Terrorism and Migration, The prevention of terrorist infiltration
Dutch and German strategies, a comparison

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Introduction

In the years since the start of the Arab spring and the Syrian Civil War there have been major concerns among both the European citizenry, intelligence and security personnel and the political leadership about the threat of terrorist infiltration into Europe. These concerns are predominantly about two different groups. First, significant numbers of European citizens have left their respective countries to join terrorist organizations in Syria, mostly Isis. Their European citizenship means that, unless monitored, these people could return and travel freely through Europe. The second group are terrorists and potential terrorists traveling amongst the hundreds of thousands of refugees that have entered Europe in the last four years. The common element in these two groups is the fact that they are trying to enter Europe from outside the European Union (EU). This also means that the European Union member states have, at least theoretically, the possibility of identifying the threat before they manage to infiltrate their country, through various measures. This thesis will analyze the differences in the measures that two countries, Germany and the Netherlands, have taken to identify these terrorists, and try to ascertain what the influence of cultural and historical factors is on the policies that both countries have opted to pursue.

So why is it important to research this? In what way does it contribute to better understanding the subject of counterterrorism? Terrorist incidents in Europe are happening in an increasing amount, and the majority of lethal incidents of the last 15 years have been from Islamist terror (Datagraver, 2017). These incidents have varied in size, sophistication and number of casualties. At the same time, the outcome of the Arab spring and the rise of ISIS have stimulated large scale migration. Combined with the arrival of many immigrants from countries where the dominant religion is the same as that of the perpetrators, these attacks have stimulated concerns about national security. Two aspects of these concerns are the risk posed by potential terrorist entering the county using the refugee stream as a cover to do so. Also, a sizeable number of EU member state citizens have joined terror groups in the Middle East, and some might try to return home. Many countries have therefore taken far reaching measures to ensure the safety of their citizens. In this thesis, an attempt will be made to discern what factors are driving the policy choices behind these measures.

To understand how the societal characteristics, political debates, current events and other factors shapes the counterterrorism policy aimed at stopping these potential terrorists before they can infiltrate Europe in general and The Netherlands and Germany in particular, is helpful both from an academic and a societal point of view.

From an academic point of view, it is first of all a general point that it is always important to understand the mechanics of how policy is formed, to understand the causal mechanisms behind the policy making. This applies not only to the current research but to all policy making. More specific for this research it also shows how different countries come to different kinds of policies, and to understand the development of policy over time. For although policy comes in many forms, be it a law, government directive or institutional approach, it is never a single standalone, static thing. Policy making is not like drawing a painting, which is made, and then finished, but rather like constructing a wall, where each policy is like a stone which is placed upon previously laid down bricks. To extend the hyperbole to this thesis. The different aspects of a nation, its political climate, its characteristics, its taboos and peculiarities shape policy, but the policies enacted, the debates and choices of a nation's political class in reverse also affects the society and all its aforementioned aspects. While this thesis does in itself not evaluate the effectiveness of certain policies, it does provide a stepping stone for other research to do so, for the understanding of the factors involved in shaping a policy is necessary to be able to make a truly informed opinion of its success or failure.

But this thesis also holds value for the benefit of the general public. To understand how policy is shaped over a longer period of time, means that trends can be observed, patterns discovered. Our western civilizations are built upon certain principles, the freedoms of the enlightenment, the human rights of the individual, the checks and balances of the state and the rule of law. Already there is some concern amongst individuals and organizations, that the counterterrorism policies, although driven by the most noble intentions can infringe upon this right and affect our liberal societies. To understand how these policies come into being and what is the driving force behind them can be a tool in detecting and preventing policy excesses in the future

As scientific research is making choices, it can come as no surprise that in thesis several choices were made to improve accuracy and efficacy of this paper. The most conspicuous of these is the case selection. The reason that this thesis investigates The Netherlands and Germany is that these are most similar nations to a large extent. Dutch and German are related languages, the fiscal and monetary policy and preferences are very similar, the cultural history is similar and at times even shared. These small differences mean that when investigating counterterrorism policy differences, there are a limited number of possibilities. This means that it is possible to make well founded statements on the cause of the differences. Unlike nations who are more different, where any different choice in counterterrorism can be attributed to many different factors. At the same time, the Netherlands has not yet suffered a major terrorist attack in the last fifteen years, whereas Germany has been hit several times, not just by Islamists, but by a perpetrator which entered Germany as a refugee. It will be interesting to see whether this difference has led to a change in cultural attitude when it comes to counterterrorism.

This thesis question refers to measures taken after 2011. The reason for this is that the already mentioned Arab Spring, which led to civil wars in Libya and Syria, and thus, indirectly to the rise of ISIS, have significantly magnified the problem of Jihadist immigration. In fact, the thesis will show that prior to the rise of ISIS the European Union and its member states, were disinclined to see the possibility of a major threat rising from terrorist joining migrant flows, as evidenced by statements from official organizations and lawmakers alike (Sargentini, 2015; AIVD, 2013). This changed as migrant flows increased significantly in size and disorganization, as well as through painful experience with radicalized immigrants. Also, while the foreign fighter was not an entirely new concept, the number of radicalized, mostly young Muslims, both male and female that travelled from European countries to Iraq and Syria drew wide attention to this problem. This is why this thesis will focus on measures passed after 2011, to accommodate the changed situation.

Another question that had to be dealt with was the wording of the main question. The main question speaks of how the German and Dutch governments develop policies to prevent terrorists from entering their countries. In this case there has been a discussion whether to use only the word terrorist, instead of potential terrorist. In the end, the main question is worded as it is because the phrase "potential terrorist" does not sufficiently limit the scope of the question. This thesis deals with the policies and measures taken in The Netherlands and Germany to prevent those that already are members of terrorist organizations from entering these two countries. Moreover, using the phrase "potential terrorists" could be said to include those refugees that are at risk of radicalization, and how both countries deal with that issue. While this is certainly an important undertaking, it is one that does not fall under the scope of this thesis.

The final issue was to determine a cutoff point. In order not to extend the scope of this thesis beyond the realm of practicality, the research needed to be clearly defined. In this case the risk is that, when describing methods to prevent terrorists from entering the country one starts to describe and analyze the entire counterterrorism policy of a country. This would be far too extensive given the relatively limited space available. This thesis will therefore focus mostly on to aspects of counterterrorism. Those aspects are border control and immigration policy. The one exception made to these limits is when a specific policy is not necessarily part of one of those two aspects, but has been drawn up specifically to address the subject of this thesis.

1: Research questions

Main question

To what extent do the German and Dutch policies to prevent terrorists from entering their countries differ after 2011, and what causes these differences?

Subquestions

1. Why and how do terrorists want to enter (Northern-)Europe?

> To answer this subquestion a number of different sources is used, such as government reports as well as scientific literature. Beside these two sources, data from non-governmental sources is also used. With these sources, the origin of the terrorist threat, both on an motivational level (why) and on a physical level (how) will be demonstrated.

> The reason for these datasets is that as immigration and security are the most primary functions of the state, and the reports of the government are reliable sources of data. In a sense, the same is true for non-governmental data, as there are many reputable organizations that work with or study these aspects. Together they can provide insight into the subject, with the two different origins of the sources preventing lacunae or a one-sided view of issues.

2. What kind of means do the German and Dutch have to prevent terrorists from entering their country?

> In answering this subquestion, mostly governmental sources are used. In a well-functioning western society like Germany or the Netherlands, all government means are described both in law, government measures and in other official texts, ranging from lively reports to simply information given to the public to explain the role of an institution. Also, outside the government, specialized think-tanks study these means. Their contribution is gratefully accepted and used for this thesis. Finally, as counterterrorism and immigration are currently a "hot" debating point in politics and society, there is also a lot of media attention. Sometimes this provides additional data, but journalistic references, unless corroborated from multiple sources, are generally only used to illustrate a problem, or provide an example of a threat.

3. What kind of policies have the German and Dutch government formulated to prevent terrorists from entering their countries?

> The way in which this subquestion is answers is much the same as with the second subquestion, and for the same reason. In this case there is more use of journalistic sources, as well as statements and publications, by political actors. This is because part of the answer to this question involves proposed measures, which means that government data on such policies would be incomplete or even scarcely existent. A policy could be in the stage of only having been announce by a minister or party leader. This

distinction will also be made in the answering of the question, making it clear which policies are already enacted, and which are proposed. Also, only those proposals which have a reasonable chance of being enacted will be analyzed.

4. How can the differences between these policies be explained?

For this subquestion there will be few new sources. For the most part, the question will be answered by drawing upon the earlier subquestions for the differences, and on the existing literature as described in chapter four. If an explanation would conflict with insights gained from the theoretical literature described in earlier chapters then this will also be debated in this section and its merits tested..

2: Methodological considerations

In this section, it is important to reflect upon the sources and analysis in this thesis. First the sources. Several different kinds of sources have been used in this thesis. Where possible official government sources have been used when it comes to data, institutional information and organisations. Data about the means and methods of detecting terrorists in the migrations streams and tracing foreign fighters use a combination of governments sources where available, augmented by newspaper articles, scientific writings and non-governmental organisations (NGO)'s. For all the non-governmental sources, special attention has been paid to ensure the sources are reliable. For the media articles, this means that reputable mainstream media have been selected, with special care given to avoid tabloid and sensationalist media. Again, for NGO's only those with a dependable reputation and a high level of professionalism. The risk involved in the use of NGO's is that these sometimes have a certain agenda, such as the International Organisation for Migration, which could be accused of having a pro-immigration bias. These kinds of organisations are only use to provide factual data, other information from such sources need a second independent source. Other NGO's include think tanks such as the Institute for Strategic Dialogue, organisations, again with a high reputation whose research is often published in peer reviewed journals.

The aforementioned sources have been used in different ways in this thesis. For the descriptive data of the cases and the case history, scholarly works have been used extensively. For the second and third subquestion, regarding means and policy data, primary sources are used. These are mostly government data, ranging from laws and directives to institutional information and from government ordered policy papers to statement made by government ministers in response to parliamentary questions. These documents have been gathered to be able to make a comparison in the fourth subquestion and in the conclusion between the conclusions and suggestions to the cause of policy and practical differences made by previous scholarly researchers versus the conclusion drawn from the original research done in this paper.

There are however two major drawbacks to the sources. First of all, most scientific literature is more general in nature, and goes more into backgrounds of terrorism itself, or migration as a whole. The relative novelty of the present situation means that a lot of research still has to be done. This is in a sense unsurprising given that later on it will be shown that until 2014 the official government position was that there was no threat from terrorists hiding amongst migrants. It is also visible in contrast with the foreign fighters problem, which was obvious from the very first moment EU citizens started to join ISIS, which means that more material was available on this.

The analysis is also formed by the method of research. In this case a comparative case study. This method of study carries its own specific strengths and weaknesses in this thesis.

One of the strong points of this research is that it enables the analysis of the terrorist infiltration problem and the policies against it in a very structured manner, comparing two most similar cases. Because of this great similarity the differences between policies can be identified and attributed to the differences between the two cases. As a controlled experiment is obviously not possible in cases such as this, a comparative case study van provide that which is closest to it, a study in which the variables have the least variation possible.

Of course, this method also has drawbacks, the most important of which is the risk of omitting factors outside of the selected cases which could provide a better explanation for certain policy decisions. In this thesis some attention is already being given to EU policy and organisations and their impact on this problem. It could be that aside from the measures and institutions included in this thesis, there could be some overarching European aspect that is neglected because of the focus on the two cases. This risk is fortunately mitigated by the fact that such a factor would affect both countries, and would therefore be less likely to foster differences in policy, but the risk always remains.

A second risk of this type of study is that as the focus is put upon the differences in both nations' policies, that these differences get magnified and more value is placed upon them than is really the case. The emphasis on the differences in this situation might lead to unwarranted conclusions. Given the similarities between nations, sometime the difference between two counterterrorism proposals, both being rather equal in advantage and disadvantage might be something as simple as the personal preference of the civil service preparing the policy or the minister proposing it. In other words, it might seek answers in the differences in society as a whole, where they are purely the result of the individual. To give an example, the Netherlands may adopt a stricter policy toward screening of migrants than Germany because the minister for immigration is a member of the more right-wing VVD. Had the minister been a member of the more lenient PvdA, this might have been different. But all aspects of the two nations might be the same, down to the same coalitions ruling both countries.

A third issue is the fact that this is a highly sensitive subject. Discussing the means and policies which guide and influence the national security and the workings of the intelligence organisations of the nation state touch upon the very core of these organisations. Within any intelligence organisation means and methods are often the most jealous guarded secrets. For someone who does not have access to confidential information this poses a serious threat. As president Kennedy once said about intelligence organisations "Your successes are unheralded, your failures are trumpeted". There may therefore be a chance that using confidential parliamentary briefings, measures have been taken and policies implemented in preventing terrorist infiltration that are unknown to the general public. On measures that are known it may be impossible to assess their efficacy, because data about this may not be released by the government.

The final problem is that many sources are providing fact and analysis of the situation, not necessarily the reasoning behind the decisions. Given that one of the goals is to find the cause of different methods in locating terrorists in immigration flows, and to ascertain what cultural aspects have led to these differences, it is difficult to have to rely on general information and factual information to draw conclusions.

Therein lies also the major flaw in the analysis. The combination of general information, combined with the quite small differences in approach make for very unsatisfying conclusions. Although these conclusions are certainly correct, they are of a very general nature. Any more specific conclusions tying specific measures to specific events, or sentiments cannot be supported by analysis, and are therefore unwarranted. As said the source of this lies in the general nature of the literature and the marginal differences, but also in the fact that these are highly controversial political topics, with several actors possibly having multiple agenda's apart from the public ones. An example of this is the refusal of the German CDU/CSU combination to vote for less stringent immigration laws, which was publicly defended with a call on national safety, but is also thought to be driven by the high unemployment at the time and the unwillingness of the German politicians to create the perception of even more competition entering the (unskilled) labour market. So, had the possibility been there, more depth of analysis would have been preferable. In that sense, a researcher with a direct network in government and intelligence circles would have certainly been able to get more in-depth information.

3: Case description

To describe both cases there are a number of characteristics that will be expanded upon in the following section. The chapter deals with each country individually on all these characteristics. First there is an overview of those parts of the national history of both countries, for the extent that this history is relevant for this thesis. It goes into historical patterns of immigration, the enshrinement of the rule of law in the nations as well as national sensitivities toward immigration and terrorism and similar characteristics of both nations. It also into specific human rights if these

are more cherished and pronounced than generally the case in western liberal democracies.

Also discussed are relevant shifts and changes in the political culture of both nations, the rise of new political parties, breaking of old taboos or the shift towards other policy priorities is discussed. Finally, there is an overview of the most relevant institutional organisations in the intelligence-, policing- and immigration field. In other words which organisations might a potential terrorist attempting to infiltrate the EU among refugees or through sea and airports encounter, and what agencies are working tirelessly to identify and stop him or her.

Considering the nature of this chapter which contains background information, these tendencies and political shifts will be described up until 2012. Any changes after 2012 fall after all under the immediate interest of the main research and will be discussed in further chapters.

Historical background

The Netherlands

The Netherlands has a long history of being a shelter for refugees from all walks of life. Already in the 16th and 17th century Jews and Protestants were seeking shelter in the Netherlands from religious persecution. In modern times, the refugees came from places like Iran after the revolution and Bosnia in the 1990s. Unlike Germany, who only ever had few colonies in Africa and which were taken away after the First World War, the Netherlands once possessed a sizable colonial empire. While some possessions were lost earlier a number of these persisted until the 20th century and even today (although obviously not as colonies). The Indonesian colonies broke away after a violent conflict in 1940s, triggering an influx of refugees who had been loyal to the Dutch government. Suriname gained its independence peacefully, but this transition also saw a large influx of migrants seeking better perspectives in the Netherlands. The final type of immigration is migrant workers brought in from Turkey and Morocco to work and Dutch factories (van der Brug, Fennema, van Heerden, & de Lange, 2009, p. 202). Like in Germany, these were initially meant as a temporary extension of the labour force, but soon turned out to be a permanent addition. As these migrant workers were expected to be temporary additions little emphasis was placed on the integration into western culture in general and the Dutch society in particular (van der Brug, Fennema, van Heerden, & de Lange, 2009, pp. 202-203). As mentioned before the events of the Second World War which are inspired by racial hatred created an atmosphere that is welcoming to these migrants and tolerant of different cultural practices. Unlike Germany however, in the Netherlands there was no sense of blame for the second world war and in consequence Dutch citizens were less hesitant in voicing their dissatisfaction with the problems that arose as a consequence of a lack of integration. These troubles came to a head with the rise of the anti-immigrant LPF under the leadership of Pim Fortuyn, who was assassinated days before the election by an animal rights activist.

