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**CONTROVERSY IN COUNTER-TERRORISM POLICY:  
The Dutch Comprehensive Approach to the Jihadist Foreign Terrorist Fighter Phenomenon**

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*Author:*  
**Eline VAN WINGERDEN**

*Supervisor:*  
**Dr. Zachary SELDEN**

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## Abstract

In order to establish effective conflict policies that can help prevent terrorism, it is crucial to understand the role of the Foreign Terrorist Fighters (FTF) phenomenon. This study aims to figure out what kind of policy would be most effective in reducing the threat posed by this phenomenon and uses the Netherlands as a case study to explore its comprehensive approach to those who will potentially travel to Syria or Iraq with jihadist intentions and to foreign fighters who have returned to the Netherlands. The study will be conducted through the use of qualitative policy analysis by examining elements of the comprehensive approach to the phenomenon and reflecting on its controversy, using the five-E policy analysis approach. Hereby, the effectiveness, efficiency, ethical considerations, evaluation of alternatives, and establishment of recommendations for positive change of some aspects of Dutch counter-terrorism policy, specifically regarding FTFs. The effects of Dutch FTF-policy are difficult to measure and predict considering the novelty of the problem. This examination of Dutch policy leads to the conclusion that an individual and comprehensive approach is expected to have the highest potential to effectively minimize the threat posed by the FTF phenomenon.

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## Introduction

Europe has experienced a steady increase in jihadist extremism and terrorist attacks over the past ten years (Wensink et al., 2017). According to the latest Terrorism Threat Assessment of the Netherlands (Dreigingsbeeld Terrorisme Nederland [DTN]) – a periodic analysis report published by the Dutch National Coordinator for Security and Counter-Terrorism (Nationaal Coördinator Terrorismebestrijding en Veiligheid [NCTV], 2017) – the terrorism threat in the Netherlands is currently kept at level four, on a five-level scale, indicating there is a “substantial chance that a terrorist attack could occur.” The report states that the threat posed by jihadist terrorists is the main reason for the current threat level. The threat continues to remain at the second-highest level due to the recent jihadist terrorist attacks in other Western European countries, such as France, Belgium, and Germany; however, the threat is currently not considered to be at level five, as there is no concrete evidence that terrorists are preparing an attack (NCTV, 2017).

A significant component of this threat is the danger caused by the phenomenon of Foreign Terrorist Fighters (FTFs). The United Nations Security Council defines FTFs as “[...] nationals who travel or attempt to travel to a State other than their States of residence or nationality, and other individuals who travel or attempt to travel from their territories to a State other than their States of residence or nationality, for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training, including in connection with armed conflict” (Security Council resolution 2178). This paper will focus explicitly on jihadist FTFs who travel or attempt to travel from the Netherlands to Syria and Iraq in order to partake in jihad, which they consider to be the struggle or fight against the enemies of Islam, and do so by joining extremist organizations such as Daesh, also known as Islamic State

(IS) (Bakker & De Roy van Zuijdewijn). For this paper, I will use the term “Daesh” as opposed to “Islamic State” or “ISIS,” as it does not acknowledge their self-proclaimed caliphate, and therefore questions the legitimacy of the terrorist group. This paper explores how the Netherlands deals with FTFs and the threat they pose to society. While the estimated number of FTFs fighting for Daesh in Syria and Iraq varies from source to source, the average can be estimated around 25,000 to 30,000 FTFs (El-Said & Barrett, 2017). According to Van Ginkel et al., an estimated 4,294 FTFs from 26 European countries have joined Daesh (2016).

Daesh fights to expand the territory of its self-proclaimed caliphate and has claimed responsibility for several terrorist attacks in the West that were carried out by lone wolves. Considering an international coalition consisting of 75 partners has united to defeat the militant organization and is making significant progress in degrading Daesh’s capabilities (“Military Progress,” 2017), the organization’s main threat is posed by the FTFs who have traveled to Iraq and Syria and are expected to return to their countries of residence in increasing quantities (Van Ginkel, 2017). Although FTFs currently represent a minority of attackers in Western countries, the threat posed by returned FTFs could increase as Daesh continues to lose power and territory in Syria and Iraq. Returned FTFs are often traumatized and radicalized and could, therefore, intend to carry out a terrorist attack in their home country.

According to the Dutch General Intelligence and Security Service (Algemene Inlichtingen- en Veiligheidsdienst [AIVD]), it is estimated that 285 Dutch people have traveled from the Netherlands to Syria and Iraq since 2012, of which approximately 60 have been killed, 50 have returned to the Netherlands and 180 are still abroad (“Uitreizigers, terugkeerders en thuisblijvers” [travelers, returnees and home-stayers]). The Dutch government has adopted a comprehensive

policy approach to the FTF phenomenon and counter-terrorism in general, meaning that multiple disciplines collaborate in addressing the issue (Van Ginkel et al., 2016).

While it is not a new phenomenon (Schmid & Tinnes, 2015), the large quantity of FTFs fighting for Daesh calls for careful consideration of an effective approach to the issue. Since the situation of Daesh and similar terrorist organizations in Iraq and Syria continues to evolve and their recruitment of FTFs is a diverse issue, the methods used by the West to counter the threat of FTFs must be designed accordingly, and designed and re-considered continuously. The increasing quantities of FTFs challenge the Netherlands as to how to handle their return, leading to controversial discussions among civilians, councils, and within the government and the criminal justice system. The controversies involve questions surrounding predicted effects and potential risks of implementing specific soft and hard measures.

