently reversing this). Australia, Belgium, Canada, India, the Netherlands, New Zealand and the UK have all presented legislation to extend police and judicial powers in handling foreign fighter returnees.¹⁵²

Similarly, the political climate appears increasingly unlikely to consider reintegration for returning fighters. The EU has noted concern of extreme populist parties (right and left) gaining momentum across the continent. These parties are increasingly skeptical of the EU. They are also critical of open immigration policies and more anti-Islamic in general. Given that many of the foreign fighters come from immigrant populations and often travel to the conflict zones due to religious appeal of some form, it is unlikely that these political parties will be politically willing to consider reintegration.¹⁵³

If this environment is not conducive for the next step of the theoretical norm cycle, the question becomes how long an argument can remain at the rhetorical level before being set aside, and whether a new strategy can be developed to prevent this from occurring. Case studies of instances where human rights arguments are posed to strong states, such as the anti-slavery movement, imply the need for internal and external pressure. The UN attempted such pressure in Belgium in 2015, but it was not

¹⁵¹ For more information see: “The UK’s EU Referendum.”

¹⁵² “Treatment of Foreign Fighters in Selected Jurisdictions.”

¹⁵³ “A Profile of Europe’s Populist Parties: Structures, Strengths, Potential”; Speedie and Mollick, “The Rise of Extremism in a Disunited Europe.”

repeated following the attacks in 2016. Argument entrepreneurs may also need to investigate grass-roots pressure options. Incorporating human rights into counter-terrorism legislation has relied on repetition. Once human rights concerns were raised, this normative framework was appealed to in all subsequent counter-terrorism discussions. While the current environment may not be conducive for conducting the argument, this repetition alongside strategic use of pressure may level the power structures of both the states and dominant frame. 'Soft' measures will also need to regain public confidence by reflecting ability to infiltrate networks currently being used by Da'esh. The Aarhus model relied on networks to spread word of the program among Danes in Syria to encourage return. The evolution from 'lone-wolf' attacks to coordinated efforts may present an opportunity for 'soft' measures to play a more active role within these networks to encourage citizen return and disengagement across Europe. Just as the 'pure' argument was not enough to create a discursive environment for institutionalization of the Aarhus argument, advocates may need to consider tools not presented in the theoretical norm-creation literature to remain relevant in future discussions on welcoming foreign fighters home.

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