As said, The Netherlands has had a long tradition of religious tolerance. As pointed out before, in the 17th century the United Provinces of The Netherlands were a haven for people fleeing persecution based on their religion, and the place for authors to have pamphlets or books printed which were deemed heretic by their own (religions) authorities. Also, the depillarization of the 1950's and '60s in The Netherlands was a time during which quite radical opinions were allowed. Some were anarchic in nature, others somewhat less extreme but still quite controversial (Hoftijzer, 2017). This transition and history has made the Netherlands one of the more tolerant nations in Europe when it comes to freedom of religion, and more tolerant of immigrants and other religions than Germany (Verkuyten, Maliepaard, Martinovic, & Khoudja, 2014, p. 271).

When it comes to the constitutional arrangements it is important to that unlike Germany, the Netherlands does not have a constitutional court, and only limited safeguards for civil rights. For instance, where the country does have a constitution, the judiciary cannot assess the constitutionality of cases, as the constitution expressly forbids this. The general nature of constitutional articles means that in theory only the most serious breaches of civil rights can be punished under the constitution (Koninkrijk der Nederlanden, 2017, p. art 120). This hiatus is mitigated by the fact that the courts can check cases against relevant EU laws. As we will show under the answering of the research questions this is quite an impact on certain areas of policy such as privacy, specifically the extent to which the Dutch security apparatus is allowed to monitor suspects.

Aside from the aforementioned two murders, and a number of incidents during the 1970s, 1980s and early 1990s, the Netherlands has not yet been the victim of a major terrorist incident. These incidents were the results of actions by a diverse group of perpetrators such as anti-fascist organizations, extreme left-wing organizations, Palestinian organizations, animal-rights activists (Bakker, 2008, p. 223)and organizations fighting for an independent state in the former Dutch colony of Maluku. Virtually all these incidents involved a limited number of civilian casualties, aside from the perpetrators. Despite this there remains a high public awareness of the possibility of such incidents especially after serious terrorist attacks in neighbouring countries such as Belgium, the United Kingdom and Germany. The sheer scale of the 9/11 attacks also was a sobering reminder of the possibility of a major attack (Bakker, 2008, p. 222).

Germany

For most of the 20th century Germany has had to deal with some form of totalitarianism. First, there was the Imperial Germany which led to the First World War. The defeat of Germany in the first world war, which led to the incredibly harsh Versailles treaty (Caljé & Den Hollander, 2009, p. 277), combined with depression of the 1920s led to the rise of National-Socialism and ultimately the horrors of the second world war (Caljé & Den Hollander, 2009, p. 304). After the second world war Germany was occupied by the Allied powers and ultimately partitioned into east and west Germany. West Germany became the Federal Republic of Germany,

an independent and democratic nation state, member of NATO and the European Union. Eastern Germany became the German Democratic Republic, a socialist authoritarian state, member of the Warsaw Pact, and a puppet state of the USSR (Caljé & Den Hollander, 2009, pp. 367-389).

Of this history, the second world war and the forming of the German Democratic Republic during the Cold War are of the highest importance in understanding what shaped German culture with regards to intelligence organizations and national security. The second world war is important because it is the darkest page in the history of Germany, especially in the eyes of the German people themselves. The rise of National-Socialism, the subsequent establishing of the totalitarian Third Reich and the atrocities committed during the second world war horrified the German public after the war (Caljé & Den Hollander, 2009, p. 541; Olick & Levy, 1997, p. 921). So, when West Germany regained its independence, it adopted a strong, and liberal constitution, containing extensive safeguards against the abuse of power, extremism and government control. It also implemented extensive civil liberties and contained within the Constitution a right to asylum. Because of this right of asylum Germany, and specifically West Germany, has been a haven for people fleeing from persecution in the second half of the 20th century (Caljé & Den Hollander, 2009, pp. 541-543; Olick & Levy, Collective Memory and Cultural Constraint: Holocaust Myth and Rationality in German Politics, 1997, p. 921; Olick, What Does It Mean to Normalize the Past, 1998, p. 551). Examples of this include Iranian refugees after the revolution and subsequent establishment of an Islamic theocratic state in Iran in the 1970s, Lebanese citizens fleeing the Civil War in their home country in 1980s and the war refugees from the Balkan in the 1990s (Faist, 2007, p. 63). Also, various groups of Turkish citizens came to Germany, some as refugees from the Balkans, the Middle East and Cyprus, but most came as guest workers for the West German economy. Initially meant as temporary labour known as "gastarbeiter", these people eventually became permanent citizens (Faist, 2007, p. 55). These policies of asylum and immigration, combined with the determination of the German people to break with the history of the second world war created a culture of acceptance of foreigners and the establishment of the multicultural society.

As said the West German Constitution safeguarded individual liberties to an extreme extent. The same cannot be said for the East German government of the German Democratic Republic. For 40 years, the state apparatuses of the German Democratic Republic maintained extensive control over its population. Instrumental in this was the national security agency, Staatssicherheidsdienst (Stasi). To stop East German citizen fleeing to the west the Iron Curtain and Berlin wall were created (Caljé & Den Hollander, 2009). After the German reunification in 1990, the true extent of the surveillance of the eastern German government on its own citizen became clear. John Koehler in his book "Stasi: The Untold Story of The East German Secret Police" puts the number of informants between 170,000 and 500,000. The 170,000 are only be confirmed informants, 500,000 is the number of informants calculated by the official German agency investigating the Stasi after the unification (Koehler, 2000, p. 35).

This unprecedented level of state control, on top of the experiences of the second world war means that German culture is highly protective of civil rights in general and privacy rights in particular, and extremely wary of government overreach when it comes to civil rights, especially from the federal government.

Political shifts

The Netherlands

One of the consequences of the small size and different nature of the perpetrators of earlier attacks was that the Dutch legal system was relatively late in classifying terrorism as a distinctive crime. Only since 2004 is illegal be a member of or start a terrorist organization and to plan a terrorist attack. Up until that point terrorist crimes are classified as regular crimes, and perpetrators would be charged with (conspiracy to commit) murder, kidnapping, etc. (Koninkrijk der Nederlanden, 2002).

These changes were a result of the changing political system after the 2001 rise and subsequent assassination of Pim Fortuyn, the 9/11 World Trade Centre attacks and the disillusionment of the public with regards to immigration policy as a whole. After the assassination of Fortuyn his party was left in disarray and collapsed after infighting between leading members, over the legacy of Fortuyn. This collapse gave room for the rise of the PVV, a far-right anti-Islamic anti-immigration party led by Geert Wilders, a former member of the VVD (van der Brug, Fennema, van Heerden, & de Lange, 2009, pp. 200,206). Another significant event is the murder of filmmaker Theo van Gogh, by a radical Islamic terrorist, in response to several highly controversial statements and movies about Islam. Den Boer argues that this shift towards a more right-wing sentiment amongst populace which has already been discussed earlier in this thesis galvanised the political apparatus into action, signing into law more radical and far reaching means of combating terrorism (Den Boer, 2007, pp. 293-295). Including this was the 2004 enactment of legislation that for the first time made terrorism a separate crime from other "regular" crimes such as murder, kidnapping and so on. Membership of terrorist organisation was specifically outlawed as well as actions in preparation of a terrorist attack (Den Boer, 2007, p. 285).

Germany

At the same time, there is also a noticeable shift in German culture towards a more conservative position on nationhood, civil rights and counterterrorism. The British member of the European Parliament, Daniel Hannan, has referred to this shift as the normalization of German patriotism, especially over the last fifteen years. More and more Germans come of age, who did not personally live through World War II and its aftermath, and do not have the same level of cultural guilt. Combined with the shock of the terrorist attacks of 9/11, and the subsequent rise of awareness of Islamic terrorists, and its countermeasures Germany became more restrictive. In a sense, it can be concluded that the German political landscape, became more regular, and that it been somewhat of

an outlier up to this point. How much this is the case is a topic for another study, but it certainly increased similarities between the Netherlands and Germany on counter-terrorism (Green, 2007, pp. 101-102).

Several other aspects of this change involve the German army. In 1995 the German Armed Forces for the first time since the Second World War operated in another country when they supported the NATO mission in Bosnia. Since that mission they have increasingly taken part in even more offensive deployments, becoming a regular member of NATO, rather than the strictly defensive and very much refrained post-World War II German Armed Forces (The Guardian, 2017). This coincides with the reinstitution of a military decoration signifying valour in combat, something the German army had refrained from creating since the Second World War. (Bundeswehr, 2017).

These shifts are demonstrated by Ulrike Davy, who shows how the German policies have changed after 9/11 to allow for the faster deportation of those migrants that were perceived to be a terrorist threat. However, she also points to the national political landscape, most specifically high unemployment as a reason why the conservative CDU/CSU combination might have used the terror threat to crack down on migration in general as a cloak to enact more strict migration laws as an economic measure. The measures itself are mostly are, as will be shown later on, mostly based around two pillars. First, the introduction of legislation specific to the crime of terrorism instead of general criminal legislation. The second pillar is the development of surveillance and identification abilities, which allows law enforcement agencies to acquire and track suspects more closely (Davy, 2007, pp. 209-213).

Institutional organisations

The Netherlands

Intelligence services in the Netherlands are legally strictly separated from police organizations in order to prevent a secret police kind of organizational structure. The counterterrorism organizations in the Netherlands that are relevant for the purpose of this thesis are hierarchical in nature. At the very top is the Nationaal Coordinator Terrorisme en Veiligheid (NCTV), the national coordinator for terrorism and security. This overarching institution is responsible for supporting all counterterrorism related organizations and ensuring continuity, cooperation and efficiency. The most important independent counterintelligence agency of the Netherlands working closely with its military counterpart and the NCTV is the Algemene Inlichtingen en Veiligheidsdienst (AIVD), the general intelligence and security agency.. The AIVD is primarily an intelligence gathering organization, outsourcing direct action (such as arrests) to law enforcement agencies. The AIVD also houses the counterterrorism info box, a cooperation mechanism between several police and intelligence services including the NCTV (AIVD, 2013). Answering to the AIVD are the regional intelligence organizations of which there are 10 and who monitor suspects and gather information on the regional level. In a somewhat confusing organizational structure the regional intelligence organization

answer to the AIVD, which is only subject to the Ministry of the Interior, while the NCTV is a part of the Ministry of Security and Justice.

Immigration in the Netherlands is dealt with by the Ministry of Security and Justice. It is dealt with by two organizations. The immigration services (IND) and the organization for the housing of asylum seekers (COA). The latter organization is responsible for housing refugees and providing the necessary facilities and entitlements such as medical care, schooling, and a daily allowance. The IND is the organization that gathers information on the refugees and makes a decision as to the applicability for a permanent or temporary residence permit. As such it is part of the counterterrorism info box. Summarizing it can be said that the COA handles the logistics of immigration while the IND weighs and decides on the actual request for asylum (Centraal Orgaan opvang Asielzoekers, 2017; Centraal Orgaan opvang Asielzoekers, 2017).

The border control is carried out by a separate branch of the military, the Koninklijke Marechaussee, a gendarmerie force, which serves as military police, border guards and protection of important infrastructure. This force is the advantage of being significantly better armed than the regular police units, and highly specialised in the task description, while stopping well short of being a full military presence within civilian life (Koninkrijk Der Nederlanden, 2017). The Marechaussee, as a branch of the military operates under the auspices of the Ministry of Defence, while their border control functions are carried out on behalf of the Ministry of Justice.

Germany

Germany is by design a federal republic (bundesrepublik) with 16 states called Bundesländer. The federal head of state is a mostly ceremonial position while much of the federal executive power is concentrated with the head of government. The legislative power is divided the elected federal Parliament (Bundestag) and the federal Council consisting of representatives of the Bundesländer. Two aspects of the institutional organization of Germany are important for this thesis. The first is immigration policy which is mostly conducted by the federal government. Responsible for this is the agency for immigration and refugees, the Bundesamt für Migration und Flüchtlinge (BAMF). This organization administers the registration, housing and evaluation of refugees (Bundesamt für Migration und Fluchtlinge, 2016). Security on the other hand is a hybrid form of centralized and decentralized institutions. On the federal level, there is the Bundesamt für Verfassungsschutz (BfV), a state security agency for the interior, under control of the Ministry of the Interior. In addition, each separate state within the federal republic has its own Landesbehörde für Verfassungsschutz (LfV), either as a separate organization under the jurisdiction of the state ministry for the interior, or as a part of the state ministry of the interior itself (Bundesministerium der Justiz und für Verbrauchersschutz, 2016).

The Bundesnachrichtendienst (BND) is Germany's federal external intelligence agency. As an institution, it has only the power to investigate situations and gather intelligence abroad, as well as sharing information with other agencies. It is the counterpart of the BfV, which deals with

internal security. Using tools such as signals intelligence, human agents, and cooperation with other countries it collects information on, amongst others, potential terrorist immigrants (Bundesnachtrichendienst, 2017). Like the Dutch AIVD any actual operation concerning police functions such as arrests, detention and interrogation is done by one of the other law enforcement agencies. This is because under the German law, intelligence agencies are strictly separated from law enforcement. This is the "Trennungsgebot" and is enshrined in the 1949 Constitution of the Federal Republic of Germany (Singer, 2017).

The Bundeskriminalamt (BKA) is the federal policy agency of Germany, much like the American FBI. It is responsible for the investigation of serious crimes including terrorism. On the international level, the BKA maintains Germany's liaison with EUROPOL and other international police institutions Landeskriminalamter. As said above, the German law does not permit intelligence agencies to perform police tasks. Therefore, if the BfV or BND has identified a suspect, the actual apprehension and prosecution is generally handled by the BKA. In fact, all terrorism related prosecutions are generally handed over to the BKA by the Federal court authority. On the state level, the Landeskriminalamter perform the same function. Like the LfV's they are not directly answerable to the BKA, but rather to the state government, and ultimately to the ministry of the interior (Bundeskriminalamt, 2017).

The German government started the Gemeinsames Terrorismusabwehrzentrum (GTAZ – Joint Counter-Terrorism Centre) in 2004 to increase the efficiency of German intelligence sharing. Due to the nature of the German state, with its federal agencies and state agencies all having their own area of expertise and influence, there was a risk of failing communications and intelligence sharing. The GTAZ was the answer to this problem. The GTAZ is unique in that it is not an independent organization but a cooperation system that spans all security and intelligence agencies. The purpose of this centre is to make all information an intelligence centrally available, the GTAZ does not only coordinate the sharing of information, but actually contains all the information itself, directly accessible by all the separate partners in the GTAZ, whom share the cost of running the centre (Bundesamt für Verfassungsschutz, 2017). By sharing the cost, a de facto control over the centre by one organization whom controls the purse strings is prevented.

Case description of Germany and The Netherlands		
	Germany	The Netherlands
Historical background	Topics revolving around immigration, minority rights, religious and political freedom are often controversial. This is the result of the burden of WWII as well as the	Long history of migrations, from 16th to 21st century. After WWII migration from former colonies and guest workers from Turkey and Morocco.

	antidemocratic nature of the DDR Some migration after the second world war, mostly in the form of guest workers.	The Netherlands has had some problems with far-left terror groups and independence groups from the former colonies, but without major casualties or attacks.
Political debates	In German politics, there is a tendency towards a more regular division of the political left-right balance. A normalisation of German politics seems to unfold in which burdens of the past weigh less on the German collective mind, possibly as a result of the passing of time and the dying out of first-hand accounts.	After the turn of the 21st century, a shift to a more right wing political agenda has occurred, fears over Islamic terror and dissatisfaction over the (perceived) lack of integration by migrants led to a rise in nationalist populist parties. Terrorism has been a specific crime only since 2004, before which a terror attack was simply another crime like murder or kidnapping depending on the circumstances.
Institutional organisation	Police and intelligence organisations are explicitly separated by law. Intelligence organisations are not allowed to perform police functions. For virtually all police and intelligence matters there is a federal institution and state institutions. The state institutions are not subordinate to the federal institutions. Immigration services are separate from police services but work together in the immigration process. A common terrorism information centre is	Police and intelligence organisations are implicitly separated by law. Police functions such as arrests based on intel developed by intelligence organisations is handled by police or paramilitary organisations. Institutional arrangements are messy, with the National Police force having their own regional intelligence units, which collect data for (national) intelligence organisation and answer to a different ministry.

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	staffed and funded by all relevant institutions. Information is shared via this centre. It is not a separate agency, nor has any other agency direct control.	Immigration services are separate from police services but work together in the immigration process. Information is shared through the terrorism infobox, for which all agencies provide data.

4: Current scientific literature into cultural differences in counterterrorism

Though much research has been done into the specific measures of counterterrorism and the cultural causes that lead to terrorism, the literature on the cultural influences on counterterrorism are surprisingly scarce, especially for the Netherlands.

One of the researchers that has looked into these differences is the Dutch counterterrorism expert Dr. Beatrice de Graaf. In her 2011 book, evaluating counterterrorism performance: a comparative study, she investigates how cultural differences have shaped Dutch and German counterterrorism policies in the 1970s. As said before in these times the Netherlands suffered from a number of terrorist incidents mostly by Malaccan nationalists and extreme left antifascists. Germany of course during this time suffered through the terrorist attacks of the Rote Armee Fraktion. De Graaf describes two distinctly different approaches that the two countries adopted towards counterterrorism (De Graaf, 2011).

For the Netherlands, she points to the extremely fragmented nature of police agencies and intelligence organisations, and a policy of restraint. The first responsibility for counterterrorism lay with the police organisations. Counterterrorism was therefore primarily a Ministry of Justice affair, albeit in close coordination with other ministries. Again, referring to the previously described institutional arrangements Netherlands, placing responsibility in the hands of the Justice Department underlined the fact that the primary responsibility lay with the police, as the Marechaussee is the responsibility of the Ministry of Defence (with certain tasks carried out on behalf of the Justice Department), while the intelligence agency AIVD (at the time known as the BVD) resorts under the Ministry of the Interior. According to De Graaf it points to an institutional response by the Dutch government aimed towards de-escalation and restraint when dealing with terrorism. Its restraint was also apparent in the responses to several terrorist incidents both in the Netherlands and in Germany, most notably the Munich Olympics hostage crisis. While the several terrorist incidents in the Netherlands and Germany led to the formulation of the Netherlands first counterterrorism policy, all policy initiatives were carried out within existing legislation. In other words, the government did at time not deem it necessary to create special counterterrorism legislation (De Graaf, 2011, pp. 23-46).

The fragmented nature of Dutch intelligence and police organisations has been described by De Graaf in the way the counter terrorism proposals and new strategies came into being. All organisations were in effect making up their own policy as they went along. The police in the Netherlands made their own recommendations, spearheaded by police Commissioner Blaauw, the Netherlands first true police counterterrorism expert who had an extensive international network and had received counterterrorism training by the FBI. The BVD internal intelligence organisation, later part of the AIVD also had their own policy and went their own way (De Graaf, 2011, pp. 23-27). At the same time a group of senior political actors in the Ministry of Justice, the Interior and Defence were working on a coherent counterterrorism strategy. When this strategy was implemented, it came under great scrutiny from local police commissioners and politicians. The Amsterdam attorney general stated that the guidelines were too general to be effective, and that therefore in his opinion local police officials and politicians needed to make your own decisions on a case-by-case basis. According to De Graaf, local police commissioners and other officials used these kinds of remarks to protect their own authority in counterterrorism matters, and this kind of power struggle of between the national and local governments has been a staple of Dutch policy ever since (De Graaf, 2011, pp. 23-46).

Another aspect of how Dutch culture influences counterterrorism policy is discussed by Monica den Boer, Professor of Comparative Public Policy at the Vrije Universiteit, Amsterdam. In her paper "Wake-up call for the Lowlands: Dutch counterterrorism from a comparative perspective", she discusses the changes in legislation made after the 9/11 terror attacks, how they were shaped by Dutch culture at the time, and how they compare to counterterrorism approaches in other countries including Germany (Den Boer, 2007, pp. 285-286).

Den Boer refers to the changing political system after the 2001 rise and subsequent assassination of Pim Fortuyn, the 9/11 World Trade Centre attacks and the disillusionment of the public with regards to immigration policy as a whole. Den Boer argues that this shift towards a more right-wing sentiment amongst populace which has already been discussed earlier in this thesis galvanised the political apparatus into action, signing into law more radical and far reaching means of combating terrorism (Den Boer, 2007, pp. 293-295). Including this was the 2004 enactment of legislation that for the first time made terrorism a separate crime from other "regular" crimes such as murder, kidnapping and so on. Membership of terrorist organisation was specifically outlawed as well as actions in preparation of a terrorist attack (Den Boer, 2007, p. 285).

When compared to other European countries, Den Boer argues that the Netherlands made far more expansive counterterrorism proposals. At the same time, she explains this by pointing out that looking at the history of counterterrorism in the Netherlands, the Dutch policies were relatively limited and uncoordinated compared to other European countries, in effect echoing the conclusions of De Graaf concerning counterterrorism pre-9/11. In other words, the proposals were more expansive because The Netherlands needed to make more improvements then others. Den Boer

looks towards the centre-right government in power at the time as being a driving force behind these proposals, but also points towards the more conciliatory actions taken after 2006 where more politically centrist coalition was in government (Den Boer, 2007, pp. 296-298).

When it comes to Germany, Dr. de Graaf sees a very different kind of reaction to the terrorist incidents of the 1970s. The German response was mainly focused upon protection of the democratic society of (West) Germany. The German attitude can be easily explained by the different nature of the terrorist incidents occurring in the West German republic. The already mentioned Rote Armee Faktion began systematically targeting high-level political individuals such as the binaural candidate for Berlin and a number of diplomats in the Swedish embassy. After these attacks, the German government realised the threat against democratic order that terrorism represented, and to counterterrorism was remodelled into a defence of national democracy (De Graaf, 2011, pp. 46-70).

Although the wave of terrorist incidents in the 1970s let the government to enact far going counterterrorism legislation De Graaf points out that these in extremis policies also faced a backlash. A number of politicians and civil society actors were afraid that the extreme measures taken to counteract terrorists were in itself threatening the German liberal democracy. In this sense, the German cultural attitude of defining counterterrorism in light of a struggle for the defence of liberal democracy cuts both ways. On the one hand, it enables the government to pass strict counterterrorism legislation aimed at defending the liberal democratic state, while at the same time also protecting the liberal democratic by state preventing the government from overstepping individual civil liberties (De Graaf, 2011, pp. 52-54).

Counterterrorism in West Germany was initially just as fragmented as in the Netherlands, but a number of terrorist incidents pointed out the weakness in this, as terrorists were able to evade detection with relative ease (De Graaf, 2011, pp. 46-70).

Because the work of Den Boer focuses on comparing the Netherlands with other countries including Germany, her focus on Germany is naturally more limited. Nevertheless, the conclusions are largely similar to that of De Graaf. The German response to 9/11 is more limited than that of the Netherlands. The most conspicuous trade is the further centralisation of German intelligence product for use by all police and intelligence organisations. She also points to the addition of terrorism as a specific crime and on adding more focus to Islamist organisations in combating terrorism. In this she also reinforces the conclusions of De Graaf with regards to German counterterrorism has been defined by safeguarding national democracy.

Also relevant for this thesis is Terrorism and the foreigner, a book edited by Prof. Dr. Elspeth Guild and Anneliese Baldaccini, Ma. In their publication, several scholarly experts reflect on the relation between asylum and counterterrorism in a number of European countries, including The Netherlands and Germany. On a general note, in the introduction Mrs. Baldaccini points out the important difference between citizens and

immigrants. The latter often enjoys less protections under the law than the former. Many rights guaranteed in national constitutions of the EU member states, including Germany and The Netherlands are offered to citizens, and not automatically to refugees. This important because it creates a distinction in the means of the government in dealing with the two groups of threats that are distinguished later on in this thesis, the returning Jihadist and the potential terrorist using refugee status as a cloak to hide under. One of the relevant examples given is the exception international law makes to non-refoulment, the right of those seeking refuge not to be returned to the originating nation, if they have a credible fear of torture, persecution or death. Acts committed by those seeking refugee status, such as war crimes and other politically motivated violent actions, can release a nation from this obligation of non-refoulment (Baldaccini & Gould, 2007; Coleman, 2007, pp. 57-58).

Mrs. Baldaccini also points to the attacks of 911 was a turning point in migration area issues. The fact that the perpetrators of these attacks did not come from a nation state or a politically motivated group but rather from a religious conviction, in this case Islam, created fears of a "fifth column" infiltrating democratic societies. These fears have led to the increase in policies aimed at preventing terrorists from using asylum seeking is a cover. Mrs Baldaccini points out however, that these policies have also caused migration and asylum seeking as a whole to be more criminalised, that true asylum seekers are more and more treated like criminals (Baldaccini & Gould, 2007, pp. xi-xiv).

The first chapter of the book edited by Baldaccini and Guild is written by Nils Coleman and concerns the European Unions approach to terrorist infiltration. Though some of the information is outdated, as the book predates both the current crisis, as well as the rise of ISIS and the adoption of the Lisbon Treaty, much of the historical information gives a good insight into EU policy approaches to date.

The first notable aspect is the role of the German Government. Already in 1991 when the EU was discussing the role of the EU outer border in the Schengen era, the German government advocated a policy of coordinated action on immigration and asylum, including coordination of means and methods (Coleman, 2007, p. 12). Even though this policy never came into effect, as countries wished to maintain some control over borders, this still is an interesting fact, as it points to the tendency prevalent in the German government to seek an international response to these kinds of questions.

It is also worth noting that the European Union did not see refugee streams as a method for terrorists to enter the EU. In a December 2001 policy paper, the European commission wrote: "Member States are now looking at reinforced security safeguards to prevent terrorists from gaining admission to their territory through different channels. These could include asylum channels, though in practice terrorists are not likely to use the asylum channel much, as other, illegal, channels are more discreet and more suitable for their criminal practices" (Coleman, 2007, p. 50). While we will show later on that this has changed under recent circumstances, it is worth noting that this has been a prevailing opinion, both of the EU and member states until 2014.

Finally, Coleman also shows that EU policy was geared specifically to eternal border control, both against migrants, and a stricter regime against persons coming from third countries using visa and the like. The internal controls, which disappeared with the introduction of the Schengen agreement was not much strengthened. In fact, the expansion of Schengen and the free movement of peoples was not harmed according to Coleman (Coleman, 2007, pp. 75, 83, 84). Whether this was a direct policy decision, stemming from a desire for EU integration, or a blind spot towards the dangers of radicalisation at home, is something that is not specified.

The case for Germany is made by Ulrike Davy, she first explains the history of terrorism in Germany. In this we see once again the almost complete exclusion of counterterrorism measures in refugee and migration law before 2001. The most far reaching element was the inclusion of an automatic deportation if a migrant or refugee was convicted to a prison sentence of more than three years (Davy, 2007, pp. 187-196).

Davy points to the overwhelming feeling in Germany after the 2001 terror attacks, that international Islamic terror is directed at western nations, and the western way of life. As a result of this the German government introduced legislation that enables the government to outlaw organisations that are working against the democratic national order, or are in gross and constant breach of German law. Davy points in this regard to organisations like Milli Gorus, the American Scientology Church and Islamisches Staat, an organisation dedicated to reintroducing Islamic law into secular Turkey. Incidentally, it is worth noting that this is not the same organisation as Islamic State, which is so prevalent throughout this thesis. Unlike other authors who have pointed to Germanies tendency to approach terrorism as a threat to the democratic order as a government policy, without specifying its source, Davy actually shows how this policy results from a public outcry instead of a pure policy decision (Davy, 2007, pp. 198-203).

The review of the Dutch counterterror policy with regards to migrants is made by the two scholars Hinde Chergui and Helen Oosterom-Staples. The first thing that is noticeable is the lack of counterterror related legislation in the immigration law. Prior to 2001 there is hardly any mention of such legislation. The focus for the prevention of suspect individuals to enter the country was focused on preventing those suspected of war crimes already committed, not on terror prevention (Oosterom-Staples & Chergui, 2007, pp. 272-281).

This situation changed drastically after 2001. Chergui and Oosterom identify two causes for this shift. First there were the terrorist attacks of 9/11 which led to higher suspicion of migrants, specifically of Muslim and/or non-western origin. The first proposals to increase security measures, both in general and with regards to immigration, came within weeks of the terrorist attacks. The second cause was the rise and assassination of populist leader Pim Fortuyn, an outspoken critic of the government on many policy fields, but most notably on immigration. During the early months of 2002 Fortuyn enjoyed a rapid rise in the polls.

This was mostly fuelled by dissatisfaction of immigration policy among the public. The source of this lay in the number of immigrants that had risen rapidly in the previous year, and the perceived lack of integration of long term migrants into the Dutch community. This all gave rise to significant changes in immigration policy (Oosterom-Staples & Chergui, 2007, pp. 281-286). Which will be expanded upon later.

The final book that gives insight into the current academic literature on this topic is Prof. Ruud Koopmans 2005 book Contested Citizenship. Though this book more focused on immigration and nationalism in general it contains several useful observations for the topic of this thesis. First it shows the difference between the Netherlands and Germany prior to 2001 when it comes to the rights of migrants, such as access to citizenship, voting rights etc. More specifically he points to the difference in treatment of minorities in Germany and The Netherlands. Examples of this are the availability of television and radio broadcast in languages of minorities, as well as the availability of government public service information in those languages (Koopmans, Statham, Guigni, & Passy, 2005, pp. 61-64). In this Prof. Koopmans shows that, at least until 2002 Germany was much more restrictive then the Netherlands, which was relatively willing to provide means for the migrant community to retain their original cultural characteristics. Unfortunately, the release of this work in 2005 means that more recent data is not weighed. This is logical, given the time it takes for this book to be written, and the lag that is unavoidable in the availability of the data. Koopmans also points out that the practical structure of the German state may have played a role in the difference between Germany and the Netherlands. In the Netherlands churches and mosques are tax-exempt, but financed privately, generally by donations, either by a third organisation or by the congregation itself. In Germany however, there is a tax levied on employees which is distributed amongst the religious institutions. Koopmans points out that by excluding mosques from this regime, the German government send a signal of discrimination and segregation to the Muslim communities (Koopmans, Statham, Guigni, & Passy, 2005, pp. 148-149,160-162). Koopmans concludes that the multiculturalist policy style of The Netherlands versus the integrationalist system of Germany has led to a higher willingness (almost three times as high in 2002) to use some level of violence in defence of citizen rights (Koopmans, Statham, Guigni, & Passy, 2005, p. 176).

As said, the fact that these comparisons end in 2002 is unfortunate, doubly so since Prof. Koopmans himself already points to the gargantuan changes in the political landscape in 2002. Like the previous authors he mentions the 9/11 terror attacks, and the rise of right wing conservative parties (although Koopmans refers to them as extreme right and xenophobic parties) (Koopmans, Statham, Guigni, & Passy, 2005, pp. 3-5). Other causes of friction that Prof. Koopmans notes, but not mentioned so far by other authors are the ongoing Israeli-Palestinian conflict, policies and rules regarding headscarves and the Fatwa against Salman Rushdie. Koopmans himself does wonder in his writing to what extend these problems are typical of Dutch and German (and in his work also French and British) Muslim societies and to which extend these a more symbolic (Oosterom-Staples & Chergui, 2007, pp. 149-151). But apart from these

events which act as a catalyst Koopmans comes to another interesting conclusion. Right wing conservative parties, who as we saw previously tend to emphasize the need for active counterterror measures and restrictive policy regarding the risk of terrorist element within refugee and migrant streams are on the rise. But the amount of support they receive from the public is not concurrent with the level of integration of minorities (most specifically Muslim minorities) in the public sphere but rather, the amount of room there is for these parties to operate. In essence, if the established political system already demands a high level of integration and assimilation to the dominant culture, and puts up significant barriers toward citizenship, then there is a correspondingly lower rate of success for far-right and xenophobic political parties and movements (Koopmans, Statham, Guigni, & Passy, 2005, pp. 189-199).

These existing scholarly works draw attention to certain overarching aspects of German and Dutch counterterrorism policy, and how these policies are influenced. These aspects will be used in the rest of this thesis as a yardstick to measure the policies and debates in the Dutch and German cases. By using these aspects in such a way, the similarities and changes in the German and Dutch counterterrorism policy can be compared and explained. It will also enable a comparison in long term shifts, to see whether both nations have taken more similar or more diverse paths.

The first aspect is the systemic protection versus the individual right. In essence are measures that the respective countries take directed to systemic protection or more geared to the individual. The literature shows how, in the case of Germany, the government takes the view that terrorism is a threat to the democratic order of the nation, and takes her measures accordingly. Specifically, several radical Muslim organisations have been banned, and a religious institution closed (a mosque). The Netherlands has not yet taken such far reaching measures, but is rather focused on the individual, by refusing entry to radical speakers or investigating and apprehending individuals. Using the above-mentioned literature, this thesis will look into new policies and means of the German and Dutch and determine whether these policies and means can be explained by either the German or Dutch method, and whether there have been attitudinal changes.

The second aspect is, for lack of a better description, the generalisation of measures and debates, in essence this means that when both countries adopt new policies, that these can be targeted to the individual or to society as a whole. In other words, does the policy diminish certain rights of the entire citizenry regardless of suspicion. In this situation both the literature in this chapter and the case description in the previous chapter have shown that Germany is quite protective of individual civil rights, such as a strong protection of a citizen's privacy, and the prevention of government overreach. As shown before, the constitutional court of Germany has struck down measures it deemed went too far in breaching this right. In contrast, the Netherlands does not have such a constitutional court. Judges are in fact not even allowed to test laws and measures against the Dutch constitution. This gives the government more leeway in

proposing measures to prevent terrorist infiltration. The means and measures taken by the Dutch and German government that are described in the following chapters will be compared to see how they reflect these attitudes, and where changes are apparent.

The final aspect is the level of incrimination. This is an aspect with regards to those who are suspected of terrorism. There are several measures and proposal on government action against terror suspects. In the case of a migrant, an asylum application can be rejected, or in the case of a citizen a passport might be revoked of citizenship removed altogether. This aspect is clearly defined in terms of difference between Germany and The Netherlands. In the latter country, an immigrant can lose its immigration status, and be returned to the country of origin if during the asylum process, or in the time that an immigrant holds a temporary residence permit he or she is convicted of a serious crime. Suspicion alone is not sufficient. Meanwhile Germany reserves the right to oust any migrant it deems a terrorist threat (or otherwise a threat to the peaceful society). It is exactly this severity of the German system, in which a suspect does not need a conviction, that Baldaccini and Gould argue against. The analysis of the subquestions will therefore look into this aspect, and see how this characteristic has developed in both nations.

5: SQ1 Why and how do terrorists want to enter (Northern Europe)?

In a way, the why and how terrorists want to enter Northern Europe are two very different questions, which are nevertheless connected. They are connected through potential terrorists' descent and through actions of western governments in general.

Why do terrorists want to come to Europe?

Terrorist motivations to come to Europe can be separated into two distinct categories, to commit acts of terror and as a hiding place. With the successes of Syrian army troops supported by Russia, western coalition supported rebels and the Iraqi army in fighting ISIS, that terror groups territory has shrunk dramatically. This has to do with the fact that ISIS mainly controlled roads, cities and other settlements. They never had full dominant control over the entire area, like most "real" states do. This means that with the recapture of these inhabited areas ISIS power is waning; some are pointing to the end of ISIS as a terror organization. While this may be declaring victory too early, it seems likely that within the near future ISIS' role as a territory controlling entity may be numbered. It may cease to exist entirely, but it is also highly possible that it will revert to being a "regular" terror group. Nevertheless, the end of the geographical control means that a good number of foreign fighters might want to leave the area and return home out of fear of capture or worse by the Syrian or Iraqi governments, or the rebel forces. This first group is returning not necessarily to commit terror attacks, but they are guilty of being terrorists, so there is an element of justice involved. But even more important, these men and women may have psychological damage stemming from their wartime experiences. On top of that, it is not certain they have renounced

violent jihad, and have proven to susceptible to radicalization in the first place. As such they form a danger potential danger to society which needs to be addressed by locating, and if necessary apprehending these persons (AIVD, 2017).

The second reason for terrorist elements to enter Europe is to engage in terrorist activities. These activities can take various shapes and forms. Terrorism is more than just a guy (or girl) committing an attack. The higher the sophistication of the attack the more specific skillsets are needed, which means more people. The rather vague term "terrorist activities" can encompass a whole range of acts. It can be to carry out an attack, but also to procure weapons, money or other essential items any terrorist organization cannot do without. Another possibility is the recruitment of other radicalized persons, most often disgruntled young people, in fact a suspect was arrested in The Netherlands attempting recruitment in refugee centers (Van Wijk & Bolhuis, 2016; AIVD, 2017).

There is also a deeper question as to the reason why terrorists are trying to enter Europe specifically. This will be discussed briefly, for while it is important to understand the reasoning behind these terrorist groups, it is of lesser relevance in the tracking and apprehension of already radicalized persons. In many of the major propaganda outlets of ISIS the west, to which they count all modern liberal democratic states, is the most significant enemy of the Islamic terror movement. This is not a new phenomenon. During the cold war, the Iranian ayatollah Khomeini referred to the Soviet Union as the Little Satan, while the USA was the Great Satan. Osama Bin Laden referred in his writings and speeches to the western crusaders (Buruma, 2004, pp. 24-25). An interesting theory as to the origin of this hatred is found in the concept of Occidentalism. This idea holds that as the Western enlightened capitalist system is becoming more dominant, it is adopted by other cultures because of it materialist successes. In other words, other cultures are copying the west in order to achieve the same level of wealth and prosperity. Often these changes also cause a romantic nostalgia to older cultural values of old and lead to nationalist movements, which sometimes even copy certain western styles in their method of critique. Especially religious leaders are often wary of the secularization that is a byproduct of this system. Finally, there is also a certain level of jealousy involved, especially in societies that are not able to recreate the level of western wealth. In short Occidentalism is a combination of jealousy, resentment of change, opposition to what is seen as the soullessness of capitalism, combined with a healthy power struggle. This is most certainly the case with Islamic Occidentalism as there is a long history of struggle between the western world and the Islamic world, particularly in the Middle East. Added to this is the western support for the founding of the state of Israel, as well as its continuous support and the western lifestyle which in many ways goes entirely against Islamic beliefs of a virtuous and godfearing life (Buruma, 2004, pp. 125-127). Together these aspects make for a dangerous cocktail of loathing and hatred against the west. Combine this knowledge with the fact that Europe is geographically closest to reach and easiest to penetrate because of the large amount of crossing points within easy

reach, and the answer as to why the terrorists are trying to enter Europe is given (Buruma, 2004).

How do terrorists want to enter Northern Europe? There are two ways through which the terrorists are trying to enter Northern Europe. The first is by utilizing the refugee stream coming through the outer borders of the European Union, and then traveling on through the Schengen area. The second way is by simply entering Europe to air and sea ports as regular citizens.

Hiding amongst refugees

The first method of entering Europe is by members of terrorist organizations trying to enter the EU as a migrant. In the wake of the Arab spring in 2011, a number of governments in the Middle East and North Africa were toppled by protesters. Egypt and Tunisia were relatively peaceful popular revolutions, but in other places regime change was a more violent affair. In Bahrain, the protests were violently suppressed by police officers on orders of the government.

In Yemen after months of protests and pressure exercised by neighbouring Saudi Arabia the president of Yemen agreed to step down, handing power to his vice president, who subsequently won the election with 99.8% of the vote. The result was unsurprising given that the vice president was the only one allowed on the ballot. Internal struggles within the country led to the overthrow of this government in 2015 and the start of the Yemeni Civil War. This is led to a number of refugees fleeing to Western Europe mostly through Northern Africa (Encyclopedia Britannica, 2017). Due to the geographic location of Yemen this is a minor flow refugees. The major flow of refugees comes from the two countries affected by the Arab spring in the most violent manner, Libya and Syria.

Libya

Unlike the Egyptian and Tunisian presidents, Libyan leader Muhammar Khaddaffi and Syrian President Assad chose to try and violently crush civil unrest. In both countries, this has led to a bloody civil war, in which thousands were killed. After a long and protracted political struggle, the United States and other Western nations secured a United Nations Security Council resolution sanctioning military intervention in Libya (Bellamy, 2011, p. 844). This Security Council resolution was only possible because of the abstention of Russia and China, two United Nations Security Council members whom traditionally are disinclined to allow intervention into national conflicts. The resolution called for military intervention to protect the civilian population (Bellamy, 2011, p. 844). Because of the airstrikes executed by western nations the momentum in the civil war shifted and the Khaddaffi regime ultimately fell, with its leader killed by the mob. After the intervention, conflicts between the various ethnic and religious groups that make up the Libyan population resulted in Libya becoming a de facto failed state (Cafiero & Wagner, 2015).

From a European perspective, the consequences of the Libyan situation are threefold. The Civil War, continued by civil unrest and the absence of a functioning government has led to large numbers of migrants trying to

cross the Mediterranean Sea into Italy and Spain. At the same time the absence of a functioning government within Libya also means that there is no control over borders and migrant flows. As a result, migrants coming from other African nations, fleeing prosecution or poverty and hunger, can easily pass through Libya to the Mediterranean Sea. A third and final consequence of the absence of a civil government, human traffickers operating within Libya can act virtually unrestricted (Cafiero & Wagner, 2015; U.S. Department of State, 2017). As seen in figure 1 below, Libya has become a stepping stone for local, and international refugees from more than half a dozen countries (United Nations High Commissioner for Refugees, 2017). In the early days of the Libyan crisis the most sought after was the Italian island of Lampedusa, often attempted from the Tripoli area, or from Tunisia, which was at the time in the turmoil of revolution. The vessels used in these attempts were small, hardly seaworthy and overcrowded, resulting in a devastating loss in human life in all but the calmest weather conditions. According to the Missing Migrants Project, an initiative from the International organization for Migrants, the number of fatalities in the Mediterranean has risen to over 12.000 between January 2014 and February 2017. Of these, 90% of casualties are on the Libyan coast, also known as the Central Mediterranean route (Missing migrants project, 2017). The reason for this high percentage is clear. The refugee stream from Libya is large because of reasons given, unlike for instance refugees streams from Morocco and Algeria into Spain. And unlike refugees trying to enter Greece and the Balkan countries from Turkey, which will be discussed later on, the distances needed to cross are greater. In fact, because of the death toll, many relief agencies have started to post ships near the Libyan coast (Frontex, 2014). Human traffickers make use of this by sending refugees out when they believe such a vessel is near, which will then take them to Italy or Spain. These numbers of refugees have put a tremendous strain on the Spanish, and particularly the Italian governments, who were not equipped to deal with such an influx (Frontex, 2014).

For potential terrorists, the current situation in Northern Africa means that they have little to fear from discovery before the crossing to Europe. Because of the unrest in Northern Africa, such as the dissolution of the Libyan state and the conflict that is ongoing between extremists and the government in neighbouring Mali, there certainly is no shortage of potential jihadists. Also, because of the sheer numbers involved, there are several difficulties facing European nations after a potential terrorist has successfully made the crossing, which will be addressed later.
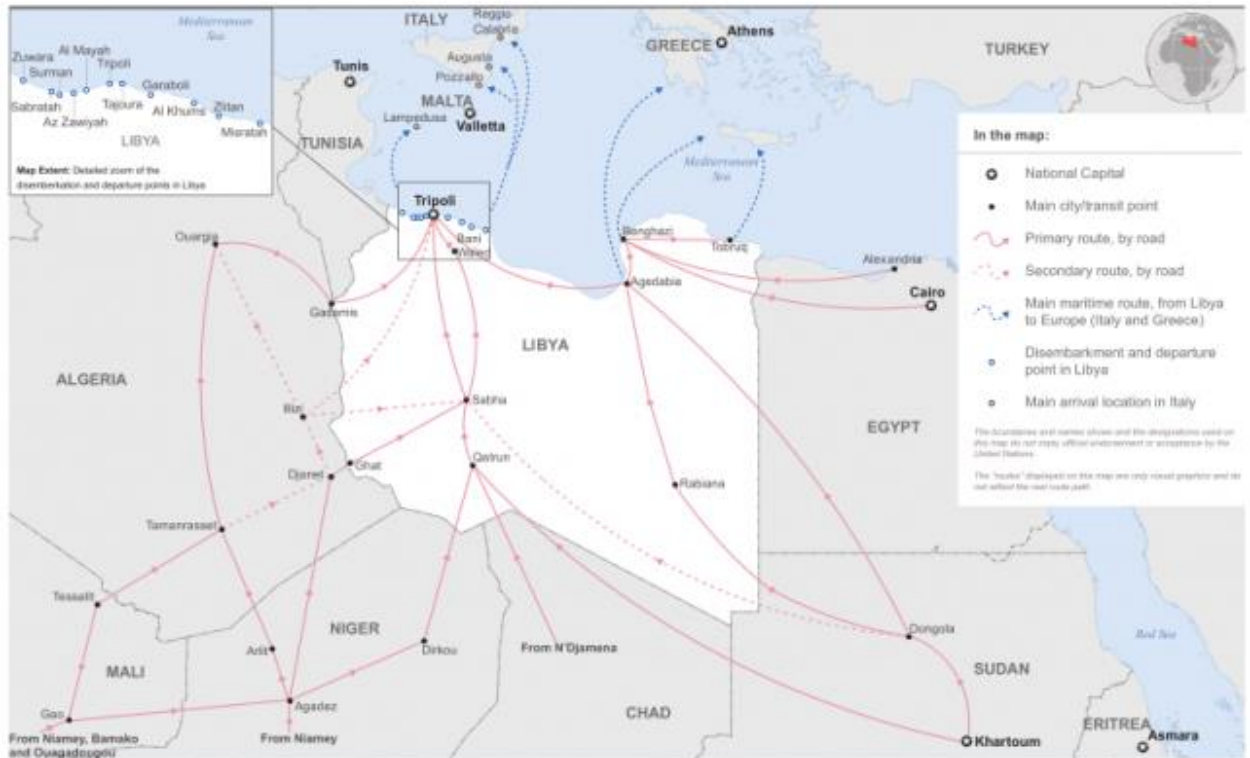
Fig. 1: Migration routes to and from Libya (United Nations High Commissioner for Refugees, 2017)

Syria

Like the situation in Libya, Syria also took a dramatic turn, as the Syrian
president (and de facto dictator) Assad, refused to step down from office,
following protests by the population in 2011. The conflict quickly
escalated, and Assad began an ever-intensifying campaign of violence
first against the protesters, and later against the armed rebels, who
surfaced as a consequence of the violent repression of protests, and
refusal by president Assad to step down (BBC, 2016). Up until 2014,
western nations had already been trying to get the United Nations
Security Council to issue a resolution sanctioning military actions against
the Assad regime. This proved to be impossible. As said before, the
Russian and Chinese governments are generally unwilling to support
military actions in national conflicts. Russia and China had supported
action against Gaddafi in Libya, allowing limited military action to stop
civilian casualties. The subsequent regime change that was the result of
an extensive bombing campaign by Western nations against all of
Gaddafi's military installations and troops, was seen by Russia and China
as a deliberate act by Western nations. In order to be able to do this the
Western nations had, according to Russia and China, stretched the limits
and overstepped the boundaries of the United Nations Security Council
resolution. They therefore refused to support (or abstain from voting on) a
UN Security Council resolution regarding the situation in Syria (Garwood-
Gowers, 2012, p. 393; Hehir, 2013, p. 156).

The situation escalated when the Islamic terror group ISIS, which had had
some successes in territorial gains in Iraq, crossed over into Syria and
rapidly conquered large areas of the country in early 2014 after which they
announced the establishment of an Islamic caliphate. Isis quickly

introduced a system of law based on the sharia, and embarked upon a terror campaign of the utmost brutality, marked by frequent beheadings, stonings and other atrocities committed against enemy combatants or perceived transgressors of Islamic law (Encyclopedia Britannica, 2017). Between 2014 and 2017 the Syrian Civil War as a result of these events escalated to a total disaster. Because of the atrocities committed and the dangers posed by a terrorist state in the Middle East, the western nations decided to launch a bombing campaign without the support of a UN security council resolution, but under the guise of a NATO counterterrorism action (Encyclopedia Britannica, 2017). This campaign was aimed at defeating ISIS and turning control over Syria over to the Free Syrian Army, a coalition of several rebel organizations, deemed acceptable to the western governments as a replacement for Assad. In 2015 Russia joined the conflict, according to the Kremlin with the aim of fighting ISIS and defeating the Islamic Caliphate. However, unlike the NATO powers, Russia was not aiming for regime change, and was cooperating with Syrian government forces (Encyclopedia Britannica, 2017). Several countries and organisations have accused Russia of not only attacking ISIS positions, but those of the Free Syrian forces as well. Finally, in 2016 Turkish armed forces crossed the border to Syria, again with the stated goal of preventing ISIS from regaining lost ground in the Civil War. However, since the start of the intervention, Kurdish rebel forces in Northern Syria controlled two large but separated areas of northern Syria, and ISIS was rapidly losing terrain in between these areas International observers, experts and governments believe that the Turkish invasion was therefore mostly aimed at keeping the Kurdish areas separate, and possibly even taking them over. The reason behind this that, were the Kurds to link up the areas, there would be a viable contiguous Kurdish state possible based on the Kurdish regions is northern Syria and Iraq. This hodgepodge of warring factions, terrorist organizations and intervening nations and international coalitions has resulted in an exodus of regular citizens fleeing from terror and conflict. According to the UNHCR, between the start of the conflict and march 2017, 5.018.168 persons were registered as refugees from Syria (United Nations High Commissioner for Refugees, 2017). The United Nations estimate that in total over 6 million people are displaced because of the Syrian Civil War (BBC, 2016). The large numbers of migrants, quickly overcame the ability, or willingness, of neighbouring countries to deal with these refugee streams. As a result of this, the situation in refugee camps was quickly deteriorating, leading many refugees to try and reach the European Union, either to seek shelter or because they believed there would be a possibility to build a new and better life. This led to a new and unprecedented refugee stream from countries in the Middle East to the EU, using Turkey as a stepping stone (United Nations High Commissioner for Refugees, 2017).