In order to analyze what kind of approach to potential and returned FTFs minimizes the threat posed by the FTF phenomenon most effectively, this paper will analyze counter-terrorism policy of the Netherlands, and specifically its comprehensive approach to the FTF phenomenon, the controversy surrounding this topic, and its areas for improvement. First, literature surrounding this topic will be reviewed. Then, after explaining the research design of the study, more information on the comprehensive approach and Dutch counter-terrorism policy regarding FTFs will be provided. This analysis will eventually lead to a discussion around the controversial elements of the current approach in the Netherlands, the risks that are taken, and what could be improved in order to most effectively minimize the threat posed by the FTF phenomenon. Additionally, the paper will touch on the unpredictability and effectiveness of the issue that is growing in intensity. Lastly, it will be concluded that the study argues for a comprehensive approach to the issue.

The answer to how the FTF phenomenon should be approached in order to reduce the threat posed by FTFs can help create policies that effectively prevent terrorism in Western countries. In order to design these counter-terrorism policies successfully, there must be more knowledge of the effects and risks of such approaches. This paper uses the example of how Dutch national and local policy approaches the jihadist FTF phenomenon in a comprehensive and individual manner, and how the government hereby reduces the risk of a returned FTF carrying out an attack in the Netherlands. Despite the global scale and context of the issue, an individual and comprehensive approach to potential and returned FTFs is needed on a national and a local level in order to most effectively minimize the threat posed by the FTF phenomenon.

## Literature Review

The threat posed by the FTF phenomenon raises concern among the Western public, however, the efficiency and effects of certain approaches to the topic remain under-researched. The lack of knowledge on this topic is a result of the difficulty of determining which approach is most effective as it is complicated to identify a causal relationship between the level of threat or amount of terrorist attacks occurring in a country and the approach the country takes toward the FTF phenomenon.

Most research has been conducted on the FTF phenomenon itself, rather than desirable approaches toward it, providing valuable information on the topic that needs to be taken into consideration while designing counter-terrorism policy. As part of that category, some studies focused on the general understanding of the FTF phenomenon and of FTFs in particular. As such, El-Said and Barrett (2017) conducted a study to enhance the understanding of the FTF phenomenon in Syria by investigating the profiles of FTFs, their motivation for traveling and their motivation for returning. A study by Borum and Fein (2017) on the behavioral and social aspect of the phenomenon touches on the psychology of FTFs, arguing for a developmental view of involvement of FTFs in the conflict. Understanding the motives of FTFs to radicalize and travel, allows for greater insight into the key aspects that should be targeted in preventative counter-terrorism policies and strategies.

Some studies that discuss the FTF phenomenon itself focus on the impacts of it. In their study (2015), Bakker and De Roy van Zuijdewijn investigate the impact of the FTF phenomenon on European societies by exploring four themes: violent occurrences associated with FTFs; the responses to these incidents by authorities and politicians; anti-Islam reactions to this violence; and public opinion. They consider the threat posed by FTFs to be social and political, with a high

impact on society (2015). De Roy van Zuijdewijn (2014) discusses different pathways that returned FTFs have taken in the past and attempts to establish the threat posed by FTFs who return from Syria based on an analysis of similar historical cases. She uses the case studies of Afghanistan, Bosnia, and Somalia in order to determine how likely returnees are to carry out an attack in the West. Reed et al. (2017) points out how the threat posed by the FTF phenomenon can be split up into four dimensions, making it a multidimensional issue: FTFs who travel to their desired destination; FTFs who have returned to their countries of residence; lone actors and jihadist sympathizers who carry out the attacks in their countries of residence; and the polarizing society.

Other researchers focused their study of the FTF phenomenon particularly on the case of the Netherlands, discussing Dutch potential travelers and returnees. Weggemans et al. (2015) examined the daily lives of Dutch FTFs who have traveled to territories in Syria controlled by Daesh and other jihadist groups. The study addresses the training and deployment of the FTFs; policies, administrative structure and social conduct control established by the jihadist organizations; and the financial aspects of FTFs' daily lives while abroad. This study focuses on the phenomenon rather than on the appropriate approach to it.

Some studies examine the challenges of the FTF phenomenon for Western societies. For example, Kim Cragin explores how the increasing number of returnees from Syria and Iraq will continue to challenge law enforcement, intelligence services, and other security officials in the West (2017). He argues that the security sector is not prepared for the threat posed by the high number of returnees. These challenges described by experts show how difficult it can be to develop an approach to the phenomenon that effectively minimizes the threat posed by FTFs. Therefore, there has been a discussion by scholars on what approach will be most efficient and should be used by countries.

While most research talks about the FTF phenomenon, some studies have taken the investigation to a further level, analyzing different approaches to the issue by using specific case studies and proposing particular strategies to governments and international organizations like the United Nations.

Schuurman & Van der Heide talk about the challenge posed by FTF phenomenon and argue that a reintegration-based approach to the returnees is a difficult and controversial issue, demonstrating the different angles to view this approach (2016). However, they say that the expected increase of returning FTFs will demand reintegration capacity. These reintegration and rehabilitation policies are also discussed in Jawaid's study (2017) in which she argues that the restrictive measures that European countries have taken against returnees will lead to dissuasion of unthreatening young people who have not radicalized, as well as alienation and marginalization of Muslim communