



CONVERGENCE UNDER THREAT

Policy convergence between the EU, the Netherlands and France in the area of counterterrorism

by

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Abstract

Terrorist operations and acts have posed a threat to the national security of countries across the world for a long time, but the 9/11 attacks in the USA triggered – amongst others – the European Union and its member states to be more active in this policy area. The attacks throughout Europe in the early 2000s stoked this desire to be more active and effective when it came to counterterrorist policies. This paper has been devised with the target of qualitatively identifying and analysing key EU and national policies and measures implemented to help with combatting terrorist activity, and subsequently examining these national policy reactions in terms of convergence-divergence theory. For this purpose, the theory of policy convergence and policy divergence, as well as the mechanisms that lead to a convergence or divergence in policies between the countries and/or the EU, will be examined. Following this, the theory of terrorism and possible terrorist motives will be analysed to contribute to the understanding of terrorism as a threat that triggers policy creation. Key French, Dutch and EU policies and measures created, implemented, changed or discussed in this period – but also, to a smaller degree, some outside of this period – were identified. Finally, with the use of the above information, the aim is to determine if there is policy convergence between the EU and the member states under examination, to what extent this is the case by analysing the similar measures including the argument that their convergence is not absolute (i.e. the presence of some degree of divergence).

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1. Introduction

Terrorism is a phenomenon that has existed for many years in the international sphere, with the rates of terrorist attacks and threat levels differing from place to place and country to country. It has become apparent that in the past years, terrorism and terrorist attacks have increased in large numbers since the 2000's onwards, especially in the European Union (EU).¹ Terrorism is thus one of the main challenges that the EU faces, but has it developed any mechanisms to counter terrorism? Have mechanisms been developed at both the EU and national levels in reaction to terrorism? Such mechanisms can be seen in terms of regulations, policies and legal decisions amongst others, as well as any cooperation that the EU or its member states might have with relevant agencies, bodies or institutions. In order to answer these questions, it is important to analyse what type of measures the EU and EU countries take and if these reactions to terrorism can be understood through convergence or divergence theory.

A decision was made to explore these topics with 3 research subjects – France, the Netherlands, the EU – and continue with a comparative analysis to identify convergence/divergence. This structure introduces the additional interest of observing how two countries react to terrorism, their different measures and if the measures show a degree of convergence or divergence despite the countries being on the two extremes of “number of attacks” statistics.² The 2014-2017 period has been chosen due to the increasing numbers of terrorist attacks throughout the years as can be seen in the TE-SAT reports. This increase that can be seen in Figure 1, has been problematic for European citizens and has created a significant amount of fear and feelings of insecurity in Europe. Therefore, research will be conducted in the time period mentioned, to uncover the differing and similar national and EU approaches of tackling such issues (i.e. different laws, restrictions etc.). On the national scale,

¹ TE-SAT 2007-2014: EU Terrorism Situation and Trend Report; TE-SAT 2015-2018: European Union Terrorism Situation and Trend Report.

² Ibid.

the EU member states' reactions to the threat of terrorism will be analysed and compared to identify the similarities in their measures and the degree of convergence in the policy area of terrorism in the EU, the Netherlands and France.

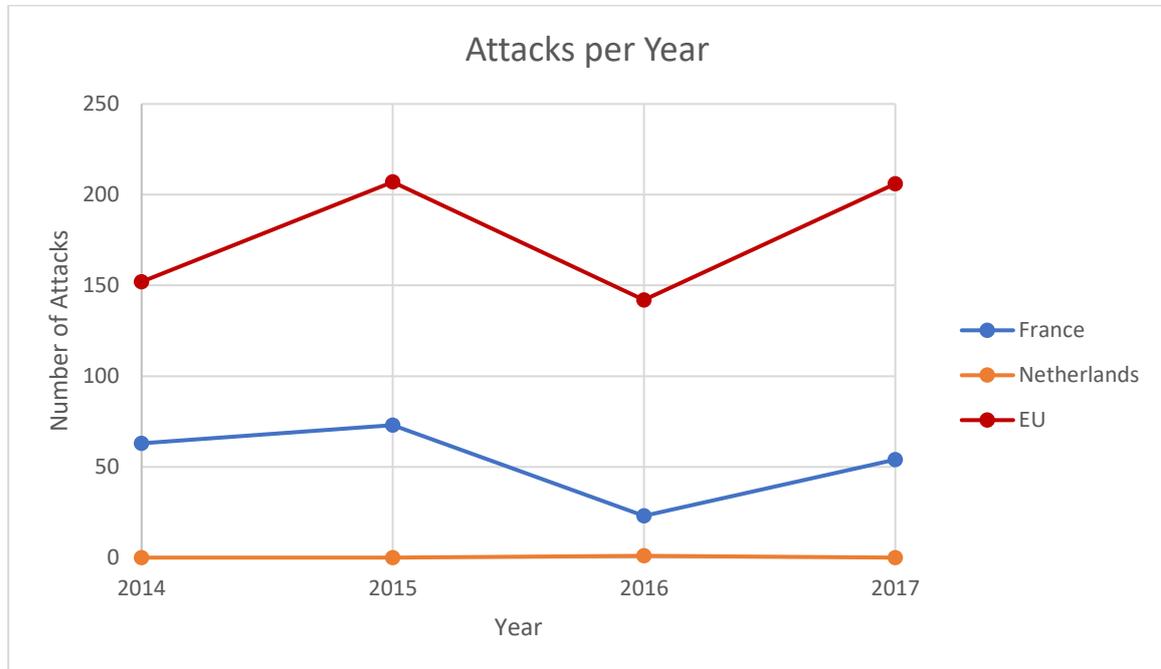


Figure 1 The number of terrorist attacks per year, in the period of 2014-2017

1.1 Existing literature

Existing papers were analysed in an effort to identify existing gaps and avoid re-addressing existing topics. After the process of researching and reading the papers, it was clear that there was no topic similar to this paper, as shown in the sub-sections below.

De Rynck & Dezeure's paper³ examines policy convergence and divergence in Flanders and Wallonia – two regions of Belgium, the former Flemish and the latter French – and specifically in education and health care. The comparison between Flanders and Wallonia is made by analysing the changes in policies' directions and the degree to which this occurs, along with the possible explanations. Additionally, a comparison is made between the political systems of each region to identify similarities and variations between the regions and to explain the drivers of policy convergence. This is a very interesting paper, providing insight regarding the regional differences and similarities and thus whether there is convergence or

³ De Rynck, S., & Dezeure, K. (2006). Policy convergence and divergence in Belgium: Education and health care. *West European Politics*, 29(5), 1018-1033.

divergence when looking into two different regions of the same country, but the desired subject of analysis (terrorism) is absent in this case since the paper seeks to explore the matters with connections to education and health care. A further difference is that the comparison made is within one country and not between two or more countries and a Union (EU), to which they both belong.

Similar to the above, is Lian's⁴ paper which examines primary care in health policies – but instead of a regional level, it examines the differences on a national level – between Norway and Britain. Lian mainly focuses on the extent to which the health care systems converge and if divergence becomes less apparent. In order to uncover possible policy convergence, she uses and compares Norway's and Britain's "recent changes" in the subject under analysis, that is primary care. The focus of Lian's article is similar to this paper since she tries to identify if two separate nations are headed in the same direction, determine the level of convergence or divergence and the reason behind it. Aspects of the contents that are unlike in this paper are the fact that the topic is very different and that it contains no information on the convergence (or not) of terrorism-related policies and that, unlike Lian, the scope of this paper is not to identify the drivers and reasons of convergence since the process behind policy creation is hard or sometimes impossible to track, but instead aims to lay out and compare the EU, the Netherlands and France's measures between a set period of time (2014-2017) to observe where there is convergence. Lian's paper as mentioned before, uses recent changes in primary care but also changes between 1990-2002 regarding the general practitioners of the two countries. This shows that the paper has identified convergence/divergence, but decades ago. Even if this paper were related to terrorism, there could be substantial changes from 2002 until now regarding the existence and degree of policy convergence, thus requiring re-examination of the situation.

Another paper with parallels to this paper that discusses policy convergence⁵, is "*From convergence to deep integration: evaluating the impact of EU Counter-Terrorism Strategies' on Domestic Arenas*" by Den Boer & Wiegand. Their goal was to analyse whether EU proposals

⁴ Lian, O. (2003). Convergence or Divergence? Reforming Primary Care in Norway and Britain. *The Milbank Quarterly*, 81(2), 305-330.

⁵ Den Boer, M., & Wiegand, I. (2015). From Convergence to Deep Integration: Evaluating the Impact of EU Counter-Terrorism Strategies on Domestic Arenas. *Intelligence and National Security*, 30(2-3), 377-401.

related to Counter-Terrorism Strategies were implemented and adopted in full and if a “common threat assessment, sharing intelligence, mutual legal assistance in anti-terrorist investigations” and other such initiatives have led to greater integration with a principal focus on legal convergence. They further compare data taken from EU member states including France and the Netherlands on “national political-administrative systems, legal systems and working procedures” but do not explicitly provide the national measures involved in their comparison and analysis. Although Den Boer’s and Wiegand’s paper shares a common goal with this paper, i.e. to identify policy convergence on the subject of terrorism, it does not examine the general measures taken by the countries under analysis since it focuses on the legal convergence and does not provide a detailed description of the measures taken by the EU, the Netherlands and France separately but it instead generalises them.

Other papers related to policy convergence could be found regarding a large variety of topics, but not on terrorism. Some examples of other topics are: environment,⁶ transgovernmental cooperation related to domestic policy convergence⁷ and convergence using economic matters. It is important to note that identified papers concerning policy convergence are dated mostly before the 2000s, with some between 2000-2010 and very few written after 2010. This highlights the importance of a renewed analysis of critical policy topics, especially those as dynamic and as important to national and international governments and their organisations, as terrorism.

1.2 Gaps in existing literature and scope of the thesis

With recent events such as the Paris, Brussels and London bombings; the Nice truck attack and the Berlin Christmas market attack, the dynamic nature of the terrorist attacks, chaos and deaths is more apparent than ever. During preliminary research – as will be explained further on – information is gathered on the different sets of measures taken at a

⁶ Bechtel, M., & Tosun, J. (2009). Changing Economic Openness for Environmental Policy Convergence: When Can Bilateral Trade Agreements Induce Convergence of Environmental Regulation? *International Studies Quarterly*, 53(4), 931-953.; Holzinger, K., Knill, C., & Sommerer, T. (2008). Environmental Policy Convergence: The Impact of International Harmonization, Transnational Communication, and Regulatory Competition. *International Organization*, 62(4), 553-587.

⁷ Bach, D., & Newman, A. (2010). Transgovernmental Networks and Domestic Policy Convergence: Evidence from Insider Trading Regulation. *International Organization*, 64(3), 505-528.

national level through the years, in an effort to compare countries and the EU's reactions to terrorist threats and judge how alike these reactions become. Articles could not be identified with this particular topic or scope. Commonly found in the reviewed literature were papers on the meaning and theory of terrorism, where it might come from⁸, what the EU's strategies are for tackling terrorism⁹ and convergence (and to a lesser extent divergence) in other areas and topics¹⁰ but no articles have been identified that elaborate on the type of reactions and measures taken, especially the differing and/or similar approaches of the two chosen countries, to fight terrorism nor a solid connection and relation of the national and European measures.

A focus on case studies and nation-wise examination as a means of unfolding the policy convergence and its extent, between the EU and the member states, relating to terrorism is missing from current literature. An even more detailed analysis of the two countries and the EU in a scientific paper is also lacking – looking towards their national policies through 2014-2017, how they reacted and whether that reveals any similarities or

⁸ Douglas, R. (2014). What Is Terrorism? *Law, Liberty, and the Pursuit of Terrorism* (pp. 46-61). ANN ARBOR: University of Michigan Press.; Gregg, H. (2014). Defining and Distinguishing Secular and Religious Terrorism. *Perspectives on Terrorism*, 8(2), 36-51.; Garrone, F. (2017). An Updated Approach to the Study of Terrorism. In Garrone F., Sroka A., & Kumbrián R. (Eds.), *Radicalism and Terrorism in the 21st Century: Implications for Security* (pp.25-48). Frankfurt am Main: Peter Lang AG.; Saiya, N. (2015). Religion, Democracy and Terrorism. *Perspectives on Terrorism*, 9(6), 51-59.

⁹ Martín, T. (2017). Legal Instruments and Specific Actions in the EU's Fight against Terrorism. In Sroka A., Garrone F., & Kumbrián R. (Eds.), *Radicalism and Terrorism in the 21st Century: Implications for Security* (pp. 247-260). Frankfurt am Main: Peter Lang AG.; Argomaniz, J. Bures, O., & Kaunert, C. (2015). A Decade of EU Counter-Terrorism and Intelligence: A Critical Assessment. *Intelligence and National Security*, 30(2-3), 191-206.; Caiola, A. (2017). The European Parliament and the Directive on combating terrorism. *ERA Forum*, 18(3), 409-424.; Davis Cross, M. K. (2017). Counter-terrorism in the EU's external relations. *Journal of European Integration*, 39(5), 609-624.; Bossong, R. (2014). EU cooperation on terrorism prevention and violent radicalization: frustrated ambitions or new forms of EU security governance? *Cambridge Review of International Affairs*, 27(1), 66-82.; Bigo, et al. (2015). The EU and its Counter-Terrorism Policies after the Paris Attacks. *CEPS paper in Liberty and Security in Europe No. 84.*; Van Ballegooij, W., & Bakowski, P. (2018). The fight against terrorism. Cost of Non-Europe Report. *European Parliamentary Research Service*.

¹⁰ De Rynck, S., & Dezeure, K. (2006). Policy convergence and divergence in Belgium: Education and health care. *West European Politics*, 29(5), 1018-1033.; Lian, O. (2003). Convergence or Divergence? Reforming Primary Care in Norway and Britain. *The Milbank Quarterly*, 81(2), 305-330.; Den Boer, M., & Wiegand, I. (2015). From Convergence to Deep Integration: Evaluating the Impact of EU Counter-Terrorism Strategies on Domestic Arenas. *Intelligence and National Security*, 30(2-3), 377-401.; Bechtel, M., & Tosun, J. (2009). Changing Economic Openness for Environmental Policy Convergence: When Can Bilateral Trade Agreements Induce Convergence of Environmental Regulation? *International Studies Quarterly*, 53(4), 931-953.; Holzinger, K., Knill, C., & Sommerer, T. (2008). Environmental Policy Convergence: The Impact of International Harmonization, Transnational Communication, and Regulatory Competition. *International Organization*, 62(4), 553-587.; Bach, D., & Newman, A. (2010). Transgovernmental Networks and Domestic Policy Convergence: Evidence from Insider Trading Regulation. *International Organization*, 64(3), 505-528.

differences between the measures. Additionally, any attempt to observe policy convergence in earlier periods which would enable a point of comparison for this paper in regards to the past and present extent of convergence could not be found.

In order to answer the main research question on whether there is convergence between the EU, the Netherlands and France's policies, it is necessary to first form an understanding of the threat that terrorism poses that will be analysed in the second chapter. Following this, in the third chapter, convergence and divergence theories will be explained and will be used to analyse the last chapter that answers the main research question. The aim of the fifth chapter is to identify and compile the main methods, policies and measures – including sections of legislations – the EU and the two EU countries have enacted in this period, into a single document. This sets up and aids in the formulation of conclusions regarding the application of these counterterrorist measures, how the two nations react to terrorism and a comparison between them to locate differences and possible similarities – with the inclusion of significant organisations, policies and measures from before 2014 and after 2017. After providing an explanation of what terrorism, policy convergence and divergence are and gathering the different measures the EU, France and the Netherlands have introduced, it will be possible to understand and examine in the fifth and final chapter, if the measures of these nations and the EU's seem to converge or diverge under the threat of terrorism and to what degree.

1.3 Research question and sub-questions

Research question:

To what extent do the EU and selected member states' policies, concerning terrorist attacks and threat, converge in the period 2014-2017?

Sub research questions:

1. What is terrorism and how is it defined?
2. What is policy convergence and divergence?
3. What are the measures taken to counter terrorism on the EU and national levels in the period 2014-2017?
4. Can the reactions and measures be interpreted in view of policy convergence or divergence in this area?

2. Research Methodology

2.1 Strategy and design

The task of answering the research question relies on an empirical qualitative research approach to observe and determine the extent of policy convergence of the EU, the Netherlands and France's countermeasures to terrorism.

The research approach used for this paper is based on a combination of two analysis methods: the direct comparison of case studies and observational analysis. The first is due to the fact that there is a specific focus on the policy convergence of specific countries (EU, the Netherlands and France) in a specific period of time which is 2014-2017. The determination of convergence or divergence inherently requires two components: multiple subjects for comparison, at least one of which exhibits a variation in time, and also a time period over which the comparison will occur. The second method is used to make a comparison between the countries and the EU to identify and observe whether there is policy convergence or divergence. More specifically, the observational component of the approach is a direct consequence of the choice to conduct a qualitative case based analysis where measures and policies were individually collected and qualitatively examined for the three subjects (EU, France, the Netherlands) and were then used to judge whether there is policy convergence in the period 2014-2017. The aim of the case by case analysis is to examine and create a comparative analysis of the measures on the national and EU levels thus uncovering the existence, extent and areas of policy convergence through the observations made. Since the trend on measures in both countries and the EU is identical, there is an observation of similarities and an increase in the likeness between the measures, showing convergence. However, the existence of convergence and its degree in a larger area would require further research and data collection of all the EU member states to be proven or rejected.

With such a topic, and a non-statistical approach the research and analysis herein is descriptive since this paper presents the theory of policy convergence and the counterterrorism measures themselves in the three cases to identify and determine possible convergence (and its extent) of these measures. As a result of the lack of a measurable quantity (other than the sheer number of policies), a descriptive approach was taken since

this was better suited to the nature of the data collected and would enable a clear path to the qualitative analysis that follows.

Table 1 Measures and policy convergence measurements

Variables	Measurement
EU, the Netherlands and France measures to counter terrorism	<ul style="list-style-type: none"> • Policies • Regulations • Legal decisions/changes • Strategies • Action plans • Bodies • Areas of counterterrorism
Policy Convergence/Divergence	<ul style="list-style-type: none"> • Changes in measures throughout the years • Increase or decrease of similarities on the measures • Different approaches on implementing measures on same areas

2.2 Case selection

With the vast amount of countries in the world, a selection must be made regarding the nations/bodies to be studied. This was done with careful consideration in the interest of limiting the effect of factors other than terrorist attacks and threat, on the analysis and its results.

Firstly, the choice of subject was narrowed down to not just the western world, but the region of Europe since this has been a significant hotspot¹¹ in terms of terrorist threat and acts in the past years. The two abovementioned countries were chosen not only due to their geographic proximity, but also because both are member states of the EU, in an effort to eliminate geographical factors and limit ideological factors as a source of variation in the frequency of terrorist attacks as well as the fact that they represent the extremes of the European region in terms of numbers of attacks, despite their proximity – France has the highest number of attacks whereas the Netherlands has the lowest. Both countries are also

¹¹ TE-SAT 2007-2014: EU Terrorism Situation and Trend Report; TE-SAT 2015-2018: European Union Terrorism Situation and Trend Report.

part of the Schengen area making their internal and external borders open and more vulnerable, therefore making it easier for dangerous individuals to enter. The UK was also considered since it has a high number of documented (attempted) attacks however it was rejected from this paper since it is an island and is not part of the Schengen area, both of which affect the attempt to minimise outside factors and avoidable differences from influencing the examination of convergence/divergence. Moreover, France was chosen due to the lack of language barrier (for the researcher of this paper) and would thus not impede the research process regarding national measures. On a similar note, the Netherlands was also chosen because of the significant availability of accessible information in English.

The EU was chosen for this paper since, to a certain extent, it acts in a manner comparable to a large nation. This choice presents no conflict to attempts to restrict the area being examined, taking into consideration geographical proximity and political spheres which interact and face similar issues, when compared to the international level. This choice was also taken due to the fact that policy convergence can be observed more clearly since it is a Union whose cooperation dates back to 1947 and, to a certain degree, its member states share a common history. Moreover, since the member states are legally bound to comply with directives in certain areas, there is an added layer of dynamic behaviour and interest in the possibility of convergence since they may, in some cases, be “forced” to comply with common laws. A further factor taken into consideration regarding the choice of actors to be examined, is the fact that the EU and its member states adhere to a very open system of communication and databases of bodies, competences, laws created or amended etc. hence making it possible, and also easier, to examine any measures and steps these actors have taken to counter terrorism in their domains of jurisdiction.

2.3 Data collection and analysis

The aim of the paper is to identify and observe whether there is policy convergence or not in the EU and selected member states’ policies related to terrorism. Policy convergence and its theory and understanding needs to be analysed in order to be able to observe and point out any policies and measures resulting in any convergence. With this in mind, several papers were used to extract the theory and definitions of policy convergence as well as a summary of what policy is since it is highly unlikely that there will be full convergence between

different countries and the EU without any traces of divergence. One such paper that elaborates on policy convergence is the paper written by Holzinger & Knill (2005) which give a detailed and extensive explanation of the mechanisms, drivers and what causes policy convergence, however, not all the theories will be used since the drivers and reasons of convergence are not considered, instead what is of importance is to understand how convergence takes place and highlight what actions could result in convergence. Another paper used in a similar way to describe convergence is "Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors" by Knill. The author explains and distinguishes the differences between policy diffusion and policy transfer, two concepts that are related to policy convergence but approaches the topic from a different perspective which will not be used in this paper since policy convergence is what this paper is concerned with (irrespective of the mechanism) thus making information regarding those concepts redundant. The information used from this paper includes certain definitions and types of policy convergence due to the fact that, most approaches provided are quantitative whereas this paper is based on a qualitative approach. A number of causes of policy convergence (causal mechanisms and facilitating actors) are also used, only with the aim to gain a deeper understanding of how policy convergence occurs and therefore assist in the identification of whether there is convergence or not. The causes of policy convergence itself, the drivers and the reasons behind this process, are not taken into consideration and do not concern us. A similar paper to that of Holzinger & Knill, is "What is Policy Convergence and What Causes It?" written by Bennett which was used to complete the definition of convergence adding several "processes" which could result in convergence. From this paper, a small amount of information was taken related to the definition of convergence especially from the first chapter, "What is policy convergence". Using the definitions and processes of convergence that lead to it, the author analyses "the convergence of industrial societies" which provided insight but will not be used in this paper. The definition of policy convergence was taken from the three papers and was used further in the paper to analyse in relation to the measures taken to identify if the policies converge and to what extent.

The measures and policies presented in this paper were collected in a similar way for three different cases: the EU, the Netherlands and France. The EU has used various new or existing organisations, bodies and systems which have all contributed, to a small or large

degree towards fighting terrorism. The information regarding the EU's measures to counter terrorism was collected through their official websites, in some cases through speeches from key representatives of the organisations, from news updates and press releases on their own websites. The websites were used firstly to describe the organisations, bodies and systems' roles (in the Appendices) and to collect necessary information related to measures taken or discussions that these bodies were undergoing, as a way to strengthen, adjust or amend them to better fight terrorism. The national case studies offer a case by case analysis in order to collect data from the chosen EU member states. The measures and policies were collected for each country (the Netherlands and France), which ultimately consisted of documentation of a similar nature to that found for the EU, but instead on a national level. More specifically the documentation includes online resources, policy and regulation documents, strategies, plans, reports at a governmental level (i.e. Ministries, governmental publications) or organisations with a specialisation in related matters. Additionally, other data collected included legal decisions and/or amendments by national courts or EU decisions implemented in the national courts. More specifically, the sources of the data collected for the Netherlands are similar to the EU data sources such as official websites of bodies or the government including press releases and news updates in their websites. Additionally, national reports and documents were also used, such as the "National Counterterrorism Strategy 2011-2015" and "National Counterterrorism Strategy 2016-2020", which helped to improve understanding regarding not only the threat that terrorism poses for the Netherlands and its objectives but also the strategies to prevent, protect, prepare, procure, pursue which were used in this paper to categorise strategies and measures taken to fight terrorism. Another document used was the "Comprehensive Counterterrorism Strategy" from which some general measures and ideas on how to react to terrorism were taken and to a bigger extent, the five areas of intervention (prevent, protect, prepare, procure, pursue) were used and analysed according to this document. The "Letter on the progress of the Actionplan", a national report with various detailed actions and changes was also helpful to analyse certain radicalisation and terrorist financing processes, that showed a certain degree of similarity between the Netherlands and the EU. Furthermore, the "2016 Country Reports on Terrorism – the Netherlands", presents thorough accounts of Dutch actions and measures including detailed legal matters that were not used. The data was analysed but only a very small amount

of information was extracted that again showed similarities between the three cases. Lastly, the “Law Library of Congress”, an online website was used to identify the three new laws adopted by the Netherlands as another measure to fight terrorism.

The measures and actions taken by France were collected from various official websites which are: the government’s official website; an official website of the government named “Stop-Jihadisme”; “Legifrance” – the French government’s official website on French law from which the national legal amendments were to be found, the website of the French “Ministry of Solidarity and Health” and the website of “Ministry of National Education and Youth - Directorate General of School Education” were used to examine detailed measures on radicalisation and its prevention. Additionally, the website of “The Ministry of Europe and Foreign Affairs” – France's foreign relations ministry – presented detailed information regarding France’s cooperative measures with the EU and the international sphere. From some of the abovementioned websites, a few news pages, press releases including one cabinet report and one speech from the Prime Minister were analysed and used to identify the national measures. The only online newspaper used to collect data was the “LCI” to describe the Fichier des signalements pour la prévention de la radicalisation à caractère terroriste (FSPRT) (Report file for the prevention of terrorist radicalization) and its role.

3. What terrorism is and how is it defined?

3.1 Legal definition of terrorism

In order to be able to analyse and answer the main question, it is important to first try to define terrorism, starting with the legal perspective. The examination of the definition of terrorism in its different perspectives – though with a common understanding – can help to show why terrorism can be a common threat for EU, the Netherlands and France and perhaps to somehow show that in order for a country to tackle terrorism, the nation and government must better understand what terrorism is to identify measures and policy areas to combat terrorism in its “core”.

According to Garrone,¹² for “jihadist terrorists”, the political focus is to bring instability to their surrounding areas and communities by undermining foundations created by concepts such as the “rule of law”, thus enabling them to more easily force a transition to Islamic law. The terms ‘terrorism’ and ‘terrorist’ do not, of course, refer only to religious terrorism. Terrorist motives can fall into one or more of the following categories – religious, separatist, ethno-nationalist, traditional terrorism and others – however, since these will be examined at a later stage, all subsequent references to ‘terrorism’ concern the general form.

An example of legislative definitions concerning terrorism is the Terrorist Financing Convention. This convention, as discussed by Douglas,¹³ does not necessarily provide a strict description of what terrorism is, however it does define that providing monetary support to any terrorist organisation or person seeking to commit terrorist offences is illegal. Specifically, Article 2(1) (b) states that funding actions:

intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

Another legal perspective is the illegality of owning and utilising “nuclear material or devices” according to the International Convention for the Suppression of Acts of Nuclear Terrorism in which terrorist acts aim to kill or maim people or that aim to damage personal belongings such as property or the environment in general but also to gain leverage over a country, person or organisation.¹⁴

¹² Garrone, F. (2017). An Updated Approach to the Study of Terrorism. In Garrone F., Sroka A., & Kumbrián R. (Eds.), *Radicalism and Terrorism in the 21st Century: Implications for Security*, 25-48. Frankfurt am Main: Peter Lang AG.

¹³ Douglas, R. (2014). *What Is Terrorism? Law, Liberty, and the Pursuit of Terrorism*, 46-61. ANN ARBOR: University of Michigan Press.

¹⁴ *Ibid*; Article 2, parts 1-2.

3.2 Political and academic definition of terrorism

Even though from the legal perspective there is a commonly accepted definition of terrorism, this is not the case in the political and academic sphere due to the fact that – according to Walter Laqueur¹⁵, there is no single type of terrorism that all terrorism can be grouped into, and when considered merely as a “tactic” there is a large fluctuation and variation in its methods, reasoning and “actors. Bruce Hoffman’s¹⁶ focus on explaining the “tactic of terrorism” as follows: “a) the use of threats or violence; b) the targeting of civilians, property, or government; c) the intent of creating fear aimed at altering the status quo; d) a group activity.” Violence and terrorists’ actions play a strategic role in terrorism as a means of interrupting or modifying “political, social, military, or religious” situations.¹⁷

Violence is used consciously by terrorists with the intention of controlling, oppressing and influencing by force in a direct or indirect manner, either verbally or through actions that will force people to comply with, or accept, things that they would not under normal circumstances.¹⁸ The use of violence in the terrorist case differs from violence in general as it is used as means to accomplish “ideological objectives”, such as “religious, ethnical and political” goals, by force.¹⁹ Two main characteristics of terrorist’s acts are defined by Viejo & Boyé²⁰ which are that they are aimed towards people and that they use violence with the objective of gaining “power” and control over people’s ideologies and persuade them to adjust their perspectives even if they might not be willing to do so. Suicide attacks for example are one way of forcing “control and domination” – as with other such extreme acts – with the idea behind it supposedly being the good of society but it ultimately brings only damage, not only to the world as a whole, but also to the terrorist’s community’s culture itself.²¹ From a long-term perspective, these extreme attacks are conducted as a means of “gaining publicity”

¹⁵ Laqueur, W. (2000). *The New Terrorism: Fanaticism and the Arms of Mass Destruction*. New York: Oxford University Press.

¹⁶ Hoffman, B. (1998). *Inside Terrorism*. New York: Columbia University Press.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Viejo, J., & Boyé, Á. (2017). An Analysis of the Psycho-Social Factors Involved in Jihadist Radicalization Process and Terrorist Violence. In Sroka A., Garrone F., & Kumbrián R. (Eds.), *Radicalism and Terrorism in the 21st Century: Implications for Security*, 91-106. Frankfurt am Main: Peter Lang AG.

²⁰ Ibid.

²¹ Ibid.

with the aim to incite “social and political change”, while also portraying and feeling that their actions support, “protect and liberate” a given “social group” with which they identify.²²

3.3 Defining radicalisation

Beyond violence, radicalisation also plays an integral role in terrorism and the processes it encompasses and as such, there is also a need to define this term. One definition for radicalisation is the push of personal or group “beliefs, feelings and behaviours” – the same points exploited to culture a sense of allegiance – to a level so intense that these people or groups are ready and willing to participate in, and sacrifice for, “intergroup and social conflict and violence” for a purpose which has been labelled as righteous by the “radical group” they ascribe to.²³ This practice (radicalisation), with all that it entails, can lead to people becoming terrorists supporting various groups or purposes depending on their predispositions and ideologies such as “injustice and discrimination (whether perceived or real), social exclusion, religious extremism”.²⁴ Even though not all terrorists are radicals, it is believed that they have all undergone such a process, or something similar.²⁵

3.4 Sub-types of terrorism

Even though there are varying definitions of terrorism, it is also an umbrella term that contains many sub-types which are: traditional, religious and political terrorism. Traditional terrorism can be identified as left-wing, right-wing and ethnic-separatist²⁶ all of which can be shown to be interwoven to religion. Even though religious terrorists are motivated by their religious beliefs²⁷ and their usual aims, which are to exert influence or force compliance to achieve religious goals, their aims can often lie beyond the realm of religion, expanding their ambitions towards passing political messages or inducing political action but also social and

²² Viejo, J., & Boyé, Á. (2017). An Analysis of the Psycho-Social Factors Involved in Jihadist Radicalization Process and Terrorist Violence. In Sroka A., Garrone F., & Kumbrián R. (Eds.), *Radicalism and Terrorism in the 21st Century: Implications for Security*, 91-106. Frankfurt am Main: Peter Lang AG.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Gregg, H. (2014). Defining and Distinguishing Secular and Religious Terrorism. *Perspectives on Terrorism*, 8(2), 36-51.

²⁷ Saiya, N. (2015). Religion, Democracy and Terrorism. *Perspectives on Terrorism*, 9(6), 51-59.

religious aims independent of their political intent.²⁸ The cause and effect of religious and non-religious aims could also be reversed i.e. a non-religious motivation could lead to political action by terrorists in the name of religion based goals such as removing political actors not strictly abiding by religious “laws” and replacing them with actors the group considers fit for religious and political leadership.²⁹ Religious terrorism’s goals can be split into “apocalyptic terrorism”, “the creation of religious government” and “terrorism and religious cleansing” according to Gregg.³⁰ A key tactic for religious terrorists has been the use of “suicide attacks” (usually bombings), which often carry political intentions, since this form of attack proves to be cheaper and requires less intricate planning than other methods while still managing to kill more people and gain more media attention for the group responsible.³¹ These groups mostly desire to eliminate any trace of secularity and empower a government that operates solely according to “Shari’a law”, with their material and monetary needs often being supported through transnational connections until their ultimate target of a religious government is realised.³² Terrorism and religious cleansing is a title that covers religious groups that aim to eliminate people of other religions but also of people of the same religion but may have a differing view than that of the group – somewhat similar to Jihadists but the desired outcome is different – so as to ensure a “religiously pure state”.³³ In other words, the cleansing of other groups that differ from the terrorists can aim to eliminate other “cultures, ideas or norms”.³⁴ Ethnic terrorism, whose aim it is to eliminate those with a different ethnicity, exists in between religious and non-religious groups.³⁵ They share their main aim, since they focus on eliminating those differing from them – from religious perspective: those with a different religion or with a same religion but different views; from ethnic perspective:

²⁸ Gregg, H. (2014). Defining and Distinguishing Secular and Religious Terrorism. *Perspectives on Terrorism*, 8(2), 36-51.

²⁹ Ibid.

³⁰ Ibid.

³¹ Viejo, J., & Boyé, Á. (2017). An Analysis of the Psycho-Social Factors Involved in Jihadist Radicalization Process and Terrorist Violence. In Sroka A., Garrone F., & Kumbrián R. (Eds.), *Radicalism and Terrorism in the 21st Century: Implications for Security*, 91-106. Frankfurt am Main: Peter Lang AG.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

those with a different ethnicity – but they differ because the defining feature of both the terrorist group, and its targets, is based in ethnicity, not religion.³⁶

3.5 “Old” and “new” terrorism

Beyond discussing terrorism in general, Viejo and Boyé³⁷ also refer to “old terrorism” and “new terrorism” and distinguish them by the fact that “old terrorism” had “political, independence or nationalism” objectives that nowadays has somewhat diminished since “new terrorism”, whose goals are mainly religious, is becoming stronger and more dominant.³⁸ At large, religious terrorists see the world and mainly the western world as the home of the unfaithful (to their God) and as an area not “protected by their God”. They therefore aim to claim it and “protect” it themselves by using violence and suicide attacks to “clean” the world, in what they have dubbed as a “holy war” against the “unbelievers”.³⁹

After amassing the definitions of the many forms and sub-types of terrorism from a wide array of sources and views – legal, political, academic – it is clear to see that although there is no single agreed-upon definition, there is a common thread that runs through all domains leading to a common conceptual understanding of terrorism. The common understanding of terrorism and terrorist acts is of more importance in this paper, than the exact technical definition that a group identifies with. The definition of radicalisation is also provided since the combating of radicalisation holds a position equally as important as the combatting of terrorism itself, and everything that supports it (i.e. terrorist financing, crimes), as far as the creation of policies and measures is concerned. The definition of terrorism and the various approaches to defining it, play an important role in understanding the events that have resulted in either convergence or divergence of policies due to their creation and

³⁶ Gregg, H. (2014). Defining and Distinguishing Secular and Religious Terrorism. *Perspectives on Terrorism*, 8(2), 36-51.

³⁷ Viejo, J., & Boyé, Á. (2017). An Analysis of the Psycho-Social Factors Involved in Jihadist Radicalization Process and Terrorist Violence. In Sroka A., Garrone F., & Kumbrián R. (Eds.), *Radicalism and Terrorism in the 21st Century: Implications for Security*, 91-106. Frankfurt am Main: Peter Lang AG.

³⁸ Garrone, F. (2017). An Updated Approach to the Study of Terrorism. In Garrone F., Sroka A., & Kumbrián R. (Eds.), *Radicalism and Terrorism in the 21st Century: Implications for Security*, 25-48. Frankfurt am Main: Peter Lang AG.; Weinberg, L., Pedahzur, A., & Hirsch-Hoefler, S. (2004). The challenges of conceptualizing terrorism. *Terrorism and Political Violence*, 16(4), 777-794.

³⁹ Viejo, J., & Boyé, Á. (2017). An Analysis of the Psycho-Social Factors Involved in Jihadist Radicalization Process and Terrorist Violence. In Sroka A., Garrone F., & Kumbrián R. (Eds.), *Radicalism and Terrorism in the 21st Century: Implications for Security*, 91-106. Frankfurt am Main: Peter Lang AG.

handling by the EU and member states. Some examples are, as discussed by Douglas, the illegality of providing monetary support to any terrorist organisation or person that aims to commit a terrorist offence or damage property – it can be seen in the measures that the prevention of terrorist financing is an important and common policy focus point in all three cases (EU, France, the Netherlands) as well as the protection and security of public spaces and properties that were defined in recent measures. Additionally, the information provided on what triggers terrorist acts – such as their aim to interrupt or modify “political, social, military, or religious” situations or the cleansing of other groups that differ from them (including the elimination of other “cultures, ideas or norms”) – illustrates that terrorism of any form constitutes a large threat to the EU and its member states and clearly demonstrates why there is so much effort going into policy creation to stop or minimise terrorism and its effects, which subsequently lead to policy convergence as there is a common threat.

4. Policy convergence and divergence

The aim of the paper is to understand the extent of policy convergence of the EU, France and the Netherlands regarding counterterrorist measures thus an examination and explanation of what convergence and divergence are, is necessary. The following theories to be examined, will be used to analyse and compare EU, Dutch and French measures to then answer the main research question, in the sixth chapter. The theory is important to be able to understand and identify whether there is convergence – if the measures tend towards a common point or exhibit an increase in pre-existing similarities – while analysing the measures in the three different cases to be able to qualitatively measure convergence. As mentioned earlier, convergence was not measured quantitatively but it was instead measured qualitatively by observation of the degree of similarity and in how many areas (terrorist financing, border control, radicalisation including the importance of education etc).

There are various interpretations of convergence but the most “accepted” one is “the tendency of societies to grow more alike, to develop similarities in structures, processes, and

performances”.⁴⁰ According to Christoph Knill⁴¹, policy convergence exists when commonalities arise between “characteristics of a certain policy (e.g. policy objectives, policy instruments, policy settings)” thus leading to “increasing similarity” over a “certain time period” and spans a particular “set of political jurisdictions (supranational institutions, states, regions, local authorities)”. In essence, policy convergence is the result of distinct policies tracking towards a “common point” with the passing of time.⁴² Additionally, there is a focus on the outcome as well as to analyse variations in “policy similarity over time”, therefore in order to analyse if there is convergence in the policies of countries, it is convenient to directly compare the policies and understand the degree of commonality which has developed between those policies over time.⁴³ Bennet then elaborates on one definition (out of five) of policy convergence that has a focus on “policy goals”, that is actors joining forces to arrange “common policy problems”⁴⁴, which in the case of this paper, terrorism can be interpreted as such a common policy problem and especially a common threat.

To follow up the definition of policy convergence, there are three different types of policy convergence which are σ -convergence, β -convergence and δ -convergence; each demonstrating a different approach for consideration.⁴⁵ Of these three types, only the σ -convergence will be used in this paper as the other types are based on quantitative methods. The σ -convergence type is one of the most widely used quantitative measurement methods for policy convergence and it arises from a lack of variation in a certain (policy) area and thus a “decreasing standard deviation over time” clearly indicating convergence in that area.⁴⁶ The interpretation of σ -convergence can however, be both qualitative and quantitative with the quantitative use being stricter and more accurate, yet the qualitative interpretation is much

⁴⁰ Kerr, C. (1983). *The Future of Industrial Societies: Convergence or Continuing Diversity?*, Cambridge, MA: Harvard University Press.

⁴¹ Knill, C. (2005). Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors. *Journal of European Public Policy*, 12(5), 764-774.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Bennett, C. (1991). What is Policy Convergence and What Causes it? *British Journal of Political Science*, 21(2), 215-233.

⁴⁵ Knill, C. (2005). Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors. *Journal of European Public Policy*, 12(5), 764-774.; Holzinger, K., & Knill, C. (2005). Causes and conditions of cross-national policy convergence. *Journal of European Public Policy*, 12(5), 775-796.

⁴⁶ Ibid.

easier to understand and analyse for a descriptive topic such as policies, and is thus the chosen approach. This approach states that there is a limited number of approaches to address a problem (terrorism) and its different components, thus creating an apparent reduction in the variation of policies in the limited policy areas that can indeed affect terrorism (i.e. radicalisation, terrorism financing, security of borders, people and properties).

Further understanding of the theory of policy convergence can be gained by realising that there are two causes of policy convergence that expand to other subcategories of factors according to Knill⁴⁷ and these are 1) “facilitating factors” that can influence “the effectiveness of these convergence mechanisms” and 2) “causal mechanisms triggering the convergent policy changes across countries”. The first category (facilitating factors) examines the resemblance of the nations that are under analysis, that is for example “cultural similarities and similar socioeconomic structures and development” since countries that are “characterised by high institutional similarities” or have a closer “set of cultural” connections will be more likely to have increased policy convergence⁴⁸, implying that the Netherlands and France being under the same institution, that is the EU, may have created and expanded similar cultural connections in regards to how they interpret terrorism as a threat thus sharing common beliefs – though this will not be examined or proven in this paper.

The second category is further sub-divided into 5 causal mechanisms which are “independent problem-solving”, “imposition”, “international harmonisation”, “regulatory competition” and “transnational communication” of which only the second and fifth mechanisms will be used since only they are relevant for this paper. Convergence can occur from the imposition of a policy on a country, by another country or international organisation”.⁴⁹ As Holzinger & Knill⁵⁰ state, this causal mechanism of policy convergence is the “imposition” which an “external political actor” – either “unilateral imposition” by a country or “conditionally” from an international institution – pressures a government to implement policies. Empirical proof has shown that imposition by “international institutions”

⁴⁷ Knill, C. (2005). Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors. *Journal of European Public Policy*, 12(5), 764-774.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Holzinger, K., & Knill, C. (2005). Causes and conditions of cross-national policy convergence. *Journal of European Public Policy*, 12(5), 775-796.

has in some cases caused convergence at the highest levels.⁵¹ Convergence, in the scope of this paper, can occur from the imposition of policies by the EU onto its member states since in a certain sense the member states are 'subjects'. Since France and the Netherlands are part of the EU, they abide by the legal obligations described by EU law and are "legally required to adopt policies and programmes" as their "obligation as members" of the EU.⁵²

The fifth factor, from the mechanisms stated above, to be analysed is "transnational communication" since, with the increased effectiveness of "communications, knowledge and information exchange", it is highly likely that countries with strong ties within "transnational networks" (i.e. EU, organisations, systems, Treaties) will have higher "degree of convergence" between them.⁵³ Importantly, countries that participate in the same international organisation might have a greater possibility to interact with other members thus creating an improved "transnational information exchange".⁵⁴ "Transnational communication" involves four mechanisms: "lesson-drawing", "transnational problem-solving", "emulation of policies" and "international policy promotion" – of which only the second will be used.⁵⁵ In "transnational problem-solving" convergence emerges because of sharing of common frame of thought for a given topic, similar connections in terms of the means available to reach that purpose and have the same methods, such as a common organisation.⁵⁶ In this mechanism, actors cooperatively come up with a solution to a shared domestic problem and apply it domestically even though it is the result of a cooperative effort.⁵⁷ "Negotiations and discussions" of issues can create a common foundation to problem-solve together.⁵⁸ As was effectively described by Kern⁵⁹: "compared to policy exchange resting on bilateral and horizontal communication between countries – policy models spread much broader and faster if these countries are members of the same international institution".⁶⁰ Notably, France

⁵¹ Holzinger, K., & Knill, C. (2005). Causes and conditions of cross-national policy convergence. *Journal of European Public Policy*, 12(5), 775-796.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Kern, K. (2000). *Die Diffusion von Politikinnovationen*. Umweltpolitische Innovationen im ehrebenensystem der USA, Opladen: Leske þ Budrich.