The number of migrants trying to reach the European Union started out with an average of roughly 20.000 sea arrivals per month in 2014, with the amount of land arrivals less clear because of various reasons, which will be gone into later. The figure quickly rose with the absolute high point of October 2015 when 200.000 migrants arrived by sea in Greece in a single

month. In total, around 700.000 migrants arrived in Greece by sea in 2015 (Missing migrants project, 2017). This caused a political crisis in Europe, with many citizens concerned over the number of refugees the EU was taking in. Given the situation in Syria, with an Islamic terrorist state controlling large swaths of the country many political actors, as well as opinion journalists and regular citizens were concerned about the possibility of terrorists being among the migrant streams. Also, there was concern in The Netherlands and Germany about the large numbers of refugees they were accepting, and the result this would have on local communities near asylum centres. As a result of the many deaths at sea, and the mounting political pressure in their home countries, a number of EU member states started to close certain parts of their internal borders, in direct contradiction to the Schengen agreement of the EU. In march 2016, in an attempt to stop the influx of migrants, and stabilize the situation, the European Union signed an agreement with the Turkish government. From the moment that the agreement came into effect, all migrants entering the EU from Turkey would be send back to Turkey, and the EU would in return accept the same number of migrants from Turkey who registered there as a refugee. Also, the Turkish government would step up efforts to prevent migration to the EU. In return for this the Turkish government would receive fiscal and political compensation. The deal was heavily criticized by human rights organizations (United Nations Office of the High Commissioner for Human Rights, 2016). It remains a fact that since the agreement came into effect, fewer than 250.000 migrants came

MOVEMENT OUT OF TURKEY AND ONWARD MOVEMENT FROM GREECE AND BULGARIA

Fig. 2 Movement out of Turkey and onward movement from Greece and Bulgaria. (United Nations High Commissioner for Refugees, 2017)

into the EU by way of the Eastern Mediterranean route (Missing migrants project, 2017). Whether this is because of successes the rebel forces and Syrian government had on retaking ground from ISIS or is a direct effect of the EU-Turkey deal, is not clear and, frankly, not relevant for this thesis.

In the previous section, there have been references to the number of refugees coming by sea into Greece. Because of the geographical situation, it has been relatively easy to count those numbers. This is necessary because under EU rules an immigrant must be recorded as an asylum seeker in the country in which he/she entered the EU. The journey from Turkey into Greece concerned a relatively small number of centrally located islands, and, being islands, anyone reaching them is easily identified and registered. At the same time, there were refugees trying to enter the EU through Bulgaria (United Nations High Commissioner for Refugees, 2017), or the land connection between Greece and Turkey. These borders are by nature more open, and immigrants less easy to control and register. Also, many immigrants were unwilling to register in countries like Bulgaria and Romania, as they were either afraid that these nations would more easily expel them than other EU nations would, or because they believed their prospects on the whole would be better in the western European nations (Voice of America, 2015). Therefore, there are numbers available on the number of refugees registered in Bulgaria, but they are not necessarily reflective of the actual situation.

Difficulties for the Northern European nations

The large asylum flows pose a number of sizeable problem for EU member states, including Germany and the Netherlands, which will be discussed briefly in this section, before being addressed more thoroughly when discussing actions taken to solve the problems that arise from these migration flows. When counties such as these are trying to identify who among the refugees is a potential terrorist, it is impervious to register all immigrants when they enter the EU. After all, once the outer borders are passed, anyone is able to travel all across Europe. A terrorist would not even have to go to an immigration centre. Provided he or she had some kind of supporting network in the EU, they just have to get in the refugee stream until it is past the border and then slip away. As said, the nature of the Turkish-Greek sea immigration means virtually all refugees can be registered. This is also the fact in the central and western Mediterranean route, although to a lesser extent. The fact that this involves a sea route means these refugees are more easily tracked, and often even brought into the EU by vessels of NGO's lying offshore to rescue migrants (Frontex, 2014, pp. 6,32). There has been evidence however of the Italian government not registering refugees subsequently, to avoid being responsible for them in the long run (as first receiving nation).

The second problem concerns the sheer numbers of refugees into Europe, whose member states were not prepared or set up for such an influx, which is the main reason Italy is rumoured to let immigrants pass through unregistered as discussed above. In the numbers in figures 3, 4 and 5, the size of the problem immediately becomes apparent as the number of refugees quadruples in the space of just two years. Another troubling fact is that the numbers do not match. The Eurostat data and the

national data from the Dutch accounting agency CBS and the German immigrations services do not match up. The Dutch immigration numbers are off by thousands, while the German number is off by hundreds (Bundesamt für Migration und Flüchtlinge, 2017) (Centraal Bureau voor Statistiek, 2017) (Eurostat, 2017). The German situation may even be more alarming than the Dutch situation, because a discrepancy of some 12.000 refugees, on a total of 32.840 (the highest number for 2016) can only be explained by a different accounting technique, whilst a small difference cannot be explained this way. Given the fact that there are reports that the German government is already unaware of the whereabouts of a number of potential terrorists, this number is certainly the more worrying (Süddeutsche Zeitung, 2017).

Another problem for authorities is that most refugees are arriving without any form of documentation. This is partly because some of them are from

	2014		
	Eurostat	BamF	CBS
European Union	626.960		
Germany	202.640	202.834	
Netherlands	24.495		29.890

Fig. 3 First time asylum applicants 2014 (Bundesamt für Migration und Flüchtlinge, 2017) (Eurostat, 2017) (Centraal Bureau voor Statistiek, 2017)

	2015		
	Eurostat	BamF	CBS
European Union	1.322.825		
Germany	476.510	476.649	
Netherlands	44.975		58.880

Fig. 4 First time asylum applicants 2015 (Bundesamt für Migration und Flüchtlinge, 2017) (Centraal Bureau voor Statistiek, 2017) (Eurostat, 2017)

	2016		
	Eurostat	BamF	CBS
European Union	1.259.950		
Germany	745.150	745.545	
Netherlands	20.945		32.840

Fig. 5 First time asylum applicants 2016 (Bundesamt für Migration und Flüchtlinge, 2017) (Centraal Bureau voor Statistiek, 2017) (Eurostat, 2017)

countries that have been in the throes of civil war, some for almost half a decade. Others have thrown away their documentation, a well-known tactic amongst asylum seekers to prevent being returned to their home countries. This is especially true for those coming out of African states, through the central Mediterranean route (Huffington Post, 2016; Trouw, 2016). This means that the governments that are trying to identify terrorists from genuine refugees have virtually no information to go on other than what they collect from the person itself such as DNA, fingerprints, physical description and photographs.

For those that do have papers there is the question of the reliability of their documents. This is more the situation among refugees coming from Syria. There the ability to create passports and other identity papers are no longer under the exclusive control of the Assad government (Cruickshank, 2017, p. 13). In one instance, which made headlines in the Dutch news, a reporter was able to obtain an authentic Syrian passport in the name of Malek Ramadan, for Dutch prime minister Mark Rutte (Algemeen Dagblad, 2016). The same is possible for all kinds of documents. Such a situation creates the problem for intelligence services that members of terrorist organizations, especially those of whom there are no fingerprints and other biometric data, could enter the country under a false name, with a false set of genuine records, which seems to chronicle an entire life, that only exists on paper. Because of the situation in Syria, where NATO is supporting rebel organizations, checking the veracity of these documents with the Assad regime is obviously out of the question, even if the records in question have not been lost in the conflict. If one considers that there are known terrorists of whom only the name is known and a general description, then this quickly becomes problematic.

Entering Europe through regular channels

The second manner in which terrorists are trying to enter Europe is trough air and seaports, as regular citizens. Unlike those hiding in refugee streams they are not trying to enter Europe illegally and do not go through the immigration process. They are able to do this because they are in fact European citizens. This form of entering Europe mostly occurs from the Middle East, as it is tied in with membership of the ISIS terror group. The early successes of ISIS and their establishment of the caliphate turned out to be highly attractive to radicalized, mostly young, muslims from foreign countries in general, and western countries in particular (The Soufan Group, 2015, pp. 12-13). The International Centre for Counter-Terrorism (ICCT) in The Hague has estimated that there are between 3.900 and 4.200 EU citizens fighting for ISIS (International Centre for Counter-Terrorism, 2016, p. 4). They consist mostly of men but also a sizeable number of women, 83% and 17% percent respectively. Virtually all of these foreign fighters are from the larger inner cities of Europe, and have a spatial grouping that suggests the existence of recruitment networks that had already radicalized a number of youths. According to the ICCT 14% of these people are confirmed dead. However, 30% of these foreign fighters have returned to Europe (International Centre for Counter-Terrorism, 2016, p. 4). Of the remaining 56%, some will have died, but their deaths are yet to be confirmed, and the others will still be in ISIS controlled territory. The Dutch AIVD estimates that in total there are around 300 Dutch citizens who have joined terror organisation ISIS in Syria. It is interesting to see that the Dutch foreign fighters are with 30% almost twice as often female as the western nations average. Of these foreign fighters around 30-40 are (presumed) dead, and 40-50 are believed to have returned (International Centre for Counter-Terrorism, 2016, p. 35).

This type of terrorist infiltration has both advantages and disadvantages for national governments trying to fight terror. The advantage is that their identities are better known than most suspected terrorists. Depending on their nation of origin and issue date of their passports, the government may have some biometric data on them (European Union, 2017), and their background may be better known. Also, it is not uncommon for foreign fighters to have some kind of criminal record, especially amongst the younger male foreign fighters. This provides the governments with an extra layer of information that can be used to identify and if necessary apprehend these people (The Independent, 2016; The Soufan Group, 2015, p. 13; International Centre for Counter-Terrorism, 2016).

That said, there are also disadvantages to this kind of infiltration. The most obvious of which lies in the Schengen agreement. Under this agreement, the holder of a passport of an EU member state may enter Europe though any member state, and is free to travel and reside within any EU member state. This means that any foreign fighter whose identity and status is not shared by his member state can enter Europe virtually undetected (European Union, 2017). The most striking example of this is the case of Ibrahim El Bakraoui, one of the perpetrators of the 2016 Zaventem Airport terror attack. He was apprehended in Turkey, where they suspected him of ISIS involvement (NOS, 2016) (De Standaard, 2016). The Turkish authorities wanted to deport him to his home country of Belgium, who would most likely have arrested him on arrival, because of outstanding warrants. El Bakraoui requested to be deported to The Netherlands, which was perfectly possible under the Schengen agreement and his request was therefore granted. Upon arrival in the Netherlands he was briefly detained by immigration services, but as a Belgian passport holder with no outstanding international arrest warrant, and no proven links to terrorism (it is disputed that the Turkish report that he was deported as a terror suspect had not yet arrived, or was simply not yet processed by the Dutch police) they released him the day of his arrival, after which he proceeded to travel to Belgium by private transport (De Standaard, 2016; De Standaard, 2016). This example shows the difficulty governments have in dealing with foreign fighters from other member states. If a returning foreign fighter suspects he will be arrested on return, he or she can simply travel via a neighbouring member state, and proceed by car or train to their own country.

The second difficulty is that once a returnee is through the border process tracking him or her becomes far more difficult than with a potential terrorist hiding as a refugee. After all, a registered refugee is, at least in theory, on a location controlled by the government, has to undergo several processes aimed at identifying him or her as a threat to that nation, as shall be shown in the third subquestion. This advantage does not apply to returning foreign fighters. Once they are through the border, they can disappear at will, and on account of them being EU or even national citizens, they are able to procure housing and transportation without difficulty. This problem is deepened by the fact that as citizens who have been born in the Netherlands or Germany, or at least have lived there for years, they have an extensive network of friends and family in those countries. These friends and family are often willing to support these

foreign fighters with funds and shelter, either out of loyalty to family and friends, but sometimes also out of direct support for the jihadist cause (Bale, 2009, p. 73). One notable example involves Salah Abdeslam, a French-Belgian terrorist suspected of involvement in the 2015 Paris attacks. Despite an intensive three-month manhunt, he managed to evade capture for 126 days, after which he was finally arrested. He had sought shelter in the Brussel borough of Molenbeek, a known radicalist hotbed, where Abdeslam had been raised (NOS, 2016). He was apprehended within walking distance of his family's residence. During the three months he was on the run, he lived quite openly among the community there. As one source told the Dutch news agency NOS: "everyone here (in Molenbeek) knew where he was living". Dutch anthropologist Teun Voeten, who lived in Molenbeek for an extended period of time to do research stated that there is an extensive network of people protecting these terror suspects, often even if they do not support their ideals, out of a sense of communal loyalty (NOS, 2016).

<u>Why and how are terrorist trying to enter Northern Europe.</u>

To summarize, terrorists, both in general as those who have previously travelled from Europe to the ISIS controlled territories are trying to enter Europe either to seek refuge from the adverse tactical situation in Syria and Iraq and to commit acts of terror and terrorism related activities in the EU. Their reason for singling out the EU lies in a deep hatred and loathing of the West, its dominance and its culture, which stems from a complex mix of issues. They are attempting to do this via migrant flows, posing as refugees, and through the borders of the EU if they are in possession of valid EU travel documents or documents of states whose residents do not require visa to enter the EU.

The first method means that a potential terrorist travels in the refugee stream that has significantly increased since 2012, and tries to hide in amongst the genuine migrants. This is a great risk, as undetected terrorists can set up cells in their receiving nations, or make contact with other home-grown radicals or returned foreign fighters, as was the case with the November 2015 Paris attacks and the 2016 Zaventem attack, committed by known or suspected foreign fighters, and coordinated by a mastermind, which entered the EU as a refugee in Greece (CNN, 2017). The risks are great also because of the inability of the EU and its member states to verify documents of refugees, either because those are destroyed in a civil war, or because they are under the control of hostile elements (either ISIS or Assad). Combined with the fact that ISIS is reportedly in control of either a large number of blank Syrian passports or even worse, the equipment required to make these passports means that the task of confirming identities, refugee status etc. is a daunting one for European officials, especially if confronted with suspects who have been trained on blending in, and coached as to what to say in interviews. Further difficulty lies in the number of refugees entering the European Union, overtaxing the system, and impairing the ability of the security and immigration organizations to properly conduct security reviews on these refugees.

The second manner of entering the EU consists of foreign fighters who hold citizenship of a EU nation, and who try to enter via airports and seaports, or regular border crossings. They often do this in another EU member state than the one they are a citizen of, to minimize the chance of detection. For them the greatest risk of detection is situated in the border crossing. As seen with terrorists who have managed to return undetected, there is often a support network in the home county, which can provide support and concealment. Investigators and journalists found that even if people in neighborhood did not approve of terrorism and were aware that a known foreign fighter had returned, that these neighbors were still unwilling to report them to the authorities, personal relations trumped disapproval in these cases. Also, the fact that the foreign fighters are engaged in a civil war, means that authorities do not have a clear overview of the status of their citizens who have joined this fight. They are aware of a number of casualties, and a number of returnees, but many are unaccounted for, which means that there is a need for long term policy on preventing infiltration. Another important factor is the openness of travel throughout the EU because of the Schengen agreement. Any failure of a government to properly notify all other member states of the identities of their foreign fighters, or the failure of member states to implement the received information, means that there are holes in the border control through which these foreign fighters can slip.

As said the two different measures have significant differences in risk, difficulty and duration.

The two types of terrorist infiltration	
Hiding amongst refugees	Returning foreign fighters
No identification papers or forged papers of conflict area (Syria and Iraq).	Mostly EU member state citizens or of third states without visa requirements.
Low risk of immediate detection because of mixing in large groups of migrants.	High risk of detection at point of infiltration, especially if identified as a foreign fighter by the home nation.
No (or little) freedom of movement after entering the country.	No limits on movement after entering the EU
No support network in-country except previously established contacts.	In-country support network consisting of family, friends and sympathizers.
High risk of detection after entry due to longer government exposure (immigration process).	Low risk of detection after entry because of single point of detection (border) and support network.

6: SQ2: What kind of means do German and Dutch government have to prevent terrorists from entering their country?

The means of the European nation states, and Germany and The Netherlands in particular can be divided into two distinct types, those aimed against terrorists hiding amongst refugees and those aimed against entering the country as regular citizens. These means are the institutional

arrangements standing between potential terrorists in question and their entry into a European state. These arrangements can be very tangible or are of a more elusive nature.