⁶⁰ Ibid.

and the Netherlands are under the same institution (the EU) allowing for a faster spread of policy models, the three of them share the same problem (terrorism) and as can be seen later on, they participate in negotiations and discussions on this matter which generates the belief of the creation of a common foundation to solve a problem together all of which result in increased chances of observing convergence.

With the examination of the theory behind policy convergence, it can be seen that there is no single exact theoretical explanation of this observed behaviour, as it is explained slightly differently by each author, yet the overall result (convergence) consists of mechanisms (causal and facilitating) and factors (imposition, international harmonisation, regulatory competition and transnational communication) of policy convergence, some of which are very important to answer the main research question.

As would be expected however, the converse situation – “dissimilarity between policy characteristics, in various political jurisdictions and during a certain time period” – indicates divergence, which can be thought of in even more general terms as the “end result” of variations in policy which have tended away from each other.⁶¹ This growing-apart effect occurs on three main levels: “first order – a difference in settings of instruments; second order – due to the use of different policy instruments; third order – a difference in the policy goals of the two regions”.⁶²

When considering the causes of divergence, there is a focus on specific national characteristics such as differences in national policy styles⁶³, the stability of institutional arrangements and the importance of path dependence.⁶⁴ Like convergence, policy divergence is often used in a quantitative analysis and the variations between the “sources of problems, policies and politics” often act as indicators to allow an approximate conclusion regarding the chance and degree of divergence, with the key to understanding the policies and the odds of

⁶¹ De Rynck, S., & Dezeure, K. (2006). Policy convergence and divergence in Belgium: Education and health care. *West European Politics*, 29(5), 1018-1033.

⁶² Ibid.

⁶³ Richardson, J. (1982). *Policy Styles in Western Europe*. London: Allen & Unwin.

⁶⁴ Busch, A. (2002). Divergence or Convergence? Stage Regulation of the Banking System in Western Europe and the United States. *Contribution on theories of regulation*. Nuffield College, Oxford.; Busch, P., & Helge J. (2005). International Sources of Cross-national Policy Convergence – and their Interaction, unpublished Paper. *European Consortium for Political Research (ECPR)*. Granada, Spain.

policy variation developing being the examination of, for instance, the “regularity of the problems in each country” thus forming an (approximate) deductive connection between variation in the policies and divergence of the “policy outcomes”.⁶⁵ This closely aligns with the respective component of convergence theory where common/shared problems and variation, or lack thereof, of solution areas act as indicators of convergence or divergence. When considering the matter of triggers for policy change and “reform”, independent of whether this change is in a convergent or divergent direction, there are two main causes: an “external shock or strain”,⁶⁶ which shines a light on the shortcomings of the currently enforced policy or, a shift of “societal demands” or “social or political resources”.⁶⁷

A further contributing factor to observe divergence in many cases is a direct result of the “cultural diversity thesis” which lists the “unique historical and cultural traditions” of a set of countries as effects which could have greater influence than global trends, hence resulting in divergence.⁶⁸ However, in the case of this paper it can be argued that no matter how different and valid cultural difference may be between the EU and its individual nations, they do – to a certain degree – share their history, especially in terms of their threat history. This common experience and view of historical threats could be seen as culturing a common consciousness to threat response within these nations thus nullifying any major divergence stemming from their cultural diversity, at least in the case of terrorism related policies.

Shown above is that, in essence, convergence and divergence are indeed opposite sides of the same coin. It can be observed from the sheer number of factors and causes that can lead to convergence outweigh those that lead to divergence. It would thus be natural to predict the observation of overall convergence that outweighs any degree of divergence. Hence, there is a specific focus on policy convergence in this paper with minimal attention given to divergence in this period.

⁶⁵ Greer, S. (2005). *Territorial Politics and Health Policy: UK Health Policy in Comparative Perspective*. Manchester: Manchester University Press.

⁶⁶ Sabatier, P.A., & Jenkins-Smith, H.K. (1999). The Advocacy Coalition Framework: An Assessment, in Paul A. Sabatier (ed.), *Theories of the Policy Process*. Boulder, CO: Westview Press.

⁶⁷ De Rynck, S., & Dezeure, K. (2006). Policy convergence and divergence in Belgium: Education and health care. *West European Politics*, 29(5), 1018-1033.

⁶⁸ Lian, O. (2003). Convergence or Divergence? Reforming Primary Care in Norway and Britain. *The Milbank Quarterly*, 81(2), 305-330.

5. What are the measures taken to counter terrorism on the EU and national level in the period 2014-2017?

5.1. EU measures to counter terrorism

Due to the on-going and developing threat of terrorism in the past two to three decades⁶⁹, it is reasonable that countries, large unions and organisations such as the EU would not only create and implement reactionary policies, measures etc. for the safety of their countries or unions, but also many anticipatory policies with the aim of minimising terrorist risk. Even though many institutions, bodies and systems were established before the period 2014-2017, they are still of high importance as in many cases they strengthen, amend and form the core of discussions around critical issues in the period under examination as means of directly combating terrorism or introducing measures that will do so.

5.1.1 EU bodies

Various organisations, systems and bodies in general, can be considered as a “set of measures” that have been addressed on the EU level as means to be used or, in some cases, to strengthen their roles as a way to better combat terrorism. Those will be described in detail in order to find possible indications of policy convergence or divergence and will later be compared with the national measures.

The first database system to be described is European Asylum Dactyloscopy Database (EURODAC) which was created in 2003. This database is used for analysing and cross-referencing fingerprints of asylum applicants in the EU to identify individuals whose fingerprints are connected to criminal matters in an effort to decrease, identify and gain information regarding on terrorism and crimes.⁷⁰ Following the migration and refugee influx, the European Commission proposed, in 2016, that the use of EURODAC should be strengthened and suggested that new “biometric methods” and information – such as “facial recognition and the collection of digital photos” – should be utilised in order to improve the

⁶⁹ TE-SAT 2007-2014: EU Terrorism Situation and Trend Report; TE-SAT 20015-2018: European Union Terrorism Situation and Trend Report.

⁷⁰ Identification of applicants (EURODAC). (2016).

information content of EURODAC, which could further assist some countries with the improved amount of data available for comparison.⁷¹

The Counter-terrorism Coordinator, though it is a one-person role supported by an office of staff members, contributes greatly to fight against terrorism. In 2004, a decision was made by the EU member states to create this position, but only in 2007 did they fulfil the role by “appointing” Gilles de Kerchove as the first coordinator. The Counter-terrorism Coordinator manages various tasks revolving around countering terrorism and more, for example making sure that the EU contributes in a significant manner to this field, assisting the Council to organise its counterterrorist efforts by for example overseeing the application of “EU counter-terrorism strategies”.⁷² Although he was “appointed” in 2007, it can be seen that Gilles is still active in more recent events such as his contribution in recently developed measures for the 2015 EU counter-terrorism strategy in is a proof of action in combating terrorism.⁷³ These measures as stated in the strategy itself are: the guarantee of safety for the people; the “prevention of radicalisation” and the defence of common ideals; collaboration with international partners.

Notable EU organisations that were created before 2014 but have contributed substantially to the fight against terrorism between 2014-2017 are Frontex, the Exchanging Criminal Records Information System (ECRIS), the Schengen Information System (SIS), Europol and its own bodies and systems the European Counter Terrorism Centre, the European Migrant Smuggling Centre, the FIU.net, the Secure Information Exchange Network Application (for more information on the bodies’ tasks, see Table 1, Appendices), many of which have undergone a range of changes or additions to their roles and responsibilities to improve their usefulness in regards to terrorism. Moreover, various discussions which included the use of those organisations, have occurred in the period 2014-2017 but also in more recent years 2018-2019 (See Appendix 1, Table 1).

The FIU.net which is a high-tech, “decentralised computer network supporting the financial intelligence units (FIUs) in the EU in their fight against money laundering and the

⁷¹ Identification of applicants (EURODAC). (2016).

⁷² Counter-Terrorism Coordinator. (2017).

⁷³ Ibid.

financing of terrorism”.⁷⁴ More specifically, its role is to reveal “unusual or suspicious transactions” which it then redirects to the national authorities in the appropriate member state.⁷⁵ It was incorporated into Europol in 2016, which enabled, through a unification of the FIU network and other “products and services” at Europol’s disposal, improved “exchange of financial intelligence” which can immediately be accessed through the network.⁷⁶ As a result of this increased potential for coherence “between the financial and criminal intelligence” communities, FIU.net bolsters EU-wide “efforts to fight organised crime and terrorism.”

Beyond the updates and improvements made to multiple organisations, bodies and systems, the EU has also created many bodies in the recent years which demonstrates its continued and systematic efforts to empower and enrich the counter-terrorism domain. An example is the Radicalisation Awareness Network (RAN) Centre of Excellence established in 2015 and works as a network to facilitate the collection and spread of “experiences, knowledge and best practices” while also contributing to the creation of new approaches to address radicalisation through the help of a wide array of personnel including but not limited to: “police and prison authorities, teachers/educators, social workers, community leaders, healthcare professionals and NGOs” with a general focus on people who have been, or are at risk of, being radicalised.⁷⁷

Since terrorists in recent years have begun to regularly take advantage of online services such as social media platforms to spread their ideology and to entice and persuade people to join their groups, a reaction to prevent or at least monitor the online situation regarding terrorist actions was necessary.⁷⁸ This existing surveillance gap has pushed the EU to create the EU Internet Referral Unit (EU IRU) in 2015, which is a branch of “Europol’s ECTC” and is tasked with the “detection and investigation of malicious content” online, the development of “strategic insights in to jihadist terrorism” and the supply of “information used in criminal investigations”.⁷⁹ Furthermore, the EU IRU’s role is to assist “competent EU

⁷⁴ Counter-Terrorism Coordinator. (2017).

⁷⁵ Ibid.

⁷⁶ Financial Intelligence Units - FIU.net. (n.d.).

⁷⁷ Radicalisation Awareness Network (RAN) Centre of Excellence. (2017).; Radicalisation Awareness Network (RAN). (2016).

⁷⁸ EU Internet Referral Unit - EU IRU. (2018).

⁷⁹ Ibid.

authorities” through a supply of “strategic and operational analyses”, identifying and removing “terrorist, violent extremist, and smuggling related “online content”.⁸⁰

Another example is the Passenger Name Record (PNR) system “adopted” in Directive (EU) 2016/681 in 2016 following numerous discussions over the years, that airlines must collect their passenger’s data.⁸¹ Such information includes “dates of travel, ticket information, contact details, means of payment, baggage information” that could help to identify, “prevent, detect, investigate and prosecute” crimes and terrorist actions.⁸² Even though the PNR was created in 2016, the member states were given 2 years to create the necessary domestic framework required to implement and uphold the PNR.⁸³ The data collected can be shared with other concerned bodies and “national authorities” and can also be “compared” with other relevant databases for the purpose of identifying persons with possible links to crimes or criminal and terrorist operations.⁸⁴

5.1.2 The EU counter-terrorism strategy

Following relatively recent and frequent terrorist attacks, and more specifically after the Paris attacks in 2015 as reported in the European Council’s website, there have been several amendments and revisions of pre-existing measures as well as a significant push to put these updated measures into force as soon as possible.⁸⁵ One example is the EU counter-terrorism Strategy, first created in 2005, with “new rules” introduced in 2015 by the European Parliament and the Council with the aim of fighting against terrorist financing.⁸⁶ Specifically, this strategy relies on upholding what are referred to as the “four pillars” which are: “Prevent, Protect, Pursue and Respond”. Each pillar has its own aims and approach, and some have also undergone changes recently. The pillar of prevention focuses on targeting the terrorist “radicalisation and recruitment” process for which the EU has created a strategy in 2008 that, due to changes in terrorist trends, was updated in 2014.⁸⁷ Soon after the revision of the

⁸⁰ EU Internet Referral Unit - EU IRU. (2018).

⁸¹ Passenger Name Record (PNR). (2016).

⁸² Ibid.

⁸³ Ibid.; Regulating the use of passenger name record (PNR) data. (2017).

⁸⁴ Passenger Name Record (PNR). (2016).

⁸⁵ Response to the terrorist threat and recent terrorist attacks in Europe. (2017).

⁸⁶ Ibid.

⁸⁷ EU counter-terrorism strategy. (2017).

strategy, further “guidelines” were created by the Council to assist the member states in the realisation of the strategy.⁸⁸ Protect, another of the prioritised pillars for the EU counter-terrorism strategy, seeks to ensure security and safety for people and infrastructure alike, while additionally aiming to "reduce vulnerability to attacks" through a number of initiatives such as stronger (external) borders, and the targeted safeguarding of "strategic targets and critical infrastructure".⁸⁹ Through a combination of improved "national capabilities", increased collaboration and intelligence sharing of law enforcement and legal authorities, and more aggressive targeting of "terrorist financing, support and communication" networks, the third pillar - Pursuit - aims to interrupt the ability of terrorists to scheme and congregate, but also to prosecute these individuals more easily and effectively.⁹⁰ Respond, the final pillar is centred around the concept of readiness for a terrorist attack in regards to both an organised response plan and also the ability to cope with and minimise the effects of an attack.⁹¹

5.1.3 Amendments to Directives

It has been shown that measures, organisations and systems that had been created prior to the period examined, with many undergoing numerous and diverse changes in this period in response to terrorism, though new bodies were also created to fill gaps that had been identified, such as RAN and PNR. In addition to the creation and internal changes of many bodies, crucial adoptions and amendments were made to Directives and strategies with the same scope, to prevent terrorism. In 2017, two new Directives were adopted. Firstly, a Directive with a focus on fighting terrorism through the strengthening of the legal basis associated with the definition of terrorism, especially regarding the definition of a terrorist offence, such as: the act of participating in, arranging or enabling “training or travelling” for reasons related to terrorism, but also any contact with financial matters with links to terrorism.⁹² Additionally, in the same year, a regulation concerning the borders of the Schengen region was implemented, which forced member states to verify and thoroughly monitor the external borders especially for individuals crossing these borders.⁹³ Soon after

⁸⁸ EU counter-terrorism strategy. (2017).

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Response to the terrorist threat and recent terrorist attacks in Europe. (2017).

⁹³ Ibid.

the adoption of the abovementioned regulation and Directive, a further regulation was created concerning firearms and weapons, in which the Council demands the possibility to locate weapons more easily but also to monitor and limit firearm purchasing, ownership and modification – with much stricter regulation being imposed on “the most dangerous firearms”.⁹⁴

5.1.4 On-going activities and discussions

The high degree of activity in recent years in such a wide range of policy areas demonstrates that discussions, proposals etc. concerning terrorism remain high on the ‘list’ of EU priorities, even though terrorist attacks are not as frequent as they have been in other years. As shown in the Schengen Visa Info webpage, on the 16th May 2018, the European Commission proposed that changes be made to the Visa Information System (VIS) in order to improve a number of increasingly difficult areas such as “security and migration” and to allow more effective control of the EU’s external borders by eliminating “blind spots” in the system’s collected data.⁹⁵ The VIS has a dual function. First, it works as a visa information exchange system between Schengen countries – since it possesses the power and data to conduct biometric comparisons (mostly for fingerprints) “for identification and verification purposes” – and secondly, it “processes data and decisions relating to applications for short-stay visas to visit”, or pass “through the Schengen Area”.⁹⁶ The proposal to update the VIS was approved on 15 March 2019 – however, the final structure of the bill has not been agreed upon – with some of the changes being improvements in: “security checks” spanning “all databases”, exchange of information within the Schengen nations and the procedures for handling persons who “overstay” their visas.⁹⁷

Another system with similar content and purpose as the VIS, which has also been a subject of many discussions in the past years, is the SIS. Amendments were initially discussed in 2016 but were only agreed upon in 2018.⁹⁸ Among various new functionalities in a number of application areas resulting from the revised SIS, it is important to mention the

⁹⁴ Response to the terrorist threat and recent terrorist attacks in Europe. (2017).

⁹⁵ EU Commission proposes reforms to Schengen Visa Information System. (2018).

⁹⁶ Visa Information System (VIS). (2017).

⁹⁷ MEPs Approve Amendment of EU Visa Information System in a Bid to Improve Security. (2019).

⁹⁸ Schengen Information System. (2016).

strengthening and improvement of areas that can be of great importance in the context of counter-terrorism such as the introduction of biometric data in the SIS – including “palm prints, fingerprints, facial images and DNA” – which can be used to accurately identify missing persons.⁹⁹ Moreover, the introduction of an AFIS (Automated Fingerprint Identification System) to SIS in March 2018, and the resulting capacity to conduct searches using fingerprints, further inhibits criminals from moving across Europe unnoticed.¹⁰⁰ A further change that will improve EU nations’ ability to counter terrorism and other severe crimes, is the increased information sharing on people, objects or activities that relate to terrorism as well as “irregular migration” such as “return decisions and entry bans to enhance their effective enforcement” which can also be related to terrorism since, when a migration influx occurs in the EU, there is reduced surveillance and monitoring of who crosses the borders.¹⁰¹ All these new changes should incrementally be put into action by the member states by 2021.¹⁰²

On 18th October 2018, the European Commission proposed a number of diverse measures to counter terrorism, with a focus on weak spots uncovered by the latest attacks, to put increased efforts towards preventing terrorist attacks as well as securing “public spaces” by aiding the member states in their efforts.¹⁰³ The EU also supports the idea of strengthening its external relations with third countries which could also strengthen Europol by enabling the exchange of “data between Europol” and those countries.¹⁰⁴ Concerning the “protection of public spaces”, the EU has made commendable steps toward improvement such as: the creation of an Action Plan with measures contributing to safeguard public spaces through greater financial support for projects that could help to identify methods to protect public spaces; the promise that the European Commission will publish a guide to help member states face problems of protecting public spaces; the European Commission’s willingness to create a “Practitioner’s Forum” and “High Risk Security Network” to facilitate “common training” collaborative exercises for the purpose of increased readiness to react to an attack;

⁹⁹ Schengen Information System. (2016).

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Security Union: Commission presents new measures to better protect EU citizens. (2017).

¹⁰⁴ Ibid.

the enhancement of the cooperation of the public and private sectors in order to better manage and cooperate in the protection of public spaces.¹⁰⁵

This demonstrates that there are ongoing developments in these fields in general and within organisations themselves, however, since these announcements are very recent, these processes and talks are likely still in their initial stages. However, since they seem promising and the topics are important, the measures, plans, strategies or legal instruments resulting from these discussions, will likely be seen in amended or new treaties and directives in the near future.

After analysing the different measures taken by the EU, it can be understood that the EU focuses on the following areas in order to tackle terrorism: prevention of radicalisation; protection of borders by increasing security, border controls and using more systems such as fingerprint scanners and other biometric methods; securing public spaces and the increase in exchanging information regarding various topics and threats with, and between, the member states and third countries. Having this in mind, the EU's biggest efforts lie in the creation of organisations and measures but especially in the utilisation and improvement of pre-existing ones whose responsibilities and roles are increased by the EU to make them more suitable and effective tools in the fight against terrorism by, for example, adding new measures and competences and strengthening the ones that are already present (see Figure 2 below). The same situation also applies to the creation and repurposing of systems by making various changes, amendments or additions to their existing capabilities. Through the increased attention towards organisations and systems, it is expected that policy convergence might occur in the sense that the member states may also work on or create organisations and systems that can strengthen their position against terrorism. At the same time, since the member states are 'subjects' of the EU and the EU has competences on "areas" that directly overlap with and affect member states, it can also be expected that convergence might occur due to the fact that the member states are subject to EU regulations, laws etc. and thus the EU "imposes" the implementation of certain policies onto the member states, such as the PNR. Moreover, there is a significant push for the improvement and usage of information systems and a push for their creation where they do not already exist. An example of such

¹⁰⁵ Security Union: Commission presents new measures to better protect EU citizens. (2017).

pressure is the EU “forcing” the member states to implement the PNR at a national level, as mentioned before, giving them two years to arrange its implementation. In such a case, it is not only expected, but definite, that there will be some degree of convergence since convergence does not necessarily entail that the countries become identical, but it is more about moving towards a similar direction. Additionally, the use of the EU counterterrorism strategy and the adoption of new rules in 2015 highlight the areas the EU emphasises on, that is the prevention of radicalisation and recruitment of terrorists, the protection of citizens and properties, the pursuit and prosecution of individuals that carry out terrorist acts and to be able to respond to upcoming terrorist attacks and their effects. These areas and more, are strongly supported by the EU with the ongoing belief that cooperating with the member states is an effective way to achieve their targets and manage terrorism for which it is believed that convergence can occur regarding at least the areas that both the EU and the member states can focus on. What’s more is that the EU pays significant attention to the protection of external borders and the protection of the Schengen Area by strengthening the use of systems and organisations to fulfil these desires of securing the borders. Considering that both the Netherlands and France are in the Schengen area, it is expected that the EU approach regarding the security and strengthening of borders will push the member states towards a common end point or at least to create a similar perspective on the border protection. With this information in mind, it is expected that policy convergence will occur in organisations and systems, the changes of the legal framework and in targeting common areas by creating measures.

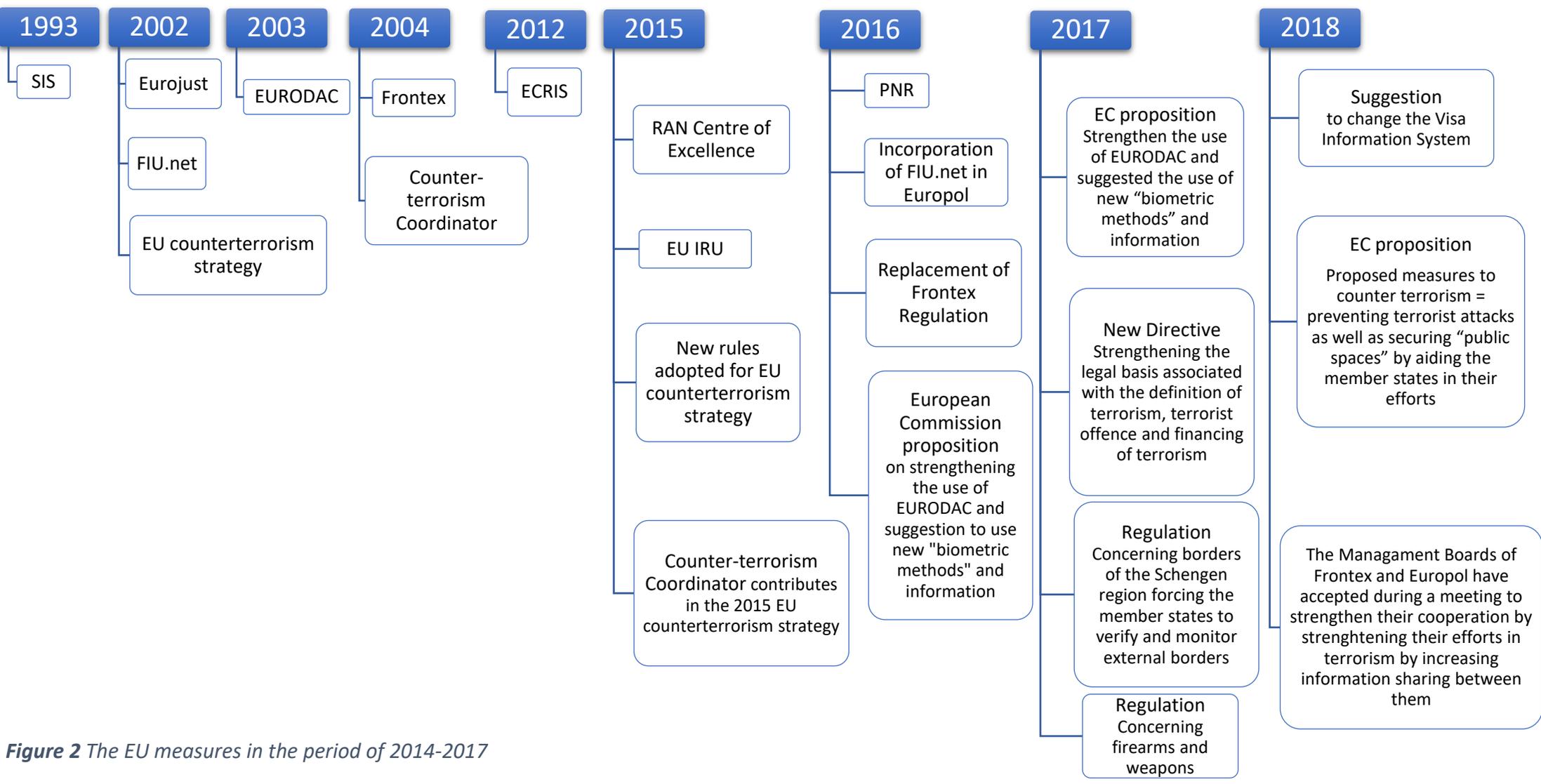


Figure 2 The EU measures in the period of 2014-2017

5.2 Netherlands measures to counter terrorism

Having examined the measures implemented on the European scale, it is important to also analyse what the countries have done independently in order to be able to compare their measures and observe where there is policy convergence. The first country to be analysed is the Netherlands which since the 9/11 attacks in the USA, began implementing a range of counterterrorist policies.

5.2.1. General measures and aims

Although the aim of this chapter is to unfold the various detailed measures between the years 2014-2017, it is undoubtedly important to start by giving a general overview of the general measures, objectives and discussions that the Dutch government has implemented or considered as part of the national approach to combating terrorism. Terrorists – as examined in the first part of the paper – aim to convey their ideology to attract individuals towards them and therefore terrorists and terrorism can spread beyond borders. In such cases, the Dutch government revokes the passports of those who try or plan to move to, or return from, a known area of unrest within another country.¹⁰⁶ Additionally those who try to convince other individuals or groups to join them in their operations, through the use of hate speech or violence, are prosecuted.¹⁰⁷ The Dutch authorities have also created a set of measures targeting radicalisation as part of their efforts to block any attempts to radicalise individuals. Some of the techniques applied, aim to decrease the effectiveness of propaganda on youth, support the family of radicalised people, and spark cooperative relations with “imams and mosques”.¹⁰⁸ Another radicalisation related national scheme comes in the form of “social initiatives” targeting the general public and various at risk communities, such as the Partnership of Moroccan Communities in the Netherlands (SMN) which pitched the idea of a mechanism being implemented to support parents whose children are at risk of being radicalised.¹⁰⁹ Since terrorists tend to travel from and to conflict zones, airport security is

¹⁰⁶ Combating jihadism. (2018).

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Letter of 7 April 2015 from the Minister of Security and Justice and the Minister of Social Affairs and Employment to the House of Representatives on the progress of the Actionplan ‘The Netherlands comprehensive action programme to combat jihadism - Overview of measures and actions. (2015).

essential for maintaining Dutch security which invites cooperation between the Netherlands and other EU member states, as can be seen below, as well as the securitisation of the Dutch borders that have been equipped with “biographic and biometric screening” systems.¹¹⁰ The protection of borders and the equipping of biographic and biometric screening systems show a similarity between the EU and the Netherlands since the EU created a regulation in 2017 in which forces member states to verify and monitor external borders and has also proposed the introduction of such screening systems in the use of EURODAC and airport security.

Since information-sharing is generally accepted to be an essential step in countering terrorism, relevant organisations together with the Financial Expertise Centre (FEC) initiated a project to improve sharing information related to terrorist financing that could deepen the understanding of “terrorist networks, groups, entities and individuals” and therefore enable the creation of suitable “preventative” and reactive actions.¹¹¹ The Netherlands though, not only puts effort into reacting to terrorism on a national level but also cooperates with “other EU member states and the European Commission” to achieve their prevention targets, one example being the idea to develop strengthened security checks in the airports, as mentioned above.¹¹² Beyond physical security checks in airports for EU travel, there is also the intention for a reciprocal sharing of know-how and specialised competencies “in civil aviation” security as a means to enhance the security capabilities in “third countries”.¹¹³ Information-sharing is not only crucial within the Netherlands but also externally with the EU and its organisations – namely, the Dutch government discloses any terrorist-related intelligence to INTERPOL and Europol and also registers known terrorists’ movements with the appropriate EU systems – as examined in the previous subsection – with VIS, SIS II and EURODAC.¹¹⁴ The Netherlands also participates on an EU and international level in various ways by for example cooperating with various organisations (see Table 2, Appendices for detailed information).¹¹⁵ When compared to EU efforts to increase information-sharing and exchange via its various systems

¹¹⁰ 2016 Country Reports on Terrorism - the Netherlands. (2016).

¹¹¹ Letter of 7 April 2015 from the Minister of Security and Justice and the Minister of Social Affairs and Employment to the House of Representatives on the progress of the Actionplan ‘The Netherlands comprehensive action programme to combat jihadism - Overview of measures and actions. (2015).

¹¹² Comprehensive Counterterrorism Strategy. (2018).

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ 2016 Country Reports on Terrorism - the Netherlands. (2016).

and organisations, and since the Netherlands shares relevant information with the relevant EU institutions, there is an overall indication of similarity of the approach and importance of exchanging information.

5.2.2 Institutions, organisations and systems of the Netherlands

The Dutch government's efforts to combat terrorism, on the national level, mainly focus on a few aspects which are: safeguarding its citizens, properties and organisations; prevention of terrorism related radicalisation; the trial of terrorists that have already acted or who are planning such attacks but also preparation for the aftermath of an attack and assigns significant importance to international cooperation.¹¹⁶ The Netherlands – similar to the EU IRU's aim – monitors internet content and any websites containing or spreading "hate speech, discrimination or violence are taken down", with everyone being allowed to report such website via the Cyber Crime Reporting Website.¹¹⁷ Additionally, the Netherlands utilises various national organisations and bodies, each of which has its own contribution in the fight against terrorism such as Counterterrorism Alert System and the National Coordinator for Security and Counterterrorism (NCTV) that will be described further on (for more information on Dutch organisations and bodies, see Table 3, Appendices).

Moreover, the Dutch police contributes to fighting terrorism and its prevention, through the surveillance of individuals with possible connections to terrorism or who are deemed to be a terrorist threat, but also through cooperation with other bodies and organisations.¹¹⁸ One of the most relevant bodies – and in this case system – for the Netherlands in the fight against terrorism, and the appearance of policy convergence to some extent, is the Counterterrorism Alert System (ATb) which came into effect in 2005. It is a system that warns "government institutions, municipalities, police forces, emergency services, economic sectors and other key sectors" (i.e. "the energy sector") of a possible terrorist attack.¹¹⁹ This system is comprised of four threat levels, each with a different set of measures– the higher the threat level, the stricter the measures– therefore it facilitates rapid

¹¹⁶ Counterterrorism. (2018).

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Counterterrorism Alert System. (n.d.); Counterterrorism Alert System. (2015).

and decisive action from professionals in order to lower the chance of attack, or if an attack has already occurred, to minimise its impact.¹²⁰

Not all relevant organisations and bodies pre-date the period of this paper, some were created relatively recently starting from the National Coordinator for Security and Counterterrorism (NCTV), created in 2015, which is the first unit solely for the purpose of tackling terrorism and focuses on keeping “Dutch society” safe, from a national security point of view, with the assistance of the “government, the research community and the private sector”.¹²¹ It is obvious that there is a high degree of policy convergence between the EU and the Netherlands due to the creation of the Dutch NCTV and the existent EU Counter-terrorism Coordinator. A direct creation of the NCTV is the Terrorist Threat Assessment Netherlands (DTN), which was drafted by the NCTV office itself and is an assessment that collects “trends” of the status of threats and focuses on the risks posed, to the Netherlands, by “radicalisation, extremism and national and international threats”.¹²² Importantly, the DTN does not only provide information on the developments of threats but also provides the “source of the threat” and analyses possible “tensions” in the international sphere that, in the future, could pose a threat to the Netherlands.¹²³ Four threat levels¹²⁴ – distinct from the four levels of the Counterterrorism Alert System – are used by the DTN which is drawn by the assessment, as a way to show how low or high the threat is for the Netherlands, which unlike the Counterterrorism Alert System, the risk level for a terrorist attack is made available to the general public.¹²⁵ Even though its first report was in 2005, the work done by the Terrorist Threat Assessment is ongoing since it still publishes its assessments four times per year, with the most recent being in June 2019.

¹²⁰ Counterterrorism Alert System. (n.d.); Counterterrorism Alert System. (2015).

¹²¹ Organisation. (2016).; Letter of 7 April 2015 from the Minister of Security and Justice and the Minister of Social Affairs and Employment to the House of Representatives on the progress of the Actionplan ‘The Netherlands comprehensive action programme to combat jihadism - Overview of measures and actions. (2015).

¹²² About Terrorist Threat Assessment Netherlands. (2017).

¹²³ Ibid.

¹²⁴ The threat levels were: May 2005 Substantial, March 2007 Limited, March 2008 Substantial, November 2009 Limited, March 2013-present Substantial according to the National coordinator for Security and Counterterrorism’s page.

¹²⁵ About Terrorist Threat Assessment Netherlands. (2017).

Beyond the physical and material effort applied to combating terrorism, the Netherlands also pays significant attention to the monetary aspect of terrorism and tackles this through the prevention of terrorist financing with the use of the Financial Intelligence Unit – the Netherlands (FIU – NL), established in 2008.¹²⁶ FIU – the Netherlands falls under the jurisdiction of the Dutch Ministry of Justice but it is managed by the police and works continuously to uncover and identify suspicious transactions with a focus on the prevention and identification of money laundering and the financing of terrorism.¹²⁷ When the FIU identifies information about such transactions, it notifies the appropriate police and “intelligence agencies” allowing them to follow up with an investigation or other actions.¹²⁸ The Money Laundering and Terrorism Financing (Prevention) Act (WWFT) outlines the FIU – NL’s actions and defines the bodies that must notify the FIU of any “unusual transactions” – such as banks, life insurance companies, credit card companies, casinos amongst others. The FIU – the Netherlands also cooperates with international organisations that can help each other.¹²⁹ . The creation of FIU – the Netherlands indicates a high degree of convergence with the EU’s FIU, since the two organisations are nearly identical in their organisation and role but have a slight difference in jurisdiction.

5.2.3 Action plans, counterterrorism strategy and legal framework

Another important facet of the Dutch countermeasures is the National Counterterrorism Strategy, which in the periods of 2011-2015 and 2016-2020 outlines the “strategic policies, principles and implementation objectives” for the respective periods. The strategy of both periods shows a range of general measures taken but also highlights the areas and measures the Netherlands should focus on in order to fight terrorism effectively in each period. It is worth noting that though the exact approach and suggestions of the two strategies varies, both periods utilise the same set of steps to outline their methodical approach to tackling terrorism in the upcoming years, namely “The five areas of intervention” or “five pillars” which are: “procure, prevent, protect, prepare and prosecute”. Before starting further explanation on each area, it is important to note that the same counterterrorism

¹²⁶ Financial Intelligence Unit - the Netherlands. (n.d.).

¹²⁷ Ibid.

¹²⁸ Ibid.; National cooperation. (n.d.).

¹²⁹ Ibid.

strategy is to be found on the EU level (EU counterterrorism strategy) with a small difference on the number of areas, of which there are four: prevent, protect, pursuit and respond, but there are major similarities between their approaches which shows a high degree of convergence. These areas will be analysed individually at a later stage and will be compared in detail. Each area mentioned in the National Counterterrorism Strategy, has its own aim and scope that is: the first pillar aims to collect information about anything or anyone that might pose threat to the country, followed by the second pillar (prevent) that focuses on hinder and ultimately stop extremism and all other terrorist acts.¹³⁰ The third pillar seeks to, physically and virtually, protect the nation's citizens as well as its property from such dangers including an increase of attention for "automated security checks at airports".¹³¹ The last "areas of intervention" are, in a certain sense, connected since the concept of "prepare" is to create and maintain a high degree of readiness to respond to a terrorist attack and its consequences and seeking justice through the last pillar, to "prosecute" those responsible and to bring terrorists to justice.¹³² Further details, which lie beyond the scope required for the analysis performed in this paper, on how each pillar aims to function can be found in the National Counterterrorism Strategy for 2016-2020. Even though the above pillars were only given as proposals and strategic ideas as focus points for the upcoming years, some measures and plans relating to these five domains of actions have already been implemented. This can be seen in the "Comprehensive Counterterrorism Strategy" which lays out various measures taken, or at least investments made for their improvement, related to the five separate pillars.¹³³ The measures will be given according the paper "Comprehensive Counterterrorism Strategy" and will be analysed in the order given above. In the first area of intervention (procure) that focuses on information collection and sharing, an elaboration reveals the importance of early and successful detection and the use of "alert systems" combined with an invaluable network of national and international intelligence and information flow which allows the various "security services" to act decisively i.e. "blocking potential jihadist

¹³⁰ National Counterterrorism Strategy for 2016-2020. (2016). Administered by the National Coordinator for Security and Counterterrorism (NCTV).

¹³¹ Ibid.

¹³² Ibid.

¹³³ Comprehensive Counterterrorism Strategy. (2018).

travellers, identify returnees” and ultimately “preventing attacks”.¹³⁴ An example is the PNR that was launched by the EU, as analysed in the previous chapter, and even more specifically the establishment of the passenger-information unit (Pi-NL) in 2018 that would be a national level system capable of assisting in the identification of terrorist related travels through examination of the passenger data held by the Pi-NL.¹³⁵ In addition to the Pi-NL, the potential to scrutinise the travel data of passengers on other modes of international transport (“high-speed trains, bus services and shipping services”) for the same purposes as outlined in Pi-NL, was another Dutch initiative that was still in the discussion phase.

The measures and thoughts undertaken on the next area (prevent) is the prevention of terrorism and, from a more general approach, focuses on “countering radicalisation” by assigning roles and authority not only on national level but also on a local level (i.e. municipalities), allowing them to take on an important role in these efforts.¹³⁶ To aid in the task of prevention, there has been financial support on a local level for supportive services such as “mental health workers, youth care workers, schools, community task forces and mosques”, all of which are aimed towards helping the youth, to prevent them considering joining or seeking approval from outside groups that could lead them into “extremism or terrorism”.¹³⁷ On a national level, various organisations and “facilities” are essential due to the “specialist expertise and advise” support they provide, such as the Dutch Training Institute for the Prevention of Radicalisation (ROR), The Centre of Expertise on Social Stability (EES) and the Family Advice Centre on Radicalisation.¹³⁸ Such initiatives have been created and implemented with more widespread application and improvements intended in the future.¹³⁹ The Netherlands adheres to the guidelines set by the EU regarding preventative action in the sense that if required, it can and does cancel visa applications or existing visas and register people potentially spreading extremist propaganda content in the SIS.¹⁴⁰ Additionally, just as the EU supports efforts to minimise and remove online extremist propaganda and hateful

¹³⁴ Comprehensive Counterterrorism Strategy. (2018).

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

content related to terrorism, the Netherlands conducts such actions in a similar manner, with which the police – in cooperation with the Public Prosecution Service – use the Internet Referral Unit (IRU NL) to identify such content and take it down with the help of “internet companies”.¹⁴¹ Here, not only is there a common stance between the EU and the Netherlands on fighting online terrorism, but the creation of IRU NL is another significant nearly identical measure leading towards policy convergence. Initially efforts relating to tracking and disabling terrorist finance related actions, were the voluntary cooperation of private and public parties such as the police, the FIU-NL, the Fiscal Information and Investigation Service (FIOD) and the Public Prosecution Service), Financial Expertise Centre and “private parties (financial institutions)”.¹⁴² However, these collaborative efforts have proven themselves so effective and essential in some projects, that they will be adopted and applied in various policies.¹⁴³

The third intervention area (protect) has different sets of changes and actions that target different aspects of protection. Since the focal point in this case is the protection of citizens and properties, these are the actions that will be examined. To this end, the Dutch government is concentrated on the means to provide this protection by dedicating itself to ensure the best possible security standards for “large-scale events, stations, airports, religious institutions”, among others, while the “central and local government” in cooperation with “security services and private partners” are constantly analysing terrorist events in an attempt to understand terrorist behaviour and also jointly investigating possibilities for further actions to increase security and reduce risk.¹⁴⁴ What’s more, an area always being targeted for increased safety is civil aviation, since materials that can be used in terrorist attacks (i.e. explosives hidden in nearly any device or container) could be transported in an airplane without being noticed, in which case various measures for added security were introduced and implemented not only in the Netherlands but also globally with technological developments being anticipated for future enhancements, specifically in “scanning hand luggage” with special “equipment”.¹⁴⁵

¹⁴¹ Comprehensive Counterterrorism Strategy. (2018).

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

As important and effective as the above protective actions are, Dutch efforts regarding the fourth pillar (prepare) are still in effect, even though there are fewer actions for preparation than for previous pillars. Irrespective of the degree of reinforcement of the areas of prevention and protection, the chance of an attack occurring remains, resulting in notable effort to prepare for the aftermath of an “extremist or terrorist” attack.¹⁴⁶ These preparatory actions focus on the critical role of the emergency services (“police, fire brigade and ambulance services”) but also on the crucial communication and interaction of the “local, regional and national services”.¹⁴⁷ Many of the measures and reactive actions that have been prepared by the Netherlands, stem from experiences gained from violent events beyond the national borders, however thanks to “joint training” and the extensive connections and information sharing networks the Netherlands is involved with, these “lessons are learned” in advance.¹⁴⁸

The measures of the last area to be described, pursue, mainly aim to bring terrorists to justice. Specifically, as a first step during the period that the “Comprehensive Counterterrorism Strategy” was written, there were discussions to collect and combine documents from not only the national level, including the local and regional levels, but also from the international level for matters relating to ongoing “investigations and prosecutions” by the police and the Public Prosecution Service¹⁴⁹ indicating once more, the importance of international cooperation and information sharing. This approach to the legal pursuit of potential terrorists has been very successful, to such a degree that the government is attempting to reinforce the “criminal-law approach to terrorism”, leading to the trial and “conviction of many returnees” as well as many individuals who never returned and have been “convicted in absentia”.¹⁵⁰ To maintain the successful application of this approach, it is important that files from different levels of government (local to international) are shared in order to aid in the identification of terrorists, but also crimes which could be connected to terrorism as explained in the previous chapter with the cooperation of national and

¹⁴⁶ Comprehensive Counterterrorism Strategy. (2018).