<u>Means in preventing returning foreign fighters from infiltrating the EU member states.</u>

The most tangible of all means is the European and national border control. In the case of the European Union's outer borders this means the border control agencies of the specific member state, and also the European Union's Frontex border control agency. There are several different kinds of borders. First of all, the land border. Land borders are the borders on the eastern side of the European Union connecting the European Union physically to another nation state. The second kind of border, sea borders, are found all over the European Union from Britain to Greece and from Spain to Latvia, but for the purposes of this thesis mostly concern Europe's southern borders. More specifically, the Spanish, French, Italian and Greek border. The third kind of border is found all over Europe and our air borders, in other words, airports.

This quite obvious distinction in between kinds of borders is necessary to understand means at disposal of European member states to prevent potential terrorists from entering their countries. Given the focus of this thesis on the Netherlands and Germany, these borders will be discussed from the perspective of those two nations. Because of the nature of Schengen, this means that those two nations only have direct control over the sea and air borders of their own country, and in both cases the sea border is virtually irrelevant for the purpose of this thesis. Therefore, the first line of defence of both countries for stopping potential terrorists is under the control of other states. For this reason, the European Union founded the Frontex organisation. The mission of Frontex is to coordinate the international control of borders for the EU (European Union, 2015, pp. 8-10). The most important method of the Frontex agency is intelligence sharing and analysis. Countries like Germany and The Netherlands provide information on citizens that are suspected of connections to international terrorism. This can be done by issuing a European arrest warrant if there is concrete information of illegal behaviour (European Union, 2015). It can also be achieved through intelligence sharing, providing member states with the identity of persons of interest, thereby creating awareness if such a person ever tried to enter the EU through third party members states. Frontex also maps risk areas and coordinates border control action between member states sharing a particular vulnerable section of the European Union outer border (Frontex, 2017). Case in point in this situation would be the Mediterranean Sea, which borders a number of European Union Member states. Frontex is actively involved in coordination the international border control in this region. They provide data for national border services such as satellite information on suspicious maritime movements and use satellite imagery to monitor refugee camps in Northern Africa to predict crossing attempts. In Greece 600 Frontex officials are assisting the Greek government with fingerprinting and screening migrants as part of the Poseidon Operation. In the Netherlands the Koninklijke Marechaussee, the Dutch gendarmerie

force, is responsible for border control. They perform this function mostly at the airports and seaports, but also monitor road and railroad access for suspicious activities. The Marechaussee, as noted before is part of the Ministry of Defence, at first as a part of the army, since 1998 as a separate branch of the military (Koninkrijk Der Nederlanden, 2017). In contrast, Germany, where responsibility for the border control is put in the hands of the Bundespolitzei, the federal police force under the auspices of the Interior Ministry. The task of the Bundespolitzei is more limited than that of the Marechaussee, with more than two thirds of its 40.000 personnel being tasked with border control (Bundespolitze, 2017).

Means in identifying potential terrorists hiding amongst refugees

Border crossing by potential terrorists possessing (valid) travel papers is one threat. The other is the ability of terrorists to hide amongst refugees. This method has been extensively discussed before. In this section, the means and policies of the German and Dutch governments to deal with this problem is addressed.

As said before, the problem with the travel paper is that because of the situation in Syria, most refugees are arriving without any form of documentation. This is partly because some of them are from countries that have been in the throes of civil war, some for almost half a decade. Others have thrown away their documentation, a well-known tactic amongst asylum seekers to prevent being returned to their home countries. This is especially true for those coming out of African states, through the central Mediterranean route (Huffington Post, 2016; Trouw, 2016). This means that the governments that are trying to identify terrorists from genuine refugees have virtually no information to go on other than what they collect from the person itself such as DNA, fingerprints, physical description and photographs.

For those that do have papers there is the question of the reliability of their documents. This is more the situation among refugees coming from Syria. There the ability to create passports and other identity papers are no longer under the exclusive control of the Assad government (Cruickshank, 2017, p. 13)

The same is possible for all kinds of documents. Such a situation creates the problem for intelligence services that members of terrorist organizations, especially those of whom there are no fingerprints and other biometric data, could enter the country under a false name, with a false set of genuine records, which seems to chronicle an entire life, that only exists on paper. Because of the situation in Syria, where NATO is supporting rebel organizations, checking the veracity of these documents with the Assad regime is obviously out of the question. If one considers that there are known terrorists of whom only the name is known and a general description, then this quickly becomes problematic.

Another problem for counties such as Germany and the Netherlands when trying to identify who among the refugees is a potential terrorist, is that it is impervious to register all immigrants when they enter the EU. After all, once the outer borders are passed, anyone is able to travel all

across Europe. A terrorist would not even have to go to an immigration centre. Provided he or she had some kind of supporting network in the EU, they just have to get in the refugee stream until it is past the border and then slip away. As said, the nature of the Turkish-Greek sea immigration means virtually all refugees can be registered. This is also the fact in the central and western Mediterranean route, although to a lesser extent. The fact that this involves a sea route means these refugees are more easily tracked, and often even brought into the EU by vessels of NGO's lying offshore to rescue migrants (Frontex, 2014, pp. 6,32). There has been evidence however of the Italian government not registering refugees subsequently, to avoid being responsible for them in the long run (as first receiving nation).

Border control is an area that has undergone significant change since the start of the migrant flows in 2012. There was a large amount of pressure on the European Union to address the migrant problem and the security concerns that are part and parcel of this problem. One of the policy changes the European Union made regarding border control was to increase the abilities of Frontex by moving away from a purely supportive organisation to a more hands on organisation. To this end, a program was set up that enabled Frontex to create its own border control units. Since October 2016 Frontex has its own border and coast guard agency, numbering 1.500 members which can be used to augment national border control forces during emergencies, provide assistance to non-EU member states bordering the EU and stress test the EU outer borders (Frontex, 2016).

It has already been pointed out that one of the most effective actions taken was not aimed at terrorism as such, but at the whole migration problem. The deal made with Turkey was essential in bringing down the total number of refugees coming to Europe (Frontex, 2017). This drastically reduced the possibility for terrorists to hide themselves, as one of the best defenses is the anonymity of the masses that governments had to deal with before. The method was double effective as the deal with Turkey also effectively closed the most direct route into Europe for those potential terrorists coming from Syria and Iraq, the home of ISIS.

The policy also created the means for German and Dutch institutions to effectively carry out other policies regarding the detection of potential terrorists among the refugees, something that will be expanded upon later.

In the Netherlands, when it comes to the dating of terrorists among refugees streams the first line of defense are the intelligence services AIVD, and immigration services IND. In the discovery phase of an immigration procedure the AIVD has a more passive role. As the nation's premier intelligence agency, the AIVD collects data from all kinds of sources, and functions as a hub for intelligence sharing with other nations. The IND is a more directly involved organization. A refugee that enters the country and applies for asylum will be subjected to an interview with an IND officer. This interview is a long and in-depth interrogation into the motives of the refugee, and to establish whether he or she poses a risk to national security of the Netherlands. Also fingerprints and DNA samples

are taken as well as photographs. If a refugee is part of a family or a group all the stories will be checked and cross checked for inconsistencies. All baggage that the refugees own will be searched for incriminating evidence. The official identity of the refugee (according to his or her papers) as well as photographs and other identifiable information will be checked by various intelligence organizations. These include the already mentioned AIVD, but also the database of the national police, regional police intelligence organizations and immigration police services (Van Wijk & Bolhuis, 2016, pp. 49-81).

After 2014, these efforts were significantly increased. Up until that time both the European and Dutch top counter terrorism officials have stated that there was no significant risk of potential terrorists hiding amongst refugees (NOS Nieuws, 2015). In their opinion, the greatest threat to European Union and national safety came from already radicalized terrorist cells within member states (Van Wijk & Bolhuis, 2016, p. 27). The dominant narrative was challenged in 2014 by several terrorist events involving jihadists that had entered into Europe through refugee streams. At the same time, several suspects were arrested in refugee centers for various reasons such as being a member of a terrorist organization with the intent of perpetrating a terrorist attack but also, perhaps more dangerously, recruiting jihadists. As said from this time forward more emphasis was placed on suspects within the refugee stream where a number of problems immediately became apparent. A significant threat to the Dutch security lay in the fact that a volunteer organization that provided both material and immaterial support to refugees in the former council, emotional support and the distribution of Korans turned out to be a Salafist organization advocating a very strict form of Islam, and trying to recruit young man to wage jihad. One volunteer from this organization, it was discovered after investigation, was himself a returned foreign fighter, who had traveled to Syria (Van Wijk & Bolhuis, 2016, pp. 46-47).

An active hindrance to the identification of potential suspects is the fragmented nature of the Dutch asylum and immigration system as well as, to a lesser extent, the national security organizations. The reason is that a refugee is it several times in the process the responsibility of a different agency. For instance, once the refugee arrives and requests asylum he or she is the responsibility of the Marechaussee, until such time as immigration services can be notified. From that point forward the IND takes over and places the refugee in a refugee center. The IND remains in charge of the asylum process, but the physical needs, medical care and housing arrangements within the refugee center and responsibility of the central organization for refugees (COA). As per 2014 employees of the COA are instructed to be aware signals and indicators used in determining if a refugee is a potential threat. The IND itself does the already mentioned interviews, which take place over a period of six days, although that includes regular asylum interviews (regarding family status and reason for applying). If a child is involved the NIDOS organization charged with monitoring the well-being of the child, for adults, assistance is provided by the Vluchtelingenwerk (refugee work) foundation (Van Wijk & Bolhuis, 2016, pp. 49-81).

After a decision has been made as to whether or not to grant asylum three other organizations enter the mix. If a positive decision has been reached, the Ministry of the Interiors consular affairs division gets contacted to handle family reunification, meaning more people need to get screened before being allowed to enter the country. If a negative decision is reached the asylum seeker, now an illegal alien, becomes the responsibility of either the prison authorities (DJI) or immigration services (DT&V). The former means that there is a risk that he asylum seeker will try to prevent repatriation by going into hiding. The latter means that the asylum seeker will remain in the housing location until such time as repatriation is organized, and is therefore less restrictive (van der Brug, Fennema, van Heerden, & de Lange, 2009, pp. 49-81).

Added to this mix of asylum oriented organisations is the list of intelligence organizations which are any given time may try to corroborate information gathered by the asylum-oriented organizations. These include the already mentioned AIVD, the national police, regional intelligence agencies and European databases. It is for these situations that the counter terrorism info box has been created to organize the flow of information between all these organizations and prevent potential suspects for slipping through the net. That this is not the most efficient method was instantly clear when, while doing this research, the official policy report concerning improving detection methods listed no less than seven different routing charts for communicating jihadist indications to the appropriate authorities, as shown in figure 6 (van der Brug, Fennema, van Heerden, & de Lange, 2009, pp. 73-77).
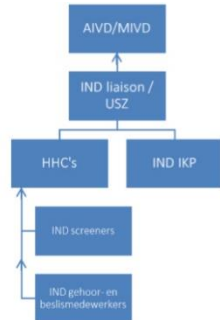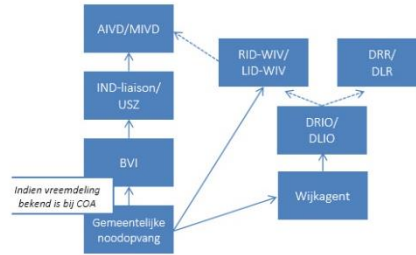
Figuur 3.2. Routing signaal nationale veiligheid in verband met asielprocedure IND
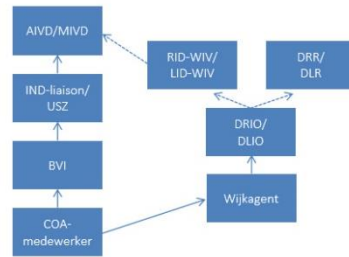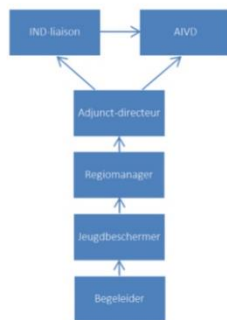
Figuur 3.3. Routing signaal nationale veiligheid COA
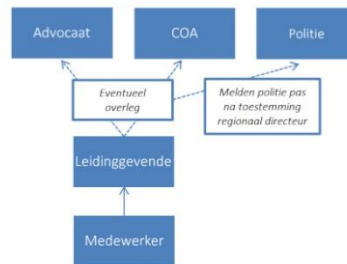
Figuur 3.4. Routing signaal jihadisme DT&V

Figuur 3.5. Routing signaal jihadisme vanuit gemeenten

Figuur 3.7. Routing signaal jihadisme Nidos

Figuur 3.6. Routing signaal jihadisme VluchtelingenWerk

Figuur 3.8. Routing signaal jihadisme DJI

Fig. 6 Routing charts concering reporting jihadist suspicions (van der Brug, Fennema, van Heerden, & de Lange, 2009, pp. 73-77)

Earlier in this section, it was pointed out that the deal the European Union made with Turkey had significant impact on this process. Due to the drastic decrease of immigrants crossing into Europe through the eastern European route, the total number of refugees seeking asylum in the Netherlands has dropped in 2016, as shown previously. Furthermore, this number is expected to drop further in 2017, based on current arrivals (Frontex, 2014; Centraal Bureau voor Statistiek, 2017). This is significant for this policy because it has been discovered by news media that although officially the refugees are supposed to go through extensive security interviews, sometimes lasting multiple mornings or afternoons, the sheer number of refugees overwhelmed the capabilities of the Dutch immigration services. This resulted in security interviews (as well as other

necessary interviews) being done in a slipshod manner, at times not being performed at all (Volkskrant, 2017). The head of the intelligence services has acknowledged that this might have posed a security risk, but stressed that those cases have been re-examined more thoroughly later on. In the same interview, he also stated that currently the reduced flow of migrants means that IND officers are again able to fully perform all necessary checks. One area in which the capabilities of the intelligence organizations can be improved is the availability of technology that allows law enforcement agencies and intelligence agencies to quickly capture, copy and scan large amounts of data. This because, as pointed out earlier, one of the steps in the asylum process is the scanning of the phones and laptops of migrants for incriminating data. Considering that even a mid-range smartphone can contain 32 GB of data, and high-end devices can contain up to 64 GB of data. With laptops that number can easily rise to 300 to 500 GB. To be able to scan this fast but thorough requires extra storage capacity and high-end technical hardware (Van Wijk & Bolhuis, 2016, p. 128).

The German system for immigration closely resembles the Dutch system. Like the Dutch system, asylum seekers are housed in immigration centers during their immigration process. Similarly, they are also subjected to the same kind of interview style as the Dutch system, and the information collected as well as biometric data are checked against databases. But unlike the Netherlands the German system is much more simplified. This in spite of the federal nature of the German state. The organization responsible for the asylum process is the Bundesamt für Migration und Flüchtlinge (BAMF). This single organization is responsible for the entire process. A refugee is registered by the organization, and directed towards one of the refugee centers. Once a decision is made on the refugee status the immigrant is free to live outside the centers and enter the labour market. If not they are deported, again by the BAMF (Bundesamt für Migration und flüchtlinge, 2017). The security apparatus of the German states is somewhat more fragmented, as described before, with the Bundesamt für Verfassungsschutz, the Landesamter für Verfassungsschutz, Bundespolitzei, Bundeskriminalamt, Landeskriminalamter and the Bundesnachrichtendienst all providing a piece of the puzzle. In response to this fragmented nature of the federal and state security apparatus, the German government started the Gemeinsames Terrorismusabwehrzentrum (GTAZ – Joint Counter-Terrorism Centre). The GTAZ is unique in that it is not an independent organization but a cooperation system that spans all security and intelligence agencies. The purpose of this centre is to make all information an intelligence centrally available. This means that unlike the Dutch terrorism Infobox, the GTAZ does not only coordinate the sharing of information, but actually contain all the information itself, directly accessible by all the separate partners in the GTAZ (Bundesamt für Verfassungsschutz, 2017). Technically the Dutch infobox also contains all information, but the nature of the system is quite closed. The database containing all the information from the various agencies is not accessible from the outside, but a is that every participant has a liaison in the AIVD

building which houses the info box and who handles requests for information (De Poot & Flight, 2015, p. 34).

In short this means that the entire German system for the detection, detention and dealing with suspected terrorists among the refugees in Germany is highly centralized, despite the fragmented nature of the state, with responsibilities shared between the federal government and Bundesländer.