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

international level via, for example, Europol¹⁵¹ giving a higher level of importance to the cooperation between the national and international levels and the degree of information sharing.

Significantly, the Netherlands published a number of letters on “the progress of the Action plan The Netherlands comprehensive action programme to combat jihadism” starting with its first progress letter in 12 November 2014.¹⁵² Indeed, as its title states, a number of areas of progress have been identified in this Letter that are important to note, some on a smaller and some on a bigger scale and others were still in progress at the time of its writing. The Expertise Unit on Social Tensions and Radicalisation was created in 2015 so that the municipality can reach out for help to keep radicalisation processes under control.¹⁵³ This Expertise Unit which generally helps professionals and municipalities combat radicalisation (see Table 3 in Appendices for detailed information on their roles), created an “information centre and forum” in 2015 in which various members including the municipalities could write and exchange their “experiences and knowledge” and authorities – especially the municipalities – could pose “questions about radicalisation”.¹⁵⁴ A further step for the prevention of radicalisation was the fact that a letter, from the 16th March 2015, was sent to the House of Representatives by the Minister of Education, Culture and Science and the State Secretary for Education, Culture and Science, explaining how important education is in this matter since for example “training programmes to help teaching staff recognise” and cope with radicalisation thus getting “educational institutions” involved in the prevention and minimisation of radicalisation.¹⁵⁵ Such “training programmes” for organisations are offered by EES, ROR and the School Safety Foundation (Stichting Schol en Veiligheid).¹⁵⁶

Moreover, the “The Netherlands comprehensive action programme to combat jihadism”, published in 2014, provides a clear summary of the “actions and measures taken”

¹⁵¹ Comprehensive Counterterrorism Strategy. (2018).

¹⁵² Letter of 7 April 2015 from the Minister of Security and Justice and the Minister of Social Affairs and Employment to the House of Representatives on the progress of the Actionplan ‘The Netherlands comprehensive action programme to combat jihadism - Overview of measures and actions. (2015).

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Evaluation of the Netherlands comprehensive action programme to combat jihadism. (2017). Inspectorate. Ministry of Security and Justice.

and gives a detailed account of existing measures, strengthened measures and new measures in different areas.¹⁵⁷ Since the above section was dedicated to providing information on the Dutch measures and actions taken as well as discussions, proposals and ideas for general measures, the focus here is not on explaining the detailed information on what those measures were, but to show (in Table 1 below) the number of measures in each category (existing, strengthened and new measures) in the 5 groups of measures, to clarify the type and extent of the progress made in each case and to detect the important areas of taking measures which are similar to the EU's areas (i.e. travel interventions that could include border protection, radicalisation, internet and the importance of information exchange and cooperation).

This table uses the expressions and groups of the "The Netherlands comprehensive action programme to combat jihadism" directly without paraphrase.

Table 1: Number of measures taken in different areas

Group	Existing measures	Strengthened measures	New measures
"Risk reduction of jihadist travellers" (Limiting the risks posed by jihadist travellers with all means available)	3	6	5
"Travel interventions" (Preventing or disrupting potential departures)	1	3	1
"Radicalisation - disrupting disseminators and recruiters" (Disrupting recruiters, facilitators and disseminators of jihadist propaganda)	0	2	1
"Counteracting radicalisation" (Detecting radicalisation, preventing the increase of new adherents to the jihadist movement, and stimulating opposition. Countering social tensions because these could also be a breeding ground for radicalisation)	0	6	5

¹⁵⁷ Evaluation of the Netherlands comprehensive action programme to combat jihadism. (2017). Inspectorate. Ministry of Security and Justice.

“Social media and the internet” (Combatting the dissemination of radicalising, hatred-inciting and violent jihadist content)	0	0	1
“Information exchange and cooperation” (Optimising the effectiveness of the involved organisations by investing in knowledge, expertise and partnerships at the local, national and international level)	Local: 2 National: 0 International: 0	Local: 0 National: 3 International: 3	Local: 0 National: 3 International: 1

Lastly, the Netherlands has also taken a number of legal actions and has implemented three new laws, specifically targeting terrorism, in 2017.¹⁵⁸ The first two such laws grant the Ministry of Justice and Security the power to revoke the Dutch citizenship – though this law had been approved since 2015 – of an individual with dual citizenship or limit their “freedom of movement” if they have ties to terrorism, by forcing them to present themselves to the police at regular intervals or by “banning” them from going to certain places or interacting with certain people in the Netherlands.¹⁵⁹ The third law is an amendment for the “Dutch Passport Act”, and has been implemented to address issues relating to the “travel ban” as defined in the “Integral Approach Jihadism Action Programme”.¹⁶⁰ This law states that a passport or identity card of persons whose right to travel has been removed by the Ministry of Justice and security, will expire immediately upon such a judgement by the Ministry, hence limiting the ability of these individuals to travel to “Jihad areas”.¹⁶¹

Following this extensive analysis on the Netherlands’ policies as well as the various discussions and indications of ideas on things that could be done, it is apparent that the Netherlands takes advantage of the EU’s available tools as it uses and shares information with organisations such as EURODAC, VIS, SIS etc. Beyond this, the Netherlands extensively utilises EU bodies but has also implemented the Pi-NL, equivalent to the EU’s PNR, and the IRU NL that is similar to the European IRU. This shows that there is such a high level of importance assigned to national security and the information sharing that it even combines the two.

¹⁵⁸ Country reports on terrorism 2017 - the Netherlands. (2018).

¹⁵⁹ Country reports on terrorism 2017 - the Netherlands. (2018).; Zeldin, W. (2017). *Netherlands: Three New Laws Adopted to Further Counterterrorism Efforts*.

¹⁶⁰ Zeldin, W. (2017). *Netherlands: Three New Laws Adopted to Further Counterterrorism Efforts*.

¹⁶¹ Ibid.

Additionally, the Dutch authorities focus heavily on security checks in airports as shown by their desire to introduce special “equipment” for “scanning hand luggage”, and this support for extensive security is not limited to airports but extends to large-scale events and religious institutions as well as the protection of the nation’s citizens, property and organisations. Similar to the EU counterterrorism strategy, the Dutch government created the 2016-2020 National Counterterrorism Strategy with very similar areas of “intervention” – these are explained in more detail in the last chapter – thus indicating a common conceptual approach to their individual strategies. Lastly, from a general perspective, the prevention of radicalisation and terrorism financing, their prosecution, the monitoring of internet content and websites containing hate speech, violence, terrorist propaganda etc., the increased importance of information sharing and cooperation with the EU, the EU member states and internationally are also significant topics for the Netherlands. Taking all these into account, there are several similarities on the areas that both EU and the Netherlands pay attention to and a significant level of convergence is observed with the EU that is to be analysed in more detail in the last chapter.

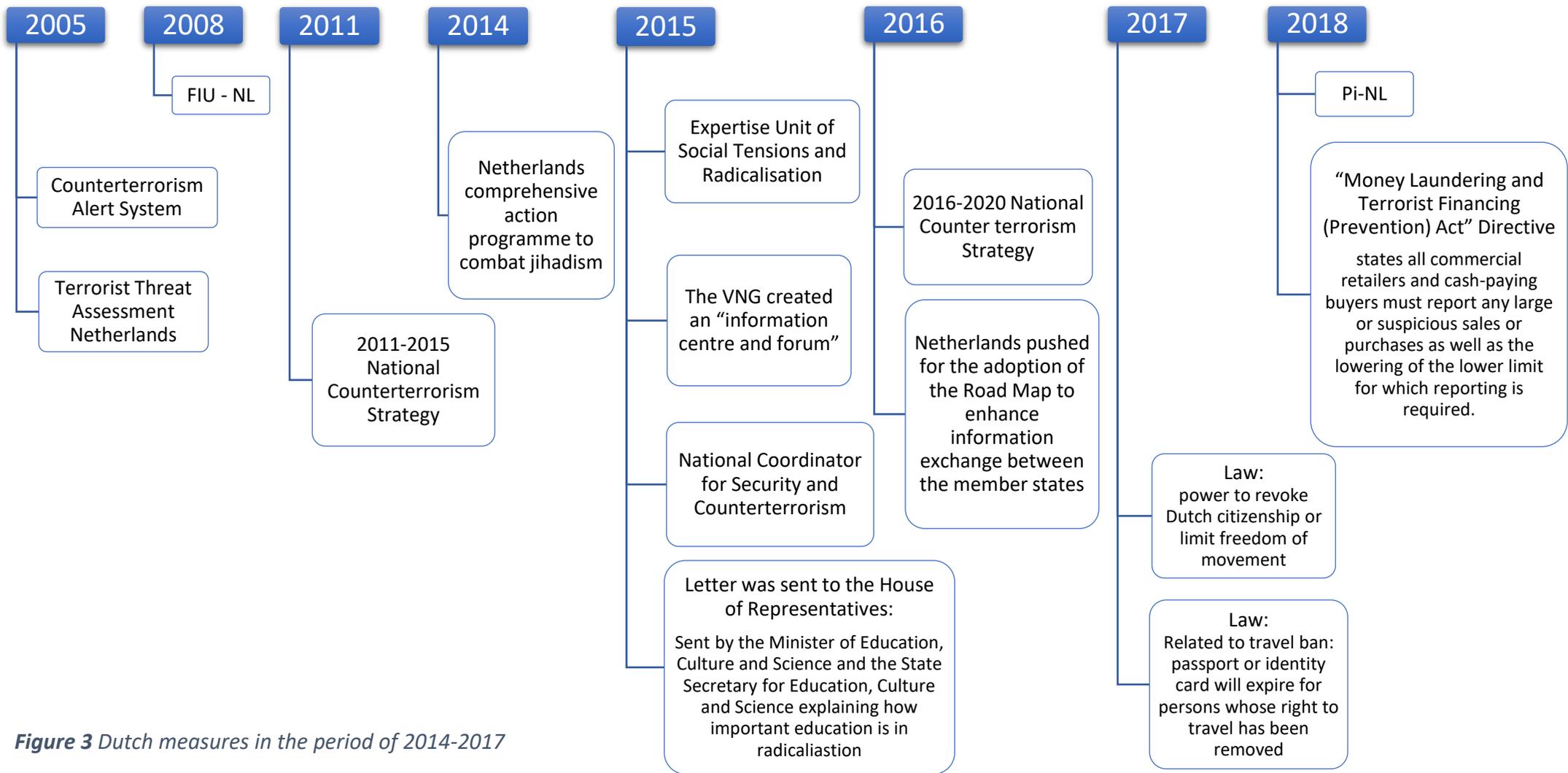


Figure 3 Dutch measures in the period of 2014-2017

5.3 French measures to counter terrorism

All the information on the chapter on France's measures and actions are taken from the original text in the French language and translated and/or paraphrased into the English language.

5.3.1 General measures and aims

Preventing and addressing radicalisation is a principal area targeting in the creation of measures and focusing of efforts – as is the case with the EU and the Netherlands – for France. There are various measures and methods that the government has implemented or proposed, as will be examined in the upcoming section (“Institutions, organisations and systems of France”), but there have been diverse discussions and ideas on their goals in fighting terrorism, though no specific periods or changes are given. The educatory sector is seen as an area that could help in the prevention of radicalisation with the use of educators and trainers by hiring more professionals such as psychologists, educators etc.¹⁶² France provides educators which are specially trained, and the trainers of these educators have themselves received specialist training.¹⁶³ From this focus on the educatory sector and the inclusion of educators, trainers and psychologists which is not only apparent in France but also in the Netherlands, it can be derived that there is a certain degree of convergence in the importance given on the same matter and the opinion of both cases that same or similar actors (educators, psychologists etc) can support the prevention of radicalisation. On the other hand, training for the prevention of the radicalisation is also important and thus a training programme is made available to stakeholders, ministries and services¹⁶⁴ related to radicalisation.¹⁶⁵ This training programme was created in 2014 and updated in both 2015 and 2016, (for more information on the bodies involved in the programme, see Table 4 in appendices) would support actors to first of all comprehend the radicalisation matter, analyse it and be prepared to react and support radicalised people or their families and was planned to continue in 2016-2017. It is important to mention that France's contribution and efforts on

¹⁶² Justice: des moyens supplémentaires pour lutter contre le terrorisme. (2017).

¹⁶³ Ibid.

¹⁶⁴ Such as prefects and members of departmental cells, officers, magistrates, rectors of academia, associative networks, Paris airports, the SNCF a railway company, Air France etc.

¹⁶⁵ Radicalisation: comment l'État forme-t-il les acteurs de la prévention? (2017).

the subject of radicalisation are extensive and detailed information on its organisations and measures can be found in Table 4 of the Appendices since they are not directly related to the policy convergence but still show France's extended work on combatting terrorism resulting from radicalisation. Additionally, in the same area, there is an apparent use of organisations such as the Parent's Listening, Support, and Counselling Networks (REAAP) and the Local School Support Contracts (CLAS) (for more details on their function, see Table 5 in Appendices). Similarly, the Netherlands uses existing organisations and has created the Expertise Unit of Social Tensions and Radicalisation and the Association of Netherlands Municipalities which has created information centres and forums.

Moreover, France has not only "reacted" at the national level by creating various policies but has used EU existing measures in the past several years to counter terrorism and has implemented the PNR that the EU imposed on its member states.¹⁶⁶ The PNR's creation by the EU and its implementation by France and the Netherlands is further evidence of policy convergence. Some other examples of France's efforts are: the strengthening of the measures on arms trafficking, the use of the different platforms the EU provides to prevent online terrorism, the use of "seizure tools" that the EU provides to freeze the assets of individuals that commit terrorist acts, more cooperation with EU organisations such as Europol and ECTC and lastly the implementation of "new rules" to prevent financing of terrorism and money-laundering.¹⁶⁷ France is also active in the global sphere by participating in discussions with its main partners around radicalisation as well as around online terrorism by discussing with digital companies that can help take down terrorist content online and focuses in the fight against the financing of terrorism.¹⁶⁸ These general measures and efforts reveal similarities in their approaches that lead to policy convergence, since France has similar position as the EU and the Netherlands on preventing radicalisation, using existing organisations or creating new ones to assist in terrorist matters, the monitoring of malicious internet content, the prevention of terrorist financing, and the participation and cooperation in the international sphere.

¹⁶⁶ France's International Action Against Terrorism. (n.d.).

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

5.3.2 Institutions, organisations and systems of France

Following the previous section in which a variety of measures and general goals were described, this section describes several institutions, organisations and systems as measures that contribute to France's fight against terrorism. As mentioned above, a main area of attention for France, is radicalisation for which institutions, organisations and systems have contributed in tackling terrorist matters. Additional to bodies related to radicalisation, France also has two systems at its disposal: the FSPRT, an automated processing of personal data and the Fiche-S that contain information on personal data for people that are dangerous and pose risks. Detailed information on FSPRT and Fiche-S can be found in Table 5 (Appendices) since they are important systems for combatting terrorism and have similar approaches and functions to equivalent EU and Dutch systems such as EURODAC and the Dutch "National sanctionlist terrorism" that indicates a small degree of convergence since they collect similar information but for different use cases.

The prevention of terrorist financing is another area to which France pays close attention as shown by the work of Tracfin (Traitement du renseignement et action contre les circuits financiers clandestines, the Intelligence processing and action against clandestine financial circuits) that was founded in 1990.¹⁶⁹ According to the French website of Economy, Finance, Action and Public Accounts, Tracfin is an intelligence service under the authority of the Ministry of Action and Public Accounts.¹⁷⁰ It contributes to the development of a healthy economy by combatting clandestine financial circuits, money laundering and the financing of terrorism.¹⁷¹ The service is responsible for collecting, analysing and enriching the declarations of suspicion that regulated professionals are required, by law, to report¹⁷² and it can also designate people or banking operations considered as suspicious for banks to carry out due diligence measures.¹⁷³ Tracfin's role is very similar to the European and Dutch FIU in collecting information and analysing suspicious or unusual transactions that could be connected to terrorism and other crimes, which indicates convergence in the financial field due to these extensive similarities.

¹⁶⁹ Accueil Tracfin. (n.d.); Tracfin. (2017).

¹⁷⁰ Accueil Tracfin. (n.d.).

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Comprendre la loi renforçant la lutte contre le crime organisé et le terrorisme. (2017).

An French body that is identical to the European Counterterrorism Coordinator and the Dutch National Counterterrorism Coordinator, is the National Intelligence and Counter-Terrorism Coordinator of France (Coordonnateur national du renseignement et de la lutte contre le terrorisme) who was recently (2017) changed from its original scope of the National Intelligence Coordinator (Coordonnateur national du renseignement). Some information could be found regarding its role but the depth of the responsibilities could not be found with much detail. Amongst the Coordinator's tasks, is to organise the efforts of "specialised services" on behalf of the president and delegating actions to the appropriate ministers thus guaranteeing the effective application of these services.¹⁷⁴ The Coordinator also acts as an intermediary between the "intelligence and specialised services" and the president and prime minister, in as much as he is responsible to report their progress and actions.¹⁷⁵

5.3.3 Action plans, strategies and legal framework

On the matter of national policies, besides the organisations and systems used, France has also proposed, discussed and created plans and strategies, just as the EU and the Netherlands did, some of which indicating policy convergence –examined in detail in the last chapter. First, is the application of "Le plan de lutte d'avril 2014 (PLAT)" (fight plan of April 2014) as a method of fighting terrorism, especially terrorist networks and radicalisation. The plan was based on 4 axes which were to prevent individuals from leaving the country, to help families by supporting and guiding them, to break up networks and instruments in French territory that recruit people for terrorist activities and strengthen international cooperation against terrorism.¹⁷⁶ On the 9th May 2016, PLAT was replaced by "Le plan d'action contre la radicalisation et le terrorisme (PART)" (Action plan against radicalisation and terrorism) which added 50 measures that fall under 7 priorities: 1) detect radicalisation trajectories and terrorist networks, 2) monitor, obstruct and neutralize terrorist networks, 3) combat terrorism in its international networks and sanctuaries, 4) increase the prevention of radicalisation to ensure individual care of the public, 5) develop applied research on counter-speech and mobilize the Islam of France, 6) better protect vulnerable sites and networks and

¹⁷⁴ Coordonnateur national du renseignement et lutte contre le terrorisme. (2017).

¹⁷⁵ Ibid.

¹⁷⁶ Quel est l'arsenal juridique de la France contre le terrorisme? (2017).

7) know how to react to any terrorist attack and demonstrate the resilience of the nation.¹⁷⁷ Two years after PLAT came into effect, and since the terrorist attacks are a continuous phenomenon in France, the Plan d'action contre le terrorisme (PACT) (plan of action against terrorism) was a new action plan presented by Prime Minister Edouard Philippe on 13 July 2018.¹⁷⁸ The main purpose of this plan is to bring unity to the "national anti-terrorist system", to strengthen all relevant actions enacted since 2017 and to spot potential paths of advancement or adjustment for continuing protection against threats.¹⁷⁹ The four main priorities are: connaître (know), entraver (hinder), protéger (protect) and réprimer (repress) with each category enacting a number of actions, 32 actions in total.¹⁸⁰ The first area (know) prioritises the identification and understanding of terrorist threat and how it evolves, the second area (hinder) revolves around the protection of people that are at risk, prevention of terrorist financing and the conflict resolution efforts that fuel the terrorist threat, the third (protect) adjusts and ensures the security of "people and property" in regards to known threats with the use and enhancement of technological means and greater involvement of both private and public operators, and the fourth area (repress) improves measures aimed at discouraging terrorist acts but also improving legal handling of French jihadists through the creation of a group of magistrates dedicated to the prosecution of anti-terrorist matters. Lastly, the PACT has as an extra area to which it applies its efforts which are the maintenance of the harmonious function of the EU and its member states as well as the promotion of French counter-terrorist action plans for a stronger position against terrorism.¹⁸¹ When considered at a group of plans, PLAT, PART and PACT, altogether stand as identical plans to those of the EU counterterrorism strategy and the Dutch National Counterterrorism Strategy with very similar target areas – i.e. "protect", "prevent", "prepare" and "prosecute" – with common goals and methods as means to accomplish their aims these areas, showing a high degree of convergence that is to be analysed in the last chapter. In relation to the prevention and combatting of radicalisation, a separate action plan focusing only on radicalisation was presented by the Prime Minister on 23 February 2018 the "Plan national de prevention de la

¹⁷⁷ Quel est l'arsenal juridique de la France contre le terrorisme? (2017).

¹⁷⁸ Plan d'action contre le terrorisme. (n.d.).

¹⁷⁹ Plan d'action contre le terrorisme. (2018).

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

radicalisation” (PNPR) (National Plan for the Prevention of Radicalisation).¹⁸² The PNPR is an important, recently created, plan that has a specific focus on radicalisation and has, in a general sense, a small extent of convergence with measure from the EU and the Netherlands only due to the fact that there is a common policy objective (to prevent radicalisation) and some similar methods to do so, but will not be further analysed since only a small part of it is relevant to the convergence (further information can be found in Table 5, Appendices).

In a similar context as the above plans examined, and similar to the Dutch Counterterrorism Alert System, is the “VIGIPIRATE” plan.¹⁸³ The plan was introduced in 1991 but has been overhauled several times – 1978, 1991, 1995, 2000-2006, 2014 and 2016 – and is yet another tool at the disposal of the prime minister to be used at his discretion and all national actors (the state, local authorities, public and private companies, citizens) are involved in VIGIPIRATE as a vigilance, prevention and protection tool to defend France and its citizens from terrorist threats.¹⁸⁴ The objectives of the plan are the development of vigilance and security throughout French society, the prevention and detection of any terrorist threat or actions as early as possible and to ensure the protection of the territory, citizens and interests of France against terrorism.¹⁸⁵ Having said that, its main principles lies in the evaluation of terrorist threat in France and against French nationals and interests abroad, the knowledge of the vulnerabilities of the main potential terrorist attack targets to be able to minimise them and on the determination of a security device that meets the level of risk that results from crossing vulnerabilities with the state of threat.¹⁸⁶ Nowadays, the intelligence services assess the terrorist threat and their analysis allow the Secrétariat général de la défense et de la sécurité nationale (SGDSN) (General Secretariat for Defense and National Security) to issue a general VIGIPIRATE security posture, set by the prime minister who specifies the measures to be implemented.¹⁸⁷ The security levels are divided into three different levels that allow the domestic security system to adapt quickly, depending on the

¹⁸² Quel est l’arsenal juridique de la France contre le terrorisme? (2017).; Radicalisation: Les cinq grands axes du plan "Prévenir pour protéger". (n.d.).

¹⁸³ Ibid.

¹⁸⁴ Quel est l’arsenal juridique de la France contre le terrorisme? (2017).; Radicalisation: Les cinq grands axes du plan "Prévenir pour protéger". (n.d.); Comprendre le plan Vigipirate en 4 questions. (2017).

¹⁸⁵ Ibid.

¹⁸⁶ Comprendre le plan Vigipirate en 4 questions. (2017).

¹⁸⁷ Ibid.

intensity of the terrorist threat.¹⁸⁸ In order to adapt to high threat, the revised VIGIPRATE plan, adopted in 2016, is based on three pillars: 1) development of individual and collective security that extends to the whole civil society, 2) strengthening government action against terrorism by implementing new measures and 3) creation of three levels.¹⁸⁹ The first and lowest level is “Vigipirate” corresponding to the permanent posture of security and the implementation of 100 measures that are always active.¹⁹⁰ Then the second (middle) level is the “Vigipirate. Securite renforcee risque attentat” (increased security level – risk of attack) which adapts the response of the state to a high or even very high terrorist threat and several additional special measures can be activated in addition to permanent security measures and according to the areas most under threat (airports, train stations, places of worship, etc.).¹⁹¹ The last and highest level is the “Urgence attentat” (emergency attack level) that can be set up immediately following an attack or if an identified and non-localised terrorist group comes into action and only for a limited time.¹⁹² After the attacks of January 2015, the President of the Republic decided to place the VIGIPRATE plan at the highest level of vigilance.¹⁹³ This decision led to the creation of Opération Sentinelle that would support the VIGIPRATE plan by mobilising 10,000 soldiers nationally to increase security by protecting sensitive areas of interest, complementing police and gendarmerie units.¹⁹⁴ The VIGIPRATE plan is similar to the Dutch Counterterrorism Alert System both of which define national threat levels but in a slightly different way, showing some degree of convergence between France and the Netherlands. A similar case could not be found for the EU since it is quite impossible for the EU to introduce such a device of threat level and subsequent protection measures, since it consisted of 28 different member states, each with different levels of threats or attacks at any point in time. On the other hand, Operation Sentinelle shows a degree of convergence due to the fact that it was used for the protection of sensitive areas that the Netherlands also

¹⁸⁸ Comprendre le plan Vigipirate en 4 questions. (2017).

¹⁸⁹ Comprendre le plan Vigipirate. (2018).

¹⁹⁰ Ibid.

¹⁹¹ Comprendre le plan Vigipirate. (2018).; Comprendre le plan Vigipirate en 4 questions. (2017).

¹⁹² Ibid.

¹⁹³ L'opération Sentinelle, qu'est-ce que c'est? (2017).

¹⁹⁴ Ibid.

provides for the protection of sensitive areas and borders and the EU also focuses on the protection of its borders by using different means (i.e. Frontex).

Related to a different subject, the financing of terrorism, a plan was presented in 2015 with three objectives: 1) mobilise financial actors 2) improve the traceability of financial operations by reducing the anonymity of transactions and 3) strengthen the asset freezing capabilities regarding financiers and actors of terrorism.¹⁹⁵ One example of the above objectives is the reduction of the limit of payment in cash from 3000 euros to 1000 euros and the reporting by banks of deposit or withdrawal of cash higher than 10000 euros total per month.¹⁹⁶

The French legal framework has also seen changes and adjustments with several laws having been published or amended. The laws to be examined in this section are those which exhibit some level of similarity with the EU or the Netherlands, thus more information on other laws that still show the French efforts in the legal context can be found in Table 6 of the Appendices. Between 2014-2017, the “first” law to be analysed, was published on 13 November 2014¹⁹⁷, aiming to prevent the travel of any French nationals that intend to go abroad to participate in terrorist activities – which can also put national security at risk after they return to France – by confiscating or even invalidating their identities and passports for 6 months and if necessary this period can be prolonged to 2 years.¹⁹⁸ At the same time, this law can also block any foreigner that might pose a serious threat, from entering France, it punishes actions connected to the coordination or preparation of terrorist acts, forbids the provocation or showing of praise or positive sentiment towards a terrorist, his/her actions, or any victims of these actions, if this provocation and praise was made publicly such as online on a social network or media outlet – punishable by up to 7 years and a €100,000 fine.¹⁹⁹

¹⁹⁵ Comment la France lutte-t-elle contre le financement du terrorisme? (2017).

¹⁹⁶ Ibid.

¹⁹⁷ Loi n° 2014-1353 du 13 novembre 2014 renforçant les dispositions relatives à la lutte contre le terrorisme. (n.d.). (Law n° 2014-1353 of 13 November 2014 reinforcing the provisions relating to the fight against terrorism).

¹⁹⁸ Quel est l’arsenal juridique de la France contre le terrorisme? (2017).

¹⁹⁹ Ibid.; Loi du 13 novembre 2014 renforçant les dispositions relatives à la lutte contre le terrorisme. (n.d.).

Lastly, the law states that authorities can request that internet service providers remove or ban websites that have content that “promotes or provokes terrorism”.²⁰⁰

Two years later, the “Loi n° 2016-731”²⁰¹ was promulgated on 3 June 2016 which grants judges and prosecutors the power to utilise “investigative tools” and techniques whose use had been limited to intelligence services, for example the ability to search a house at night.²⁰² According to the bill, the national police force and the national gendarmerie can use pedestrian cameras for police purposes such as the ensuring of public order, protection of individuals or properties and also when something happens or is about to happen.²⁰³ What is more, the law makes access to weapons harder and protects witnesses that might be at risk, by hiding their identity in proceedings.²⁰⁴ Moreover, this law enables the administrative control of individuals returning to France from a known terrorist hotspot even though they might have not been under judicial investigation and restrict their freedom of movement for three months and their communication and travel for up to 6 months, though these periods can be adjusted at the discretion of the judge. A final point is that a limit for prepaid cards has been imposed and the ability to track transactions has been improved in order to prevent money laundering and the financing of terrorism.

A significant event before the creation of the “last law” to be discussed, is “L’état d’urgence” which translates to “the state of emergency” that was issued on the night of the attacks in Paris on the 13th to 14th November 2015 and was prolonged 6 times, enables the use of a set of measures in case of a serious disturbance of public order in order to protect the public and to prevent any further attacks and is an exceptional case.²⁰⁵ Namely, those measures are: implementing a limited freedom of movement through protected or secure areas or by forcing a curfew; forced removal of non-compliant people considered a threat to

²⁰⁰ Quel est l’arsenal juridique de la France contre le terrorisme? (2017).

²⁰¹ Loi n° 2016-731 du 3 juin 2016 renforçant la lutte contre le crime organisé, le terrorisme et leur financement, et améliorant l’efficacité et les garanties de la procédure pénale. (Law n° 2016-731 strengthening the fight against organized crime, terrorism and their financing, and improving the effectiveness and guarantees of criminal proceedings).

²⁰² Quel est l’arsenal juridique de la France contre le terrorisme? (2017).

²⁰³ Loi du 3 juin 2016 renforçant la lutte contre le crime organisé, le terrorisme et leur financement, et améliorant l’efficacité et les garanties de la procédure pénale. (2016).

²⁰⁴ Ibid.

²⁰⁵ Quel est l’arsenal juridique de la France contre le terrorisme? (2017).; Qu’est-ce que l’état d’urgence ? (2017).

public order; prohibition of public gatherings and searches conducted by a “judicial police officer” upon “administrative” approval.²⁰⁶ Despite the possibility to use this exceptional tool, once the threat is no longer critical, the state of emergency can no longer be the solution.²⁰⁷ Since the state of emergency can no longer be used and the risk and threat levels are still high, something that could be as powerful as the State of emergency was created on the legal framework proclaiming – on 30 October 2017 – the “law strengthening internal security and the fight against terrorism²⁰⁸” and establishing it on 22 June 2017.²⁰⁹ This law enables chief administrative officers of departments (Préfet) to set up “protection perimeters” based on the aforementioned protected and secure areas under the state of emergency for which the prefect can request from security agents to conduct luggage checks and search vehicles (by internal security forces).²¹⁰ These perimeters are areas inside which the prefect has the right to limit access, movement and parking, and this status is given to “places or events” which are at general risk of terrorist activity due to their nature or even “their attendance”.²¹¹ More severe limitations and measures can be put in place by the Minister of the Interior, who can order the surveillance of any individual whose actions or demeanour have been deemed to pose a “serious threat to public order and security” or who might have regular contact with people or organisations related to terrorism.²¹² These restrictions could hold many forms, such as the person not being permitted to travel to, or outside of, a certain area or even being prohibited from contacting certain people.²¹³ The law additionally permits the access and utilisation of the PNR, and dictates the creation of a similar yet separate national system for “passenger transport” data collection.²¹⁴ Lastly, it expands on the power to control and conduct checks (i.e. identity checks) in all “border areas” – ports, airports, rail stations and

²⁰⁶ Quel est l’arsenal juridique de la France contre le terrorisme? (2017).

²⁰⁷ Renforcer la sécurité intérieure et la lutte contre le terrorisme. (2018).

²⁰⁸ Loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme or “Homeland Security and Anti-Terrorism Bill”.

²⁰⁹ Qu’est-ce que l’état d’urgence ? (2017).; Philippe, E. (2018). *Présentation du Plan d’action contre le terrorisme*.

²¹⁰ Qu’est-ce que l’état d’urgence ? (2017).; Renforcer la sécurité intérieure et la lutte contre le terrorisme. (2018).

²¹¹ Qu’est-ce que l’état d’urgence ? (2017).

²¹² Ibid.; Renforcer la sécurité intérieure et la lutte contre le terrorisme. (2018).

²¹³ Qu’est-ce que l’état d’urgence ? (2017).

²¹⁴ Ibid.

roads where international travel is possible – including internal borders and public areas where international movements are possible.²¹⁵

Taking into account the above policies, general aims, goals, plans, strategies and legal changes between 2014-2017, several main goals and points of emphasis for France could be identified. First and foremost, it can be seen that France has used existing EU measures such as the countering of arms trafficking, the use of the different platforms for preventing online terrorism, more cooperation with its organisations such as Europol and ECTC but also the utilisation of the PNR with the enactment of their own “law strengthening internal security and the fight against terrorism” (Law n° 2017-1510). In addition to the importance of the EU, France shows its interest in international cooperation and hence participates in various international organisations. On the national level, the topic of radicalisation is a critical target with a large variety and number of approaches dedicated to addressing it, such as creating ministries and services concerned with tackling radicalisation training programmes; the use of existing organisations; the importance of education by involving educators and trainers; involvement of health care; helping radicalised people and monitoring them; supporting at risk individuals and their families etc. There is also noteworthy use, change and creation of organisations, bodies and roles occurring such as the change of the National Intelligence Coordinator to the National Intelligence Counter-Terrorism Coordinator (which is similar to the Dutch and European Counter-terrorism Coordinator) and the National counter-terrorism centre (similar to the ECTC) demonstrating commonality between approaches. A further point of similarity is the operation of Fiche S and the FSPRT which, though not exactly the same as the EU and Dutch ‘equivalents’, have similar functions to the SIS, EURODAC, EU IRU and the General Intelligence and Security Services of the Netherlands – for instance collecting and analysing information (different in each case) as well as processing personal data. Another principal topic for France is the protection of online content from terrorist content by cooperating with digital companies to take them down and the prevention of terrorist financing with the initiation the 2015 plan especially created for the financing of terrorism, the introduction of the law 2016-731 that imposes a limit on prepaid cards and the significance of Tracfin – very similar to FIU.net (EU) and the Dutch FIU-NL – further reveals a

²¹⁵ Qu'est-ce que l'état d'urgence ? (2017).; Renforcer la sécurité intérieure et la lutte contre le terrorisme. (2018).

certain degree of convergence. Protection measures, another area of emphasis (as with the EU and the Netherlands), consists of protecting sensitive areas with VIGIPIRATE, Operation Sentinelle and the “law strengthening internal security and the fight against terrorism” (Law n° 2017-1510) as well as the protection of individuals and properties. Furthermore, France has also created its own plans – the PNR, PLAT, and VIGIPIRATE – which resemble some Dutch plans and the EU counterterrorism strategy. In regard to the legal framework, both the Netherlands and France have amended and created laws but in the case of France, the number of these amended and new laws are noticeably greater than the Netherlands. Lastly, the security of borders is again a common policy area – as with the Netherlands and EU – with the Law n° 2017-1510 that imposes restrictions on individuals, for instance not permitting them to travel. The same exact law expands on the power to control and conduct for example identity checks in ports, airports, rail stations and roads where international travel is possible.

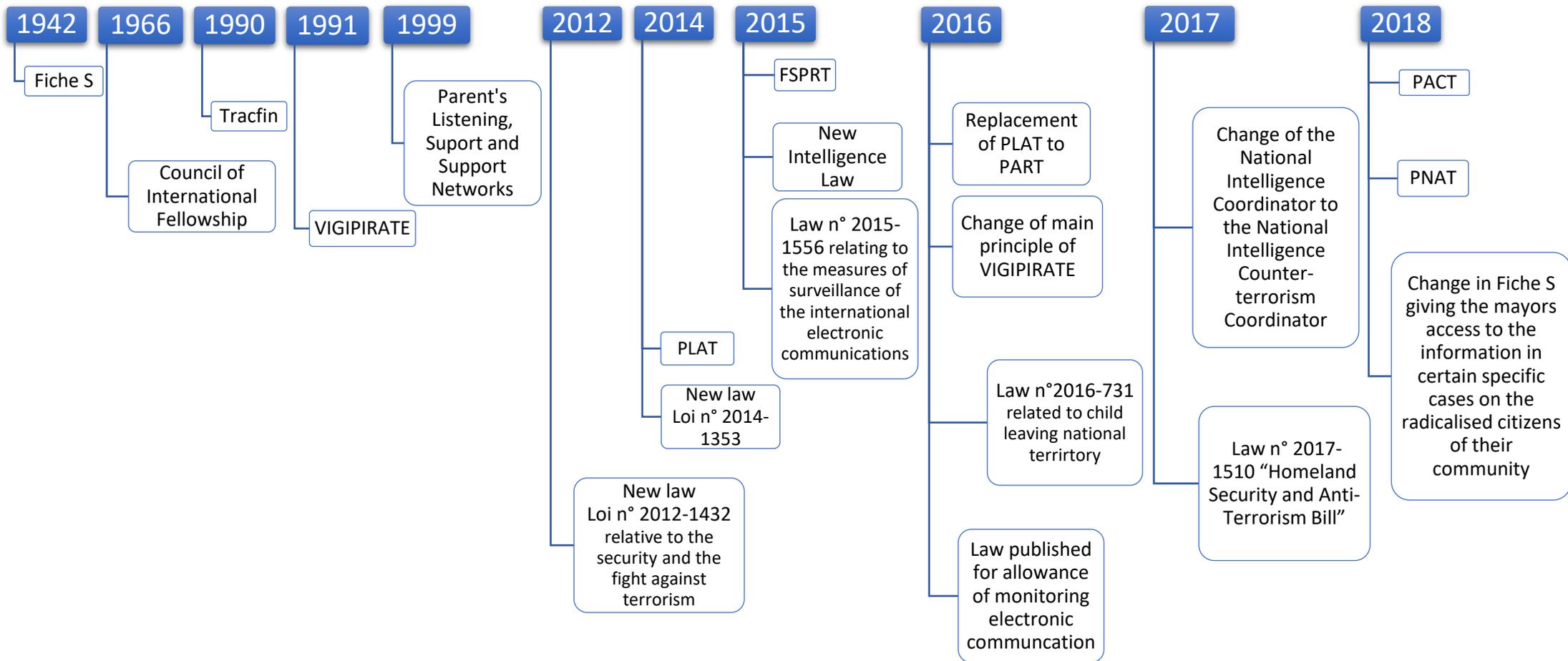


Figure 4 French measures in the period of 2014-2017

6. Can the reactions and measures be interpreted in view of policy convergence or divergence in this area?

Following the explanation of the policy convergence and divergence (Chapter 4) and the in-depth examination of the measures taken by the EU, the Netherlands and France (Chapter 5), it is time to answer the main question: “To what extent do the EU and selected member states’ policies converge as a result of terrorist attacks in the period 2014-2017?” In order to answer this question, this chapter focuses on unfolding if there is policy convergence or divergence, and finally to what extent.

6.1 Do the measures converge or diverge?

The aim of this subsection is to show that there is policy convergence between the EU, France and the Netherlands and this will be supported by using the theories of convergence examined before. The method to be used to judge whether there is convergence and to what extent is by observing and distinguishing the similarities and differences between the measures taken by the EU, the Netherlands and France and comparing them. The measuring of convergence is thus done qualitatively. Based on the discussed convergence theories and approaches, for this paper – and specifically this analysis – convergence is deemed present when the similarities between applied or discussed measures are determined to be more significant than the differences and even if the measures themselves are not the identical but have strong similarities in their ideas and purpose, convergence is still taken into account as being present. The general theory of policy convergence and divergence is important to be able to understand and observe whether there is convergence (if the measures go together, go to a common point or exhibit existing similarities) while analysing the measures in the three different cases to be able to qualitatively measure the convergence between them. The causes and exact motives behind convergence were not examined since the drivers of convergence are not subject of this paper, but the convergence itself was determined by observation of the degree of similarity and the number of areas with similarities (terrorist financing, radicalisation including the importance of education, border control etc). Examining the measures created, amended and improved in the period in question (2014-

2017), convergence here – through the years – shows the importance of not only “being more alike” but also “becoming more alike” as stated by Bennett²¹⁶, due to the fact that the countries and the EU do not occupy a static policy position but are instead constantly shifting between different positions tending towards a common point as explained by Bennett²¹⁷, at least in regards to the fight against terrorism. In this case, the two member states and the EU tend to have similar reactions and measures for addressing terrorism as they focus on the same policy areas which mainly involve attempts to prevent and tackle radicalisation, to fight terrorist financing, the protection of the external borders, the increase of border and airport security and protection of public spaces. On a less apparent level, there are efforts to remove online content and websites that promote or distribute “hate speech, discrimination and violence” especially for terrorist purposes, and finally, the enhanced information sharing and general cooperation between the three parties and with the international sphere.

One of the most important mechanisms that indicates policy convergence between the EU and the member states under examination, as well as between the member states themselves, is the “transnational problem-solving” mechanism since the EU and the two member states – and most likely the other member states as well – share a common understanding of terrorism and together perceive terrorism as a common problem and threat, share similar means to achieve their goals and utilise the same methods to tackle terrorism by, for example, creating organisations and systems and as mentioned above, by searching for solutions under common policy areas (i.e. terrorism financing, border security etc).²¹⁸ In addition to this mechanism, the EU as an organisation, creates a stronger connection and facilitates cooperation between the member states and allows for extensive discussions and negotiations on their common problems, thus arriving at shared solutions or proposals.

Moreover, the existence of the EU and the member states being subject to EU rules and regulations, plays a crucial role in the probability of increased convergence due to the

²¹⁶ Bennett, C. (1991). What is policy convergence and what causes it? *British Journal of Political Science* 21, 215-33

²¹⁷ Ibid.

²¹⁸ Holzinger, K., & Knill, C. (2005). Causes and conditions of cross-national policy convergence. *Journal of European Public Policy*, 12(5), 775-796.

countries' interconnectedness, communication and sharing of information. The EU's importance and a unifying force is demonstrated by the "transnational communication" mechanism presented by Holzinger & Knill²¹⁹ in which they explain that, countries with strong interconnections within an organisation, the EU in this case, have a higher probability of developing "higher degrees of convergence" between them. This effect rings true in the case of the two chosen countries and the EU since both, for example, have been discussing and aiming to improve information exchange and increase cooperation to fight terrorism. The convergence resulting from these actions can be seen from the various similar or, in some cases, near identical measures and policies between the 2014-2017 period but also outside of this period. On the other hand, as already mentioned, since the member states have some control over the "adoption process", "transnational communication" and its mechanisms play an important role in the interactions between the EU and its member states.²²⁰ As the EU member states are, in a way, 'under the control' of the EU and participate in it, this leads to stronger interactions and thus an intensified "transnational information exchange" – information, ideas, concerns – between them creating an environment primed for policy convergence regarding terrorism at the national and EU level. Ultimately, these exchanges therefore facilitate the formation of joint solutions to a common problem. These solutions and general "policy models" are then dispersed significantly farther and more quickly than expected – as explained by Kern²²¹ – due to the fact that France and the Netherlands are members of the same international institution which is the EU.