Despite this security does not yet appear to be airtight. Since 2014 several young men have been arrested in the refugee centers, on suspicion of being a member of outlawed terrorist organizations. Examples of this are a 21-year-old Moroccan young man, who requested asylum in Germany using a false Syrian passport. He was arrested after it turned out that there was a European arrest warrant in his name, because of suspicions he was involved in the recruitment of foreign fighters (Van Wijk & Bolhuis, 2016, pp. 39-40). Of course, the most conspicuous and lethal example is Anis Amri, the young Tunisian man who drove a truck into the 2016 Berlin Christmas market killing 12 and wounding 56. Before coming to Germany as an asylum seeker, he had fled Tunisia and requested asylum in Italy. During his stay in Italy he was incarcerated for four years after committing an armed robbery, as subsequently his asylum status was withdrawn but he was not deported. After this he came to Germany where he requested asylum, and quickly drew the attention of the German government after he was tied in to a suspected radical Islamic imam. He was under surveillance until September 2016, just three months before committing a devastating attack (Handelsblatt, 2017).

Cases such as these show the difficulty that intelligence, police and immigration officers, as well as immigration lawyers and volunteers face when deciding where a suspect should be placed in the threat matrix. Resources are scarce, and only a limited number of people can be put under surveillance, checked up on or otherwise investigated. The case of Anis Amri shows how even those deemed to be, in the words of the German police, mere errand boys cannot be surveilled indefinitely both because of a lack of manpower and the large number of suspected targets, whom in this case were thought to be of higher value than Anis Amri (Handelsblatt, 2017).

Conclusion
To summarize it can be said that to apprehend returning foreign fighters, the border is the single point of detection when entering the nation, obviously a foreign fighter can be detected long after their return, but that does not fall within the scope of this thesis. This means that for this border control is vital. The Netherlands and Germany use relatively the same means to control their borders. The main difference is that Germany has an institution that has border control as its main task, where the in The Netherlands it is a part of a number of tasks of the Marechaussee. The border control in both countries, institutions involved in police and intelligence work share their data with one another and with other EU member states. This kind of terrorist infiltration is therefore more focused on policy, as will be shown later.

As stated in the previous chapter the process a terrorist infiltrator has to go through to enter the EU as part of the migration stream is far longer, especially if there is no support network in the receiving country. The suspect has to go through the asylum process, which means that he or she is longer under government observation. First there is the chance of discovery in the crossing of the EU outer border. After arriving in both countries there is the process itself. The Netherlands and Germany apply relatively similar methods of trying to detect terrorists amongst refugees. This involves biometric data being collected, interviews held by trained officers and a search of the luggage of a refugee. The main difference is that in The Netherlands the refugees are more centrally managed, where in Germany the states are responsible, under the oversight of the national government. But this is a minor difference given that this only involves the physical care for the immigrants (housing, feeding and other necessities).

Also, the Dutch institutional arrangement makes the process of identifying a terrorist among migrants is potentially hampered by the variety of agencies involved and the often-convoluted communication lines, with different agencies, sometimes even non-governmental, involved in different stages of the asylum processes.

The final conclusion is that the size of the refugee stream has prevented the German and Dutch law enforcement agencies from conducting the required procedure with all migrants. Interviews that normally can last a day or longer were now shortened, or performed by untrained personnel. The agreement with Turkey has lowered the number of migrants from the eastern Mediterranean route, which means that at the moment the agencies are able to properly screen newly arriving migrants.

Means to prevent Terrorist infiltration	
Germany	The Netherlands
Separate border control agency, part of Justice department.	Border control executed as one of the tasks of the Marchaussee, a Defence Department organization. Overseen by the Justice Department.
Immigration process for refugees include taking biometric data, and oral interviews, belongings are searched for incriminating evidence.	Immigration process for refugees include taking biometric data, and oral interviews, belongings are searched for incriminating evidence.
Large portions of refugee handling are decentralized and under control of Bundesländer.	Refugee status and background investigation are handled on a national level, but by a multitude of different organizations.
International information sharing through Frontex.	International information sharing through Frontex.
National information sharing through centralized database, accessible by all member organizations. Funding and	National information sharing through Counterterrorism Infobox. Access through liaison officers in the AIVD facility.

oversight shared by member organizations.	

7: SQ3: What kind of policies the German and Dutch government have formulated to prevent terrorists from entering their countries?

Policies for preventing returning foreign fighters from infiltrating the EU member states.

Germany

Because of the threat of returning foreign fighters who joined ISIS, the German government has also changed a number of laws to improve the abilities of the border guards to act upon suspicious behaviour, and to prevent potential terrorist from entering the country. Based on a nine-point plan launched by Bundeskanzlerin Merkel, these measures included the possibility to revoke the citizenship of those persons that have left Germany to join a terrorist organisation (Bundesrepublik Deutschland, 2015). This is only possible if the person in question holds dual citizenship. Based on international law it not allowed to create stateless individuals, so if a suspect only has German citizenship, it cannot be revoked. For those suspects, the changes in the law provided the option to revoke their passport or national ID card, and replace it with one marked "for travel inside Germany only" effectively ending their ability to travel abroad once returned. The new legislation also made it a criminal offense to travel abroad with the purpose of engaging in terrorism (Bundesrepublik Deutschland, 2015). Considering this can be done on the order of the German government, this would be a significant drop in the level of incrimination for a citizen. It would mean the loss of a citizenship on the basis of having travelled to a specific area, whether or not illegal activities can be proven to have taken place there. This is understandable from a German point of view, as it is virtually impossible to prove in a German court that serious crimes have taken place at the hands of a specific individual in Syria or Iraq.

Secondly, The German High Court ruled that in a catastrophic terrorist attack the German army could be deployed policing German streets like we saw in the United Kingdom following the 2017 terrorist attack at the Arianna Grande concert in Manchester (The Times, 2017; Business Insider, 2017). In a country that has long struggled with the history of totalitarianism this was a remarkable decision by the court. Finally, in 2016 German head of government Angela Merkel announced a policy initiative in coordination with the 16 states of Germany to significantly increase deportations of those migrants who do not get refugee status. Again, for reasons of history these kinds of mass deportations are very controversial in Germany. All these incidences put together point to a phenomenon that Germany is actually more and more becoming a "regular" country rather than a state with an exceptional burden of history (Deutsche Welle, 2017).

At this point further changes in legislation are being enacted, but have not yet made their way into law, and as such are not yet in effect. The most important and far-reaching of this is the measure of augmenting camera surveillance in public high population density locations such as airports and train stations with facial recognition software. While not yet in effect, this would be a significant policy change (Institute for strategic dialogue, 2017). Camera surveillance at this point is mostly about identifying perpetrators, those already in breach of the law, or in the moments before a breach of the law. By adding facial recognition, connected to databases of suspicious people the extent of identity surveillance is moving away from borders to also cover the interior, a move towards blanket securitization of the public sphere. On a side note, not further explored because it falls outside of the scope of this thesis, but too important to ignore altogether, one of the serious dangers to our free and democratic societies is the creeping spillover effects that these measures often have. These camera's may now only be used for counterterrorism, but time will tell if this remains so. Experiences with other systems in the past does not inspire confidence, hence the off-topic warning. What is relevant for this thesis is the fact that according Dr. Witold Mucha, countries like Germany in their obviously sincere effort to tackle the problem of terrorism are not fully considering the risks and implications of these privacy eroding methods (Mucha, 2017, pp. 230-232).

When it comes to the changes in the German terrorism debate, these measures are somewhat of a break with tradition. Even after 9/11 the German court has often struck down measures such as preventive wiretapping or surveillance as unconstitutional because they violated basic rights, or because the measures, while potentially legal did not provide sufficient safeguards against abuse (Heinz, 2007, pp. 168-170).

The best example of this is the closing by the German government, of the Hildesheim mosque and the banning of its parent organization. The closure was accompanied by police raids in the houses of suspected salafists. To date, some 20 organizations of an Islamic background are banned in Germany. These include obvious terrorist organizations such as ISIS or Hizb Ut-Tahrir, but also more innocent sounding ones such as the Internationale Humanitäre Hilfsorganisationen (International humanitarian relief agency). This organization is accused of having ties to terror organization Hamas (Bundesamt für Verfassungsschutz, 2017; Der Spiegel, 2017).

The Netherlands

Like Germany, The Netherlands is also working to introduce such a measure to rescind citizenship, but then based on a conviction by a Dutch court. The question is what shape that conviction would have to take. For the same problems in procuring evidence that are described above for Germany are also prevalent in The Netherlands. It is therefore possible to lose citizenship on the basis of being a member of a terrorist organisation. A rather vague description, which does not necessarily involve direct actions. Nevertheless, this method would mean that a judge would weigh the great impact that losing citizenship might have on a person, with the

crime he or she is accused, and judge the outcome too severe, or justified.

Another measure that the Dutch government attempted to take was to refuse funding to an Islamic organization for secondary education. This organization had a bad reputation, with one of its directors having praised ISIS on social media. The Minister for Education therefore refused to accredit the institution, without which there could be no subsidies awarded. This was done under the cover of a fear of insufficient quality of education, another known weakness of this organization. However, the highest court in the Netherlands, the Raad van State ruled that the minister exceeded his authority, and ordered that the organization be subsidized.

Policies for identifying potential terrorists hiding amongst refugees

<u>Germany</u>

In Germany, the most notable policy shift under pressure from refugees and potential terrorists was the reinstatement of German border controls on the outer land borders of the country, most notably the border with Austria. This action was in direct conflict with the principles of the Schengen agreement, and initially drew sharp criticism from the European Union. However, faced with the threat of Schengen dissolving altogether, as more and more countries closed borders, such as Hungary and Macedonia, the European Commission announced that, considering circumstances countries were allowed to temporarily maintain border controls on inner borders of the European Union. In this way, the EU attempted to maintain control over Schengen, instead of being faced with open-ended closing of internal borders (European Commission, 2017).

Another measure that is currently being enacted is the designation of a number of countries to safe, which means that migrants coming from these nations can be returned there, and so relieve some of the already mentioned pressure on government agencies. In this regard, The Netherlands has designated Afghanistan a safe country, while the German government is planning to return migrants to the Balkan nations. This is controversial, especially in Germany where Chancellor Merkel is proposing mass deportations to these countries. Given the political history, the idea of large scale deportations is politically risky (Deutsche Welle, 2017).

These measures show a trend that has started after the 2001 terrorist attacks in New York and which has increased since. This is the trend to treat a security threat to the nation with increasingly restrictive measures, even if these measures negatively affect the general migrant population. In the years following the 9/11 attacks many countries started with programs designed to deradicalize individuals, and prevent radicalisation of at risk groups of citizens. In Germany these programs are decentralized, and mainly executed by the local and regional government and affiliated non-governmental organisations. These kinds of programs are much less prevalent when it comes to returning Jihadists and migrants. The German national government performs criminal

investigations to tie returning fighters to crimes committed abroad, in order to detain and prosecute them in Germany.

The Netherlands

Like Germany, The Netherlands has adopted less deradicalization practices for extremists amongst refugees and returning foreign fighters. A recent suggestion that The Netherlands should try to provide a safe place to return to for foreign fighters in order to deradicalize them was almost universally discredited as being too accommodating to the enemy. Conversely it is the policy of The Netherlands to immediately arrest foreign fighters upon their return, and to hold them until such time as charges can be brought, or their innocence confirmed. In the Netherlands, these foreign fighters can be detained to up to two years so the government can do its research (AIVD, 2013; AIVD, 2017; Mucha, 2017; NOS, 2017).

In a more general sense this elongated trend is also clear to various scholars. As seen in the current literature section, there were always different levels of integration demanded from migrants and varying levels of acceptance in the host culture. But after 2001 the swing of the electorate towards more conservative politics is noticeable in both the Netherlands and Germany. In his article rise and fall of multiculturalism, the case of The Netherlands Christian Joppke notices that in the Netherlands the levels of integration required of immigrants was almost a demand for assimilation. Newcomers and old immigrants alike needed to accept "typical Dutch" values, regardless of whether they were compatible with their own religion or lifestyle. Joppke even points out that some of these general societal characteristics could really not be found in the native population, but existed more in the mind of political actors (Joppke & Morawski, 2003, p. 3).

Joppke's point is echoed by Dr. Tjitske Akkerman, who also point to a shift in political positions. Up until the new century feminism and gender equality were mostly a trademark of left wing politics. After the 2001 terror attacks and the rise of anti-immigration, and sometimes anti-Islam parties on the (far) right, this changed. Suddenly women's rights, such as the liberation of the Muslim women from the headscarf or economic independence of women became an important arrow in the right-wing quiver. Akkerman lies the root of these changes in a mixture of unrest as a result of problems in safeguarding social cohesion in a multicultural society, combined with political opportunism of radical parties, who capitalised on this unrest (Akkerman & Hagelund, 2007).

European Union

The second major change was the adoption by the European Union of legislation establishing the EuroSur Program, a surveillance program that uses drones, satellite information and other intelligence to intercept illegal immigration into the European Union. To provide and coordinate this information, a National Coordination Centre is situated in every one of the thirty states that are part of the EuroSur network, which are all the members of the Schengen area (Frontex, 2017).

There are proposals which, while controversial, appear to be more feasible. Two of these are the possibility of recreating the Turkey-EU agreement regarding migrants with African nations bordering the Mediterranean. If such an agreement would meet the same level of success, the number of refugees entering the European Union would be substantially lower, thereby reducing the overload of work on intelligence and immigration services tasked with determining the risk the individual migrants pose. There are however also problems connected to this suggestion. The Turkey deal was possible because the Turkish government is in full control of its territory and borders. At the same time, Libya, the starting point for the majority of Mediterranean crossings is for all intents and purposes a failed state. There are several factions claiming to be the rightful government of Libya, and the government that is recognized by the Western states is not in full control of its borders, most importantly the shorelines. Some of the most used crossing points start in territory not under Libyan government control. Also, international law forbids the expulsion of migrants to a country where they would be in danger of harm. Libya is obviously such a country. There are suggestions of bypassing Libya, and making agreements with nations such as Niger, to halt refugees coming out of other African nations before they reach Libya (Dijkhoff, 2017).

Conclusion

As the crisis regarding mass migration and international terrorism is still in full swing, there are many policy options that are being proposed and debated. It is always difficult to decide what to select out of the myriad of proposals that are made by various actors. In this situation, the deciding factor is the feasibility of the individual proposals. Certain proposals that are made are simply not viable because of human rights and the political system. One example is the proposal of the Dutch far right freedom party to preventively lock all asylum seekers in their refugee centres, making them virtual prisons for the refugees, even if they are completely unsuspected of any kind of crime, terrorist or otherwise.

But overall, we can conclude that the trend of the counterterror debate shifting to the restrictive, traditionally right-wing policies which, as has been described in chapter 3, started after 9/11 have deepened after 2012. The measures include proposals such as the revoking of citizenship, and the expulsion of migrants to safe countries. Also, an increase of surveillance through technology such as CCTV camera's is being proposed in Germany. It is interesting to note that many of the proposals and measure currently debated are of an administrative or technical nature, in short, they do not require a great deal of trained personnel. Though this may not be such a surprise in light of the earlier mentioned troubles intelligence and immigration services have in dealing with the large number of potential suspects.

It is interesting to note that when it comes to policies regarding returning foreign fighters there is much more action possible. While the previous chapter emphasized the fact that a returning foreign fighter has a single point of detection, this chapter shows that there are several policies that can improve the odds of police and intelligence agencies detecting and

apprehending these people. The measure that Germany is now proposing in adding facial recognition software to CCTV camera's means that in essence this single point of detection is replaced with a plethora of possible detection moments (the civil rights risk of which have already been discussed), meaning that potentially every major transportation hub becomes a security point for law enforcement.

When comparing The German and Dutch approach there are similarities and differences. The first difference is the aforementioned CCTV usage. In Germany the idea to use facial recognition is now being proposed, unlike in The Netherlands.. In a sense Germany is outpacing The Netherlands in this, with The Netherlands using CCTV more extensively, but Germany greatly increasing the possibility of identifying people caught on those cameras. This is surprising given the far deeper ingrained right of privacy in Germany.

Another difference is the treatment of foreign fighters, in this The Netherlands has a more direct approach, by imprisoning all returning foreign fighters, while an investigation into possible crimes is carried out. Germany, while monitoring these returnees after identification, does not automatically detain them. It does however start a similar investigation like the Dutch authorities do. This difference stems from the more extensive pre-trial detention laws in The Netherlands, which can take up to two years.

The third difference between the two nations are the measures which have been taken to manage the large flow of migrants can also have beneficial effects on preventing foreign fighters. For example, as already stated, there is the risk that foreign fighters enter the EU through another member state and are not detected there. Under Schengen they can travel the length and breadth of Europe. However, with the reintroduction of border checkpoints, the German government has created another hurdle to take for terrorists trying to enter the country in this manner. This unlike the Netherlands which has not opted for this measure.