The overall chance of policy convergence between the EU and the two member states is high mainly due to the fact that both face a common policy problem and threat. Additionally, being under the same "umbrella" (EU) inherently brings the countries and the EU itself closer, since the EU "imposes" that the member states adjust their national policies according to the EU. This imposition is fair and justified because of the fact that, when states join the EU, they surrender a small part of their sovereignty to the EU allowing the EU to

²¹⁹ Holzinger, K., & Knill, C. (2005). Causes and conditions of cross-national policy convergence. *Journal of European Public Policy*, 12(5), 775-796.

²²⁰ Den Boer, M., & Wiegand, I. (2015). From Convergence to Deep Integration: Evaluating the Impact of EU Counter-Terrorism Strategies on Domestic Arenas. *Intelligence and National Security*, 30(2-3), 377-401.

²²¹ Kern, K. (2000). *Die Diffusion von Politikinnovationen*. Umweltpolitische Innovationen im Mehrebenensystem der USA, Opladen: Leske þ Budrich.

demand that its member states adhere to its policies and legal framework. With this in mind, it makes it easier for countries to share the same understanding on a topic, to have common standards and to try and react to a problem or a threat as a group in the same or in at least a similar way, as demonstrated by their common targeting of issues – analysed in the next section.

6.2 To what degree?

The previous chapter was dedicated to analysing and showing the different measures the EU and the two member states have taken between 2014-2017 but a small overview of the measures before and after the period was also given. Similarities or even identical measures taken in the three cases are compared in this section in order to demonstrate the high degree of convergence in their policies.

The first similarity, a common measure, is the creation of the position of Counter-Terrorism Coordinator. The EU's Counter-terrorism Coordinator's position was created in 2004 whereas the Dutch National Coordinator for Security and Counterterrorism was established in 2015 and in France the National Intelligence Coordinator became the National Intelligence Counter-terrorism Coordinator in 2017. An additional set of measures, this time relating to arms regulation, included the publication of the EU regulation in 2017 that makes locating weapons much easier and also monitors and limits firearm purchasing, ownership and modification. Similarly, in France, a law (Law nr. 2016-731) was enacted in 2016 that amongst other things, restricts access to weapons, however no analogous law could be identified in the examined period in the Netherlands which could indicate that it is either lagging in this area, or that it may have created such a policy before 2014. Smaller, similar measures that exhibit convergence between the Netherlands and France is the confiscation of passports or identities in which the Netherlands has included the aim to further develop the passport revocation in the 2016-2020 National Counter terrorism Strategy under the "Prevent" area of intervention that came into effect in 2017 with a new law granting the power of revocation the Dutch citizenship of an individual, or even limiting their freedom of movement. In France, an analogous law regarding the confiscation and invalidation of identities and passports was published in 2014.

In 2016, it was proposed by the European Commission that EURODAC should be strengthened and it was suggested to use new “biometric methods” and information. Along similar lines, the Dutch government has also supported a general strengthening of airport and border security through a number of methods such as biographic and biometric screening systems and more importantly has shared the idea of improving security checks in the airports in cooperation with EU bodies. The 2016-2020 National Counterterrorism Strategy shows that the Netherlands has the aim of securing stations and airports under the “Protect” area of intervention. France has, likewise, enacted a law (“Law strengthening internal security and the fight against terrorism”, Law n° 2017-1510) in 2017 which expands the authorities’ power to control and conduct checks in all “border areas”. Also, in 2017, the EU enacted a regulation concerning the Schengen borders where member states are forced to verify and monitor external borders.

The implementation of PNR demonstrates again convergence by a form of “imposition” from the EU (international institution) as examined before by Holzinger & Knill.²²² In the case of the EU member states, measures are not imposed onto them, but rather they are forced to implement certain measures²²³ and the extent of the convergence depends on the level of “power” the EU holds in certain areas that “forces” its member states to comply and implement certain policies.²²⁴ The creation of the PNR in 2016 was due to be implemented by the member states within a period of two years giving countries some “freedom” to create the necessary domestic framework required to implement and uphold the PNR. As mentioned in the previous chapter, both the Netherlands and France have implemented the PNR – the Netherlands’ Pi-NL 2018 and France’s 2017 “Law strengthening internal security and the fight against terrorism” which permits the access and use of the PNR and dictates the creation of similar but separate national system for “passenger transport” data collection.²²⁵

²²² Knill, C. (2005). Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors. *Journal of European Public Policy*, 12(5), 764-774.

²²³ Den Boer, M., & Wiegand, I. (2015). From Convergence to Deep Integration: Evaluating the Impact of EU Counter-Terrorism Strategies on Domestic Arenas. *Intelligence and National Security*, 30(2-3), 377-401.

²²⁴ Holzinger, K., & Knill, C. (2005). Causes and conditions of cross-national policy convergence. *Journal of European Public Policy*, 12(5), 775-796.

²²⁵ Qu'est-ce que l'état d'urgence? (2017).

Further measures were discussed and implemented, concerning the protection of public areas, specifically proposed by the European Commission in 2018, that would be achieved by helping the member states and has made some steps in improving the cooperation of the public and private sector in order to better manage and cooperate in protecting public spaces by starting an Operator's Forum in which both sectors can request collaborations. The Netherlands has indicated a desire to secure certain possible targets, for example large-scale events, in its 2016-2020 National Counterterrorism Strategy. Yet again, France possesses a law with a similar purpose, with its 2017 "Law strengthening internal security and the fight against terrorism" (Law n° 2017-1510), which enables chief administrative officers of departments to set up "protection" perimeters based on protected and secure areas under the "State of emergency" but has also shown a slight deviation of approach in protecting public spaces (territory) and its citizens with the use of VIGIPIRATE by establishing a general VIGIPIRATE security posture and publicly displaying the safety levels²²⁶ on signs depending on the state of the country. In addition to that, Operation Sentinelle came into effect in 2015 deploying soldiers supporting VIGIPIRATE. The concept of VIGIPIRATE with its 3 different levels seems similar to the Dutch Counterterrorism Alert System, presented within one of the source papers for this paper, established in 2005 (long before the examined period) that does not warn the public but instead the government institutions and defines 4 levels of threat with different measures enforced, depending on the threat level. From the VIGIPIRATE and the Dutch Counterterrorism Alert system, although there is a divergence in their functions and type of threat levels (one warns the public, the other one warns government institutions), it can be derived that their concept has a common point, the "protection" and use of threat levels.

Another area that shows convergence, is the prevention of financing of terrorism, a topic that the EU has included in the 2015 EU Counterterrorism strategy, under the pillar of "Pursue". Besides that, the European Commission was investigating measures to create an efficient way to access financial transaction data in other member states. The Netherlands shared this desire to interrupt terrorist financing but in a different way, with a project whose purpose it is to share terrorist financing information to understand terrorist networks, groups

²²⁶ Safety levels: Vigipirate; Vigipirate-increased security level – risk of attack; emergency attack level.

entities and individuals so that the appropriate authorities can react accordingly. The prevention of terrorist financing is seemingly going towards the same direction and having a common point but simultaneously illustrates a certain degree of divergence regarding the use of different methods for the same purpose. In the Dutch 2016-2020 National Counterterrorism Strategy, the “Prevent” area of intervention supports future actions such as “asset freezing” and efforts concerning the “tracking and disabling terrorist finance related actions”. On the other hand, France has aligned itself with the use of EU measures such as mobilising EU tools of asset freezing and implementing new rules to prevent financing of terrorism and money laundering. Also, one of the main priorities under France’s PACT plan (2018) is to “Hinder”, which encapsulates one of the main priorities, to prevent terrorist financing. Moreover, from the legal perspective, the 2016 Law (Loi n. 2016-731) sets a limit for prepaid cards and improves the ability to track transactions in order to prevent money laundering and the financing of terrorism. Likely the most important steps made by both the EU and the two countries, unfortunately lie outside of the period this paper is examining, however, their importance is such that they will be mentioned anyway. These measures are the creation of FIU in the EU in 2002 that was integrated in Europol in 2016, the establishment of the FIU-the Netherlands in 2008 in the Netherlands for the examination of unusual or suspicious transactions and the French intelligence service for the prevention of terrorist financing, Tracfin, established in 1990. The above information on the “methods” used in the area of financing terrorism indicates that there is indeed a medium degree of convergence since for instance from the fact that the FIUs and the Tracfin are very similar intelligence services with very similar role and target of examining unusual transactions with terrorism being a key common threat and problem, however, a certain degree of divergence is implied considering the different types and methods of policies and measures used.

A more apparent convergence of measures between the Netherlands, France and the EU are the various strategies and action plans they have created to tackle terrorism. In each case, a plan was created with the same areas of intervention indicating a high degree of convergence. Firstly, the five areas of intervention of the 2005 EU counterterrorism strategy, which are: “prevent”, “protect”, “pursue”, “respond” and the Dutch 2016-2020 National Counterterrorism Strategy’s main areas of intervention which are: “procure”, “prevent”, “protect”, “prepare” and “prosecute”. In both cases, the “prevent” area aims to prevent

terrorist attacks and radicalisation, “protect” focuses on protecting the citizens and properties, “pursue” (EU) and “prosecute” (Netherlands) targets the legal processing of terrorists through trials or fines, “prepare” (Netherlands) and “respond” (EU) focuses on preparing and being ready to respond to terrorist attacks or their consequences and finally, “procure” (Netherlands) aims to collect and share information on terrorists where this could relate to the “prevent” principle of EU because it can help prevent terrorist attacks and radicalisation. The French Fight Plan (PLAT) of 2014 has 4 axes that can be related to the EU and the Netherlands’ axes: “prevent individuals from leaving the country”, can be interpreted as the “prevent” area – whose concept is to prevent individuals from leaving the country and thus prevent terrorist attacks and can also relate to the “prosecute” area because if they prevent them from leaving the country, they can put them on trial. The second axis is “supporting, and guiding families” which could link with the concept of “prepare”. The third and fourth axes show a connection with the “protect” and “prevent” areas in which the third axis aims to break-up networks and instruments of the French territory that recruit people to participate in terrorist activities and the fourth axis aims to strengthen cooperation internationally against terrorism. The final French plan is PART, that replaced PLAT in 2016, adding 50 measures with 7 priorities, with only 5 priorities showing similarities. These priorities are: detect radicalisation trajectories and terrorist networks – that can be seen as converging with “procure” and “prevent” radicalisation; monitor, obstruct and neutralise terrorist networks; combat terrorism and its international networks and sanctuaries; better protect vulnerable sites and networks which these relate to the “protect” area; increase the prevention of radicalisation to ensure individualised care of the public that connects to the aims of “prevent”. The creation of plans and strategies under the same or similar name mainly the “counterterrorism plan/strategy”, the similarity and in some cases the identical naming of axes/areas of intervention and especially the high similarity and interconnection between the concepts that make up each area in the three cases, clearly leads to high degree of convergence in this matter. This concept leads to the understanding of the existence of policy convergence as Knill²²⁷ supports since they have common policy objectives (prevent, protect, prosecute/pursue, prepare).

²²⁷ Knill, C. (2005). Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors. *Journal of European Public Policy*, 12(5), 764-774.

Another area of similar measures taken which demonstrates convergence is the area of radicalisation. France, the Netherlands and the EU have all created measures and organisations with the aim of preventing radicalisation using police authorities, teachers, education and healthcare professionals focusing on helping people who have been or are at risk of being radicalised. The EU's measure is the creation in 2015 of the RAN Centre of Excellence and as already mentioned before, the "prevent" section of the 2015 EU Counterterrorism Strategy. The Netherlands, in a general sense, supports and helps families of radicalised people; the education and training of mayors and security directors and other more specific actions are to be found in the 2014 "The Netherlands comprehensive action programme to combat jihadism" that included a list of existing, strengthened and new measures under the title "radicalisation disruption and counteracting radicalisation" (amongst other targets); the 2015 Expertise Unit of Social Tensions and Radicalisation and the creation of an information centre and forums in 2015 are some examples. The "Prevent" area of intervention in the 2016-2020 National Counterterrorism Strategy that was mentioned earlier, but also the "Prosecute" area under which radicalised people with special conditions are monitored and will share information with other countries to increase "global knowledge of effective deradicalisation methods" and finally the Dutch government mentions the importance of education such as specialised training programmes to help teaching staff recognise and deal with radicalisation. On the French side, the importance of education by using educators, trainers and training programmes for stakeholders, ministries and others, is again highlighted as being paramount. Even this small degree of attention and belief that education is important since the use of educators and emphasising the importance of training programmes indicates policy convergence since they share common concepts (transnational problem-solving). Moreover, techniques for approaching radicalisation for the French government that is seen in the EU and the Netherlands too, are: the assistance of psychologists and psychiatrists; monitoring of young people in the process of radicalisation (one of the axes of the policy of the Ministry of National Education); the creation and use of action plans and organisations and the creation of the 2016 Action plan against radicalisation and terrorism (PART). Overall, the EU, the Netherlands and France indicate a high degree of convergence since they have common "characteristics" of their plans and strategies that is

they have common policy objectives in preventing radicalisation and common policy instruments which are education, training programmes and health care support.²²⁸

A direct conclusion from such a compilation of the most similar or common procedures, measures, areas of intervention, strategies and generally measures taken by the EU, the Netherlands and France is that, a pattern of similarity can be identified indicating what is likely a middle to high degree of convergence since, from the abovementioned, the plans of all three parties share near identical priorities and areas of intervention, depending on what is being examined. There are very similar laws and the radicalisation area for all three exhibits similarity in methods such as focusing on preventing radicalisation, using educators, healthcare personnel, training programmes and organisations in the radicalisation support. Furthermore, as Den Boer & Wiegand²²⁹ wrote, “the superstructures of national counter-terrorism systems (national criminal intelligence services, national information desks, national coordination units, etc.)” – as it was provided in detail in the previous chapter – “show certain similarities” and, in addition to that, as was seen in this chapter, not only do the “superstructures” have similarities but so do the strategies, action plans, similar organisations and, in the member states, a very similar law concerned with the revocation of citizenship, all show strong similarities between them indicating convergence. However, it is agreeable that “the cultures and working procedures” are different in each country as Den Boer & Wiegand support²³⁰ which at the same time indicates the existence of divergence considering the differing methods of policy implementation on the national level. As Brickman said²³¹:

What is legislated in one country corresponds to administrative action in another. One country accord to courts a continuous role in policy making that is unknown elsewhere. Regulatory outcomes take the form of legally

²²⁸ Knill, C. (2005). Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors. *Journal of European Public Policy*, 12(5), 764-774.

²²⁹ Den Boer, M., & Wiegand, I. (2015). From Convergence to Deep Integration: Evaluating the Impact of EU Counter-Terrorism Strategies on Domestic Arenas. *Intelligence and National Security*, 30(2-3), 377-401.

²³⁰ Ibid.

²³¹ Brickman, R., Jasanoff, L., & Ilgen, T. (1985). *Controlling Chemicals: The Politics of Regulation in Europe and the United States*. Ithaca, NY: Cornell University Press.

binding rules in some countries and informal agreements between industry and government in others.

In a more general sense, after describing and examining the numerous measures, policy convergence is determined to be present – from observation – since there is a common policy goal²³², to prevent and combat terrorism. Commonalities are present in policy objectives²³³ which are: prevention of radicalisation, terrorist financing, protection of borders, citizens and properties and in policy instruments²³⁴ such as very similar plans/strategies (Counterterrorism strategy, plan to counter terrorism), laws (on weapons and on confiscation of passports) and the creation of identical or similar organisations (Counterterrorism Coordinator, FIU and Tracfin, PNR). Additionally, it was noticed that – as the theory of σ -convergence also supports – the areas in which the EU and member states could possibly take measures in order to combat terrorism lacked diversity since there were only a limited set of areas to be tackled, leading to similarity in policies and thus to convergence. At the same time, convergence in the policies was created by the “imposition” of the EU that has put pressure on the member states to implement certain policies such as the PNR and the monitoring of external borders. The communication (exchange of information and knowledge) between the three subjects of this paper and the nature of their relations as members of an international union (EU), the Netherlands, France and the EU again result in a significant degree of general convergence.²³⁵ Notably, convergence emerges because the three share the same ideas on the purpose of dealing with terrorism and especially since the Netherlands and France are under a common union (EU) they have similar methods.²³⁶ The negotiations and discussions occurring between the three, on these issues, also creates a common foundation to problem-solve together and for their policy models spread much faster since the Netherlands and France are members of the EU.²³⁷

²³² Bennett, C. (1991). What is Policy Convergence and What Causes it? *British Journal of Political Science*, 21(2), 215-233.

²³³ Knill, C. (2005). Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors. *Journal of European Public Policy*, 12(5), 764-774.

²³⁴ Ibid.

²³⁵ “Transnational communication”.

²³⁶ “Transnational problem solving”.

²³⁷ Ibid.

Although it can be seen that there is a convergence between the EU and the member states mainly in the areas of prevention radicalisation, financing of terrorism, protection of borders and citizens, preparing to respond to attacks and their aftermath, prosecution of terrorists, the increase of information sharing and cooperation, there is also a certain national divergence. This occurs due to the fact that the EU does not have full competences in all areas and does not have the right to “impose” whatever it desires onto the member states. National sovereignty allows the countries to have their own ways of handling situations and issues. Equally as important, is the fact that in some cases, in some countries, certain actions might be problematic to implement, and they cannot align themselves with the EU’s actions. Even though the three of them have similar priorities and the focus lies in common areas, it is still clear that each country and the EU have different reactions and focus on different topics, which can be shown from the differences in the legal perspective between the Netherlands and France in which they do have similar laws but for instance France has many more laws with different functions that do not necessarily match those of the Netherlands. Moreover, France’s attention to radicalisation is significantly more intense and extensive than the Netherlands, showing again a small degree of divergence.

7. Conclusion

From the start of the paper, the main aim was to determine the degree to which the EU, France and the Netherlands show policy convergence in regard to terrorism. Due to the vast scope and intricacies of such a question a groundwork of explanations and definitions for the concepts concerned needed to be laid out i.e. terrorism and convergence theory. Though this task may seem trivial at first glance, the research quickly shows that the idea and definition of terrorism is neither universally defined nor universally applicable for all fields, instead the observation is made that each field involved in a given facet of terrorism uses a definition that differs to either small or large degree. The differences of these definitions given in this paper are most apparent between the legal and political science approaches – but also internally within these approaches – since these two fields are most relevant to the subsequent analysis of the paper. Through the identification of the different definitions, a general conclusion can be drawn regarding what terrorism is and what it involves. In most

cases, this general definition is acceptable in all fields and is sufficient for the subsequent work conducted in this paper though a more focused definition along with a more “field specific” paper (for example legal thesis) would of course yield more specialised results.

The second component of the groundwork is the theory of convergence which, like terrorism, is a broad topic with no single universally accepted approach though in this case its definition is quite straight forward. At the most obvious level, the approaches can be separated into qualitative and quantitative where the qualitative approach was ultimately used in this paper due to its added flexibility with topics such as policies and measures.

With these foundations explored and defined it is possible to examine and understand the countless policies implemented by the three subjects of this thesis – the EU, France and the Netherlands. In general, the different (common) actions taken by the EU, France and the Netherlands are firstly, the use of the legal framework by creating new Directives and Regulations (on the EU level) and amending and/or creating new laws on the national level. A variety of policies have been taken ranging from strengthening pre-existing measures; increasing the roles and functions of various existing organisations; small but important measures and emphasis such as the importance of information sharing, cooperation with EU and other member states, the protection of public spaces, the increase of the border securities; to the creation of new organisations, systems and bodies, to developing plans and strategies with specific areas of intervention or axes; and they even found a way to include the educatory area, stakeholders, healthcare sector and others to help in the process in various different ways. It was observed that the number of policies and laws created and amended, as well as the use and strengthening of existing ones, it could be said that the EU, France and the Netherlands have comprehended that terrorism does not come from one specific source, cannot be easily predicted and cannot be tackled only by targeting individuals or by focusing on preventing terrorist attacks but instead must be addressed through policies in a variety of areas, by for example tackling of terrorist financing and radicalisation which although very different aspects, both play integral roles for terrorists’ intentions.

It is clear that even though much time has passed since the period of the adjustments began, there is evidence from discussions, meetings and proposals that their efforts are on-going and the policy creations have not stopped in the sector of terrorism even though there

are no recent terrorist attacks, this sector is still at the forefront of policy creation. Several remarks have been made regarding the measures and policies taken, that the two member states have supported the fact that they made use of available tools provided by the EU such as freezing assets of individuals related to terrorism; the improvement of security checks in airports; a stronger information-sharing between the member states in general and the EU; the implementation of the PNR and new rules to fight the financing of terrorism and money laundering. The EU used and strengthened pre-existing organisations and systems; has created three new bodies; one strategy; one Directive and two regulations. The Netherlands has worked hard with the use and strengthening of various existing organisations and tools, the creation of two organisations between 2014-2017, has created two strategies and enacted two new laws. France has done an extensive work by also using and strengthening various existing organisations and tools, has created two action plans between 2014-2017 and three more in 2018, created two bodies; has published 6 laws and was the one that aimed the most at finding ways to prevent radicalisation.

As shown in the paper, by the end of the period examined, there is significant similarity on the terrorism related measures of the subjects (EU, Netherlands, France). Convergence is not just shown by similarities but the increase of those similarities or the number of common points as time passes. This convergence has indeed been shown since, as is the case with Tracfin which was created in 1990 (France) with EU and Netherlands equivalent system having been created in the years 2002 and 2008 as well as the creation of the EU Counterterrorism Coordinator in 2004 that was created in 2015 in the Netherlands and in France in 2017 which indicate that even though one of the subjects created the measure long before the others, there is an eventual convergence since the other subjects create matching measures in later years – within the time period examined. The number of new policies created for each party related to terrorism also exhibit noticeable similarities in their aim, strategies, plans, scope or approach in the various policy application areas (i.e. radicalisation, terrorist financing, border control) which strengthens the opinion that at least in the period 2014-2017, these parties are on a general converging path in these policy areas.

Having seen and collected such a large portion of each subject's actions in this time frame, it was anticipated that there would indeed be convergence, however its extent was initially undetermined – though it was expected to be above average. A preliminary

conclusion is that there is convergence between the countries and the EU as a union, but this conclusion shows convergence between the EU the Netherlands and France, without considering the role that European integration plays. At times, it is unfortunately impossible to find policies or even expect that policies will exist on both the EU and national levels, for instance the national policies of the Netherlands and France regarding revocation of passports, since their application would either be impossible, or simply invalid since, for example, there is no such thing as an EU passport/identification document thus making its revocation on an EU policy level, infeasible. In order to definitively confirm the existence of policy convergence between the EU and its member states and thus policy convergence in a greater selection of countries, an analysis of more countries should be made. For a more quantifiable and statistically rigorous outcome, convergence analysis methods briefly described – such as “ σ ” and “ δ -convergence” – can be utilised, though quantitative analysis was not the aim of this paper. Following a qualitative analysis and discussion involving direct comparisons between various policies, measures etc. implemented or discussed by each party, the degree of convergence increased with every comparison. Ultimately, it is shown that there is a significant and undeniable degree of convergence which although not quantifiably ranked, is deemed to be a high level of convergence.

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Appendices

Table 1: EU organisations (as mentioned in their original websites)

Organisations	Date of establishment	Role
SIS (Schengen Information System)	<ul style="list-style-type: none"> • 1996 • 2013 was updated from SIS I to SIS II giving the possibility for EU member states to monitor citizens and migrants entering or residing in the EU 	<ul style="list-style-type: none"> • Created to enable and enhance cooperation of the authorities responsible for border control and law enforcement and supports them in their task through the management of the information providing alerts regarding various people and objects that are missing or wanted • Provides the EU Member States and third countries with an overview of the people registered in the system by the EU Member States, and which are to be traced or denied access to the EU • Other data recorded are stolen or lost vehicles, firearms and identity documents, enabling authorities to check whether citizens possess ‘suspicious’ items or documents, making the pursuit of criminal or unwanted third country nationals possible within EU territory • Purpose to ensure the secure exchange of information in the Schengen Area and its countries by cooperating with them as well as “police, customs, external border control and judicial authorities”, especially after the creation of the Schengen Area • Protect the external borders • Security, surveillance and maintenance
Eurojust (European Union’s Judicial Cooperation Unit)	<p style="text-align: center;">2002</p>	<ul style="list-style-type: none"> • Objectives: terrorism, drug and human trafficking, money laundering • Supports the member states • Intermediary body between at least two countries that wish to collaborate in “investigations and prosecutions” for “serious crimes” affecting member states • Assist “competent authorities” of the member states by creating a framework to enable and improve “international mutual legal assistance and the implementation” of laws and agreements such as those that apply to extradition matters
Counter-terrorism Coordinator	<ul style="list-style-type: none"> • 2004 (position created) • 2007 (Gilles de Kerchove, 1st) 	<ul style="list-style-type: none"> • Ensures EU contributes significantly in the field of terrorism • Assist the Council to organise its counterterrorist efforts such as overseeing

	coordinator appointed)	the application of “EU counter-terrorism strategies”
Frontex	<ul style="list-style-type: none"> • 2004 established by the Council Regulation (EC) 2007/2004 with the name of European Agency for the Management of Operational Cooperation at the External Borders • 2016 was replaced by Regulation (EU) 2016/1624 establishing the European Border and Coast Guard Agency with the aim of being capable of coping with, and confronting, new challenges through an increase of the organisation’s responsibility and reach 	<ul style="list-style-type: none"> • Protection and monitoring force • Protection and safeguarding the external borders • Protection and maintenance of “security, justice and free movement” within their domain (i.e. Schengen area of the EU) • Maintenance of strong external borders • Collection and analysis of data from people entering the EU illegally which is then given to Europol and the relevant “national law enforcement” bodies for them to utilise • Data processing regarding the status of the EU’s external borders and the surrounding countries – they pass on any useful information to the appropriate member states, authorities and institutions • Policy of sharing relevant data with various concerned organisations and if necessary, acts in a supporting role for member states with the intention of preventing or at least minimising common “cross-border crimes” such as “smuggling, human trafficking and terrorism”. • Key agency in the application of the “common risk indicators” regarding terrorists, • Supports member states with the help of Europol to maintain and improve security at the external borders with one of their main goals being the prevention of terrorism and other related crimes. <p>Recent development:</p> <ul style="list-style-type: none"> • The “Management Boards” of Frontex and Europol have accepted the responsibility, during a meeting in 2018, to strengthen their cooperation thus strengthening their efforts in tackling terrorism by, for example, increasing the degree of information sharing between the two as well as their efforts to create “common procedures”.
Europol (European Union Agency for Law Enforcement Cooperation)	2009	<ul style="list-style-type: none"> • Support member states in the fight against various crimes such as “terrorism, cybercrime” etc. • Works and cooperates with organisations and countries in the international sphere • “Support centre of law enforcement operations”

		<ul style="list-style-type: none"> • “A hub for information on criminal activities” • A source of “law enforcement expertise” • Secondary role: conducts and publishes evaluations and reports that can be helpful in the analysis and investigations of crimes such publications are: EU Serious and Organised Crime Threat Assessment (SOCTA); EU Terrorism Situation and Trend Report (TE-SAT); Internet Organised Crime Threat Assessment (iOCTA); Europol Review.
<p>Exchanging Criminal Record Information System (ECRIS)</p>	<ul style="list-style-type: none"> • 2012 • 2018 discussions and publications on the idea of adding updated regulations to ECRIS and again very recently in April 2019 	<ul style="list-style-type: none"> • information exchange database in which national authorities can input information on their national level “regarding criminal convictions of EU citizens in the EU” but also for third-country nationals • No general process or mechanism exists to allow this information efficiently and “effectively”. • Information can be exchanged between the EU countries, but the structure of the system is decentralised meaning that each member states must save all information regarding their citizens. • The new rules focus on the development of possibilities for the sharing of the information of third-country nationals as a proposition of creating a centralised system for third-country nationals in order to facilitate the information exchange of criminal activities committed by third-country nationals in the EU. • Upon the acceptance of the package detailing the structure, data to be held, and access restrictions for the ECRIS system, the legal aspect of the process is completed, with the only remaining steps being the formal signing of the regulation and directive (i.e. the package), followed by a determination by the Commission to set the date by which the ECRIS-TCN system will need to be functional – including preparatory time allocated to the member states and eu-LISA.

Table 2: Europol's sub bodies and systems (as mentioned in their official websites)

Bodies	Date of establishment	Role
Europol's operational centre	No data available	<ul style="list-style-type: none"> Data exchange among Europol, Member States and third parties
European Cybercrime Centre (EC3)	2013	<ul style="list-style-type: none"> Strengthens the law enforcement response to cybercrime in the EU Helps protect European citizens, businesses and governments from online crime.
Joint Cybercrime Action Taskforce (J-CAT)	2014	<ul style="list-style-type: none"> Drives intelligence-led, coordinated action against key cybercrime threats and top targets by stimulating and facilitating the joint identification, prioritisation, preparation and initiation of investigations.
European Counter Terrorism Centre (ECTC)	2016	<ul style="list-style-type: none"> An operations centre and hub of expertise that is a central part of the EU's efforts to enhance its response to terror/that reflects the growing need for the EU to strengthen its response to terror.
European Migrant Smuggling Centre (EMSC)	2016	<ul style="list-style-type: none"> Supports Member States in targeting and dismantling the complex and sophisticated criminal networks involved in migrant smuggling.
Intellectual Property Crime Coordinated Coalition (IPC3)	2016	<ul style="list-style-type: none"> Is central to the EU's efforts to stem the tide of intellectual property crime within and outside the EU.

Systems	Date of establishment	Role
European Information System	2005	Europol's central criminal information and intelligence database.
Secure Information Exchange Network Application (SIENA)	2009 2017 – access extended	A state-of-the-art platform that meets the communication needs of EU law enforcement.
Europol Platform for Experts (EPE)	No data available	A secure, collaborative web platform for specialists working in a variety of law enforcement areas.

Table 2: Netherlands policies (as mentioned in their official websites)

General measures	<ul style="list-style-type: none"> • Cooperates with the Council of Europe • Cooperation with the Organisation for Security and Cooperation in Europe • In its “EU Presidency” from January to June of 2016, advocated for the application of a Road Map in an effort to improve EU-wide “information exchange
International cooperation	<ul style="list-style-type: none"> • Partnership with Morocco: have co-chaired the ‘Foreign Terrorist Fighters’ working group of the Global Counterterrorism Forum (GCTF) since December 2014 • Takes part in the following: <ul style="list-style-type: none"> • Global Counterterrorism Forum (GCTF) of the United Nations • North Atlantic Treaty Organisation • Global Initiative to Combat Nuclear Terrorism • International Centre for Counterterrorism (situated in The Hague) • Is the leader of the following institutions crated in the spirit of the GCTF: <ul style="list-style-type: none"> • International Centre of Excellence for Countering Violent Extremism (in Abu Dhabi) • Global Community Engagement and Resilience Fund (in Switzerland) • International Institute for Justice and the Rule of Law (in Malta)

Table 3: Netherlands organisations (as mentioned in their official websites)

Organisation	Date of establishment	Role
Royal Netherlands Airforce	1953	<ul style="list-style-type: none"> • Military body • Surveillance of air space of the Netherlands to ensure its security • A list of methods and equipment used to maintain safety can be found on their webpage, including – as stated in their official webpage: <ul style="list-style-type: none"> • Fighter aircraft which are on stand-by for the protection of Dutch airspace • Patrol aircraft to fulfil coastguard duties • Transport helicopters extinguish large fires as well as transport persons and materials in the event of serious incidents • Combat helicopters to support criminal investigation operations conducted by the police or the Public Prosecution Service •
General Intelligence and Security	2002	<ul style="list-style-type: none"> • “conducts in-depth investigations to gather intelligence material” enabling timely intervention to

Services of the Netherlands (AIVD)		<p>prevent “risks and threats” evolving into situations or actions that could threaten national security</p> <ul style="list-style-type: none"> • Cooperation with national organisations (especially with police Regional Intelligence Units (RIDs)) and • Cooperation with international organisations granting them (national and international organisations) access to important information to facilitate the joint development of “insights” and approaches to reinforce national security • AIVD is governed by the Intelligence and Security Services Act (WIV) entered into force in 2002
Police	–	<ul style="list-style-type: none"> • surveillance of individuals with possible connections to terrorism or who are deemed to be a terrorist threat • cooperation with other bodies or organisations such as the DSI formed through the cooperation of specialised police and military forces, with the aim of capturing or, “in the most extreme cases”, assassinating them
National sanctionlist terrorism		<ul style="list-style-type: none"> • List of people or organisations which: • have been connected to terrorist activities • whose assets have been frozen as a result of this connection • Purpose is to be general repository of information accessible not only to Dutch and non-Dutch governmental entities but also to the general public
Expertise Unit on Social Tensions and Radicalisation	2015	<ul style="list-style-type: none"> • Helps “professionals and municipalities” • Builds up good relations with “networks in different communities” • Focuses on “preventing radicalisation, reducing social tension between groups and promoting social stability”
Association of Netherlands Municipalities (VNG)		<ul style="list-style-type: none"> • VNG created in 2015 an “information centre and forum” in which various members including the municipalities could write and exchange in their “experiences and knowledge” and especially the municipalities could pose “questions about radicalisation”.

Table 4: France’s general policies under the area of radicalisation

Bodies involved in the training programme for radicalisation	<ul style="list-style-type: none"> • Mission interministérielle de vigilance et de lutte contre les dérives sectaires (MIVILUDES) (Interministerial Mission of vigilance and fight against sectarian aberrations) • Unité de coordination de la lutte antiterroriste (UCLAT) (Coordination Unit for the fight against terrorism)
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	<ul style="list-style-type: none"> • Direction des libertés publiques et des affaires juridiques (DLPAJ) du ministère et les associations (Directorate of Civil Liberties and Legal Affairs (DLPAJ) of the Ministry and associations) • Comité interministériel de prévention de la délinquance et de la radicalisation (CIPDR) (the Interministerial Committee for the Prevention of Delinquency and Radicalization)
Idea of an e-training	Establishment of an e-training around several videos on the main topics related to radicalization (processes, reporting, mental influence, etc.) could sensitize more actors. It could also be deployed to services in French-speaking countries
Radicalised people that live in an open environment	<ul style="list-style-type: none"> • Radicalised people that do not go to prison and live in an open environment are placed under the control justice and are followed by the insertion and probation services (services d'insertion et de probation) (SPIP). • They benefit from support for professional integration • They are accompanied by a reflection on their actions and on secularism. • The Prison Service integrates "support" pairs into SPIPs. These pairs: <ul style="list-style-type: none"> - Associate psychologists and educators with SPIP agents. - Are designed to support professionals, helping them analyse their practices and train them. - Contribute to the design of individual and collective care programs, in cooperation with the voluntary sector. • The plan to fight against radicalization announced by the Minister of Justice, Minister of Justice, on October 25, 2016, reinforces this multidisciplinary approach, with the recruitment of 40 new pairs. • "Support" pairs, psychologists and educators are associated with SPIP agents, which pairs are designed to support professionals, helping them analyse their practices and train them. The support team is also mobilized to contribute to the design of individual and collective care programs, in cooperation with the voluntary sector.
Phases of those radicalised	<ol style="list-style-type: none"> 1. Deconstruction: <ul style="list-style-type: none"> • Involves the accompaniment of psychological or psychiatric care. • Must identify the personal factors that led to radicalization and mobilize professionals involved in the field of mental health and psychological care 2. Reconstruction: <ul style="list-style-type: none"> • Involves actions to be developed that will allow for the implementation of an individualized integration path, in order to avoid the risk of a new downturn. • Use of educational, social and professional support
Importance of education, the 4 axes based on the policy of the Ministry of National Education	<ol style="list-style-type: none"> 1. Prevention i.e. The school must be the guarantor of the emancipation of the young person so that she/he is able to discern the dangers, for herself/himself and for others, of extremist discourses. 2. Tracking and reporting

	<p>3. Monitoring of young people in the process of radicalisation</p> <p>4. Training and research in the educational level.</p>
Proposals the EU	<ul style="list-style-type: none"> • France has been giving various proposals to revise the 4th “anti-money laundering” directive with the goal to improve the tools of the EU in combatting terrorist financing. • In its draft revision, the French authorities had the most requests such as the strengthening the rules upon electronic money, increasing and harmonising financial intelligence units and the allowance for the EU to freeze the assets of terrorists whose assets have not been frozen under the UN.
Financial contribution	<ul style="list-style-type: none"> • Increase of budget allocation (for the period 2012-2017), to the Council of International Fellowship (CIP) which is: <ul style="list-style-type: none"> - International exchange programme of social workers, educators, socio-cultural animators, psychologists among others. - The organisation might not seem as a direct impact to radicalisation, but it can indirectly influence those at risk of being radicalised by introducing a multicultural and international atmosphere.
Organisations that further the support of parents for their children in terms of learning, socialising and discussing between other methods to protect their children from being radicalised	<ul style="list-style-type: none"> • Les Maisons des Adolescents (MD) (The Teen Homes) • Les points d’Accueil Écoute Jeunes (PAEJ) (The Youth Listening Points) • Écoles des Parents et des Éducateurs (EPE) (School of Parents and Educators) • L’Union Nationale des Associations Familiales (UNAF) (National Union of Family Associations)

Table 5: France's organisations, systems and plans

Organisation	Date of establishment	Role
<p>Fiche-S</p>	<p>1942 a change by the signing in 2018 by Christophe Castaner (Minister of Interior), giving the mayors access to the information in certain specific cases on the radicalised citizens of their community. 2018 change signing</p>	<ul style="list-style-type: none"> • Issued by the intelligence services for anyone with potentially risky behaviour and who has been identified with a dangerous ideology i.e. <ul style="list-style-type: none"> - radicalised people, including Islamists - people linked to political movements of extreme left or extreme right, such as skinheads, or hooligans. • Information filed in Fiche-S: identity of the person and his/her background which are only used by intelligence services, police, gendarmerie such as <ul style="list-style-type: none"> - marital status - motives for research - sometimes a photograph • The Fiche-S has seen a change by the signing on 13 November 2018 by Christophe Castaner (Minister of Interior), giving the mayors access to the information in certain specific cases on the radicalised citizens of their community.
<p>REEAP Les Réseaux d'Écoute, d'Appui et d'Accompagnement des Parents (Parent's Listening, Support, and Support Networks)</p>	<p>1999</p>	<ul style="list-style-type: none"> • Aims at reinforcing, through dialogue and exchange, the competences of parents and the development of their capacities with respect and support • Co-parenting and helping parents in conflict or in the process of separation • Accompanying parents of young children • Support for parents of tweens and teens; facilitation of relations between families and • School, prevention and support for fragile families • Parents meet in different places (i.e. social centres, municipal halls) and around activities (i.e. talk group, debate conference, parent-child activities), with or without the support of professionals from the sector (family mediators, social workers) to strengthen through dialogue and exchange their ability to fully exercise their parental responsibility.
<p>CLAS Les Contrats Locaux d'Accompagnement Scolaire (Local School Support Contracts)</p>	<p>2000</p>	<ul style="list-style-type: none"> • Social centres and spaces for family meetings and mediations, support families affected by radicalisation in a similar way as the REAAP • Recent event: project created by the CLAS for the year 2015-2016

<p>FSPRT Le Fichier des signalements pour la prévention et la radicalisation à caractère terroriste (The Terrorism Prevention and Terrorisation Reporting File)</p>	<p>Created by a decree in 2015</p>	<ul style="list-style-type: none"> • "automated processing of personal data" • Counter-Terrorism Coordination Unit (UCLAT) is responsible for feeding the file. • The file is almost unknown to the general public and contains several elements including the identity of the person identified, its location, its judicial situation, even psychiatric information • Indicates possible links with other radicalised people and different appointments they may have. • It is updated regularly allowing to direct the searches especially during the period of state of emergency, thus people likely to act are monitored by the DGSJ. The Central Intelligence Service Territorial (SCRT) follows suspects "considered less dangerous" whereas the judicial police, the gendarmes and the Paris intelligence service take care of all the others.
<p>PNPR Plan national de prevention de la radicalisation" (PNPR) (National (Plan for the Prevention of Radicalisation)</p>	<p>2018</p>	<ul style="list-style-type: none"> • The plan is a result of extensive consultation conducted by the General Secretariat of the Interministerial Committee for the Prevention of Delinquency and Radicalization (SG-CIPDR) and mobilized 20 ministerial departments based on feedback on the mechanisms put in place and experiments conducted. • In order to establish this plan, an implementation assessment of the measures was included in the 2016 SHIP and an identification of the areas to be strengthened and to be dealt with under the new plan have been achieved. • It was decided to act as far upstream as possible within the school, on the internet, to look into new fields not really covered by previous plans such as <ul style="list-style-type: none"> - Business - higher education - search and downstream, to ensure continuity between prison and exit, and thus avoid "dry outings" • Draws up 60 measures in order to redirect the policy of prevention based on 5 axes: <ol style="list-style-type: none"> 1) To bring the minds against radicalisation i.e. defend values of the Republican School, strengthen the student's defence. (18 measures)

		<ol style="list-style-type: none">2) Complete the mesh detection/prevention i.e. in the administrations, in territorial communities. (14 measures)3) Understand and anticipate the evolution of radicalisation i.e. develop applied research evolutions of the radicalisation process. (5 measures)4) Professionalise local actors and evaluate practices i.e. encourage the involvement of professionals in health, social work and women's rights. (14 measures)5) Adapt the disengagement i.e. reintegration of returning minors from terrorist group operation zones. (9 measures)
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Table 6: France's laws

Law	Date	Function
Loi n° 2012-1432 du 21 décembre 2012 relative à la sécurité et à la lutte contre le terrorisme (Law n° 2012-1432 of December 21st, 2012 relative to the security and the fight against terrorism)	21 December 2012	This law that makes it possible to try French nationals who have participated in terrorist offenses committed abroad. Combined with the action of the police and intelligence services
Loi relative au renseignement (Intelligence Law)	Promulgated on 24 July 2015	<ul style="list-style-type: none"> • Establishes for the first time a legal basis in regard to the use of various techniques by the intelligence services that the Prime Minister has to approve whereas before the method was hierarchical • Some of the techniques that fall under this legislation are “vehicle markings, sound of private places (microphones), capture of computer and telecommunications data”.
Loi n° 2015-1556 du 30 novembre 2015 relative aux mesures de surveillance des communications électroniques internationales (Law n° 2015-1556 of 30 November 2015 relating to the measures of surveillance of the international electronic communications) but unfortunately)	July 2015	<ul style="list-style-type: none"> • Allows monitoring electronic communications as a way to fight terrorism (unfortunately it was not possible to find more information on this legal publication)
Loi n°2016-731 du 3 juin 2016 – art.49, article 371-6	2016	<ul style="list-style-type: none"> • A child leaving the national territory without being accompanied by a person having parental authority is provided with an authorization to leave the territory signed by a person having parental authority. • The consequences of the above measures is that from January 2017 any minor wishing to travel abroad, individually or in a collective setting (school trip, summer camp, language study trip), must have a valid exit authorisation, signed by a holder of parental authority.