There are also similarities in the policies of the Netherlands and Germany, such as the approach to rescind citizenship of foreign fighters with dual nationalities, which gives both countries more options to refuse entry or deport these former citizens who are suspected of having joined terrorist organisations. In a sense this is a very cynical approach to counterterrorism, because it shifts the problem to the third nations to which people are deported.

When it comes to the policies regarding terrorists amongst migrants, both The Netherlands and Germany opt for a more total approach to migration in general, by trying to limit the number of refugees coming into both nations. This is an understandable measure given that one of the main problems, as described in earlier chapters, is the lack of manpower for intelligence and immigration agencies in both countries in identifying potential terrorists. This focus on general measures is why the European Union is significantly involved in this process, especially when it comes to the possibility of making arrangements with Northern African nations, similar to the EU-Turkey deal.

Measures taken to prevent Terrorist infiltration	
Germany	The Netherlands
Rescinding of citizenship, invalidating of travel documents by the Government	Preventive arrest of returnees if suspected of membership of a terrorist organization
Decreasing immigration from other nations to increase available security personnel for security investigations for refugees from high risk countries	Extensive deradicalization programs deprive returning foreign fighters of a local base of support
Temporary closing of borders and suspension of Schengen rules.	Refugee status and background investigation are handled on a national level, but by a multitude of different organizations.
Increasing camera surveillance. Augmentation with facial recognition proposed.	Limiting the number of refugees, to relieve pressure on security apparatus, so checks and procedures can be executed.
Deployment of German army in a civilian environment, after a terrorist attack officially approved by the highest Court.	

8: SQ4 How can the differences between these policies be explained?

Systemic protection

The Netherlands has had a long tradition of religious tolerance. As pointed out before, in the 17th century the United Provinces of The Netherlands were a haven for people fleeing persecution based on their religion. One of the ways in which the cultural differences between The Netherlands and Germany work through into the counterterrorism policy is in the treatment of organizations and religious institutions. In contrast, in Germany personal freedoms are strictly safeguarded as well. But modern Germany also has legal safeguards to act against what the government perceives to be ideologies and actions that threaten the democratic and those individual liberties of the people. This is a key difference between the Netherlands and Germany who approach this subject more as an individualist threat and a systemic threat respectively.

The explanation for this can be sought in the idea that the historic idiosyncrasies of both societies influence policy, and the language of policy. That would mean that even with similar policy outcomes, the manner of policy making and defending the policy to the public is built upon the perceived qualities of a nation. As said for the Netherlands this is religious tolerance and individual freedom. Regardless of whether this tolerance exists, the Dutch national identity perceives itself as such, to a far lesser extent than Germany (Verkuyten, Maliepaard, Martinovic, & Khoudja, 2014, p. 271), which focuses on protection of the system, again as a result of historical experiences in the overthrow of this democratic

order by non-democratic forces within the society. This could explain how two different countries, with roughly similar goals, use greatly different rhetoric in doing so.

In this sense, the theories put forth by De Graaf and Den Boer earlier are still applicable. Germany remains the nation with a high focus on the free and democratic nature of the state, their commitment to the so-called rechtsstaat. It is however interesting to note that, as shall be discussed later on in this chapter that the public debates and attitudes of Germany appear to slowly move to the right, to resemble a more common right wing – left wing political landscape. Yet while the political landscape seems to be moving, the interesting conclusion is that the German official policy remains the same.

Generalisation of measures and debates

When it comes to the generalisation of measures, that is to take measures that involve all citizens or large groups rather than the individual, there are some indicators that show that German and Dutch measures and policies are becoming more similar. This is especially true for the problem of terrorists hiding amongst refugees. Governments are increasingly looking for means to stop the migrant flow itself. In that way, they increase national security and their domestic problem. Therefore, the conclusion must be that both countries are moving toward a more mass-solution by limiting the number of migrants, rather than putting more effort into identifying the individual suspect within that mass. Given the nature of the European Union with its open internal borders, that would in general mean a European solution, significantly decreasing the ability for The Netherlands and Germany to set differencing policies.

As shown, for Germany at least, this is not a new situation. Already in the early 21st century did the CDU/CSU party use counterterrorism as a cover for measures meant to protect native labour conditions. But this all means that Germany and The Netherlands needed to look towards a European solution, to prevent the migrants from entering the EU in the first place. This has taken the form of the deal the EU has made with Turkey and is looking to make with other countries around the Mediterranean. So, the German and Dutch policies have become more uniform out of need, rather than out of a significant cultural change.

In one sense, it is more a change for Germany, which unlike the Netherlands has the right of refuge enshrined in its constitution. In previous conflicts, it has taken up refugees from those areas, such as the Balkan, during the Bosnian war. Whether the current measures are a shift of policy within the German government is unclear. There are arguments to say that it has, and that it hasn't. On the one hand, the German government still accepts refugees as they arrive, and only turns them away if they are not entitled to asylum, for instance because they are from safe nations, or should apply in another EU state. Also, the German Chancellor has explicitly stated that Germany will remain a haven, and that the country could "handle it".

On the other hand, does Germany actively seek the aforementioned deals with other nations, and has closed its borders. Also, by strictly enforcing the rules for asylum they also are able to send at least some migrants to other nations, as virtually all migrants have passed through other EU member states before coming to Germany, which under the Dublin Agreement means they should apply for asylum there. As pointed out before, this is a tactic the German government could undertake, because of the overwhelming influence Germany has on EU policy, especially during the economic crisis years.

The level of incrimination

When it comes to the level of incrimination, a distinction is clear between Germany and The Netherlands. The German government has already decided to suspend the passports of known returning Jihadists, thus limiting their movement. In Germany, there are also proposals tabled to remove citizenship altogether, if the holder of the German passport has dual citizenship. This removing of citizenship cannot be done to individuals without a dual citizenship as international law at the same time. The Netherlands is also working to introduce such a measure, but then based on a conviction by a Dutch court.

With this aspect, there is a greater tendency in the Netherlands to use the criminal justice system while the German government has a more direct approach. This is why the conclusion of this aspect must be that in the German system there are less legal safeguards, and the presence of a suspicion of wrongdoing is sufficient, while the Dutch system requires legal action by the government.

As to the origin of this difference, it can be found in two aspects of German and Dutch government policy and culture. The first is the tendency of the German government to keep seeing immigrants as foreigners, which have less legal rights than Germans, rather than as German citizens. This in contrast to the Netherlands which in the 1980s already accepted that the temporary workers it had brought in from Turkey and Morocco were here to stay. This is reflected in the language used. In Germany guest workers and immigrants are Ausländer, whereas in the Netherlands the guest worker has gone through a range of different terms, some exclusionary changing from guest worker, to allochtoon (from another area) to the recent switch to "person with a migratory background". This is reflected by the research from Baldaccini and Gould, who see the difference in rights of newcomers in Germany and The Netherlands.

The second cause is closely related to this, and can be built upon the work of Koopmans, who has shown that Germany and the Netherlands have very different levels of civic culture amongst migrants, and their offspring. In the Netherlands immigrant communities are better organised, are involved in the political decision making, up to the point where there is even now a political party in the house of representatives, made up of immigrants or their children. In short, these communities are better placed to influence political decision making. Combined with the Dutch tendency to seek compromise through dialogue these communities are better

placed to offer resistance to proposals they oppose, or to offer a common solution that can achieve similar results.

Other explanations

Aside from the factors that are described above and that are based on previous research there are also factors that cannot be as easily placed and yet still offer an explanation for similarities and differences between German and Dutch counterterrorism policies.

The first is the already mentioned awareness for historical mistakes and earlier threats to the democratic order of Germany to simply explain all differences and choices when it comes to policy making.

For during the research that went into this thesis another pattern appeared. A pattern not only on immigration and counterterrorism but in society as a whole. It was a pattern of behaviour signifying what was referred to in the beginning of this thesis as the normalization of German patriotism. Some aspects of this change have already been mentioned such as the rise, and relative acceptance, of the Alternative für Deutschland (Der Spiegel, 2017), and previous mentions changing policies toward use of German military power abroad and the changes within that military itself. This normalization connects to the means and policy debates that were discussed in the second and third subquestions. The conclusions there were that the current trend is to implement ever more far reaching security proposal, under the pressure of a shift of the citizenry to more conservative political movements. Ironically in the answering of the first subquestion, specifically why terrorists want to come to Europe, the result of this can actually be a greater threat to society, as both Ruud Koopmans and Ian Buruma, albeit from different vantage points warn about the dangers of creating greater division within society. Koopmans in particular has shown that the giving of specific rights to cultural minorities has led to a lower inclination to use violence in the political sphere (Koopmans, Statham, Guigni, & Passy, 2005).

As for the Netherlands, the explanations given by De Graaf and Den Boer are broader in scope and do cover the Dutch counterterrorism approach relatively well. The poldermodel of the Netherlands, a model of governing based on consensus and cooperation may very well be at the heart of why the Dutch police and security apparatus is so fragmented. This fragmentation is problematic as it can lead to undesirable situations. As has been shown in the first subquestion, one of the means of terrorists to enter the Northern EU countries is through the normal entry procedures of a third member state. In a fragmented situation information could possibly not get to the right authorities fast enough to act, as happened in the case of Ibrahim el Bakraoui. It is this problem which the means and policy debates outlined in the third and fourth subquestion are hardly addressing.

9: Conclusion, recommendations and reflection

The first conclusion is immediately the most disappointing one, and even surprising. The extent to which German and Dutch policies in preventing terrorist from entering their countries differs after 2011 is relatively small. While scientific research cannot be framed in terms of success or failure there is always a certain expectation as to what will be found in said research. In this case the expectation proved unfounded. The expectation going in, was that Germany's history, the sheer size of the refugee crisis and Germany's high numbers of foreign fighters would have made for a significant difference compared to the Netherlands, a country traditionally welcoming of refugees, with a more consensus-based political system, but also a more right-wing political system.

Of course, that does not mean there are no differences at all. Some of the differences are mostly political. It is interesting to see how two countries can make roughly the same policy decisions and implement roughly the same measures while at the same time giving completely different policy justifications. The Netherlands imposed all their measures strictly from a sense of security for the sake of security. In other words; terrorism is a crime, and a great threat to our citizens and therefore measures must be taken. Germany on the other hand approaches the subject from a more systemic view; our way of life as a democratic system is under attack and this must be protected. In a sense, one can conclude that the difference lies in the focus of both countries. Germany has a societal focus, whereas the Netherlands and individual focus. The biggest difference that shows this is the way in which religious organisations are treated. Where the Netherlands prosecutes individual members of a mosque or questionable Islamic organisations, and subsequently detains them, Germany takes a more drastic approach by closing down mosques and banning organisations altogether based on their threat to democracy.

The second distinction is the level of fragmentation of police services and intelligence agencies within both countries. This is also a quite surprising distinction, because in this case Germany being a federal state with national and state level police and intelligence organisations has a far more integrated approach to counterterrorism than the Netherlands. When reviewing the Dutch police and intelligence apparatus, one gets the impression of a number of little kingdoms each protecting their influence. Of course, this does not mean that there is no cooperation between services in the Netherlands, but the main difference is in the way it is set up. In the Dutch system agencies have their information in databases. If they feel it necessary or if a request for information is given made from those database through various channels such as the counterterrorism infobox then that request has to be routed through the liaison within the AIVD. The German GTAZ makes information directly accessible to various organisations. The second way in which Germany is more efficiently organised than the Netherlands is that in the Netherlands all organisations operate on a roughly equal footing whereas in Germany most organisations are subject to a single few overarching organisations. This is especially true for the asylum process which in Germany is run by a single organisation by the Dutch system uses a number of different

organisations with many different communication lines between organisations.

But the second part of the main question still applies, if Germany and the Netherlands are not that dissimilar from one another regarding counterterrorism, what causes the similarities. In the case description, we've already seen that both countries are indeed fairly similar.In fact the reason these two countries were selected was based on their most similar characteristics. But the story does not end there. Two more reasons can be singled out why these two countries are indeed so similar in policy and practice.

The first is the heavy reliance on the European Union and more specifically other member states border patrol for outer border security. Due to the Schengen agreement, foreign fighters can try to enter the union from all member states, requiring intensive cooperation between the member states. In turn, this kind of cooperation requires centralised coordination and at least a level of uniformity in standards and procedures. The instituting of the Frontex organisation as a coordinating agency, combined with establishment and expansion of EuroSur, and more recently the start of a separate European Union border and coast guard agency only increases the synergy between all member states and their apparatuses. This is an important step. While Frontex itself is a relatively small agency and the new border and coast guard is still small, they nevertheless serve an important purpose in potentially providing a more coordinated policy for the EU as a whole

The second reason already has been referred to several times as the normalisation of Germany's relationships within the European Union, and for that matter the world. Extensive attention has been given in the case background to what can best be described as the burden of history Germany carries. But considering the fact that a middle-aged adult of around 40 years is the son or of someone born after the Second World War. As the generation that actually participated in the war has, with a few exceptions, died. Even those people born shortly after the war who were raised with the weight of history on their shoulders are now senior citizens. Add to this the fact that post-war Germany has always been the poster child for European integration, human rights, and the rule of law and the conclusion stands that Germany has become a mainstream member of the community of nations and one of the leading countries of Europe, if not the de facto earlier. A far cry from what the British sitcom Yes Minister once described as a country that had to become a member of the European Union "to cleanse themselves of genocide and reapply for admission to the human race". But it has also been shown that these policies may be counterproductive, and how the specifically the Dutch policy of multiculturalism in the past has led to a lower willingness amongst migrants to use violence (Koopmans, Statham, Guigni, & Passy, 2005). The irony is that the current measures adopted by the Dutch and German government are highly similar, and might undermine this reluctance. In that situation, it could be that the reverse of the main question has occurred. That the similarities in the Dutch and German policies have influenced both cultures, instead of the other way around.

But that is an observation that requires more study to be stated with a level of certainty.

There is one last conclusion left which is about the effectiveness of policies. It bridges the gap between a conclusion and recommendation, which is why it is positioned at the end of the conclusions and beginning of the recommendations. When researching the different policies, one clearly stood out in its effectiveness. The German and Dutch immigration systems have had tremendous trouble with the almost endless flow of refugees, and the limited number of employees who had to process these people and assess whether or not they posed a security threat to the respective countries. It is also clear that especially in 2016 these countries failed to properly execute that assessment because of this lack of manpower. It once again came manageable, deficiencies were even caught up with because of the deal the European nations made with Turkey, cutting illegal immigration from Turkey to Greece by more than 80%. As said earlier, the deal was not uncontroversial and migrant flows are still significantly above levels of 2012. If Germany and the Netherlands are therefore determined to carry out an effective counterterrorism policy with regards to terrorist infiltration they cannot hope to achieve anywhere near the level of success as an effective policy of maintaining border control and halting mass immigration. This can be done through agreements similar to those done with Turkey, or by improving border control on the southern Mediterranean borders. Again, halting mass migration is the best way of limiting the dangers of terrorist infiltration for the European Union in general and Germany and the Netherlands is particular. Whether or not this is a desirable and morally just course of action, is of course a highly normative question for which an academic thesis like this can hardly provide the answer.

The second recommendation is regarding further research specifically in the Netherlands. While this thesis is focused on the counterterrorism angle of immigration, the astonishing complexity of the Dutch immigration apparatus should be reviewed and investigated to determine whether or not it is working as efficiently as it could be. This also in light of the massive amount of people whose applications for asylum have been turned down but who are not being deported. This can be done for a plethora of reasons ranging from unwillingness of the participant incorporate to unwillingness of the recipient country to cooperate. But the fact remains that these people are, for the moment, trapped between the country that refuses to let them in and the country where they are supposed return to. This deportation process needs to be improved as these people are the most vulnerable to radicalisation.

The last recommendation is accompanied by a disclaimer. It is one of a normative nature, a final preference, a final word from the author of this thesis. It is the recommendation that the Netherlands adopts the German policy of systemic protection, up to and including the ability to ban offending institutions and organisations. Because what is really inspiring is the way in which Germany addresses its counterterrorism policy. Sure, it is important to protect the individual from those who wish to do them harm. But the way in which Germany defines its counterterrorism efforts

as a protection of the free and democratic society, is a testament to the fact that our individual freedoms are based on something beyond the individual itself. That sometimes we need to act against organisations and yes, sometimes even against religious institutions, always measured and always proportionate, but act nevertheless. President Reagan warned in 1964 that "if we lose that struggle, and in so doing lose this way of freedom of ours, history will record with the greatest astonishment that those who had the most to lose did the least to prevent its happening", let his warning stand. For while the threat of terrorism may seem relatively minor, it strikes at the heart of our great democracies. This is why the struggle against terrorism must always be defined in a defence of loftier ideals, in something that is greater than all of us.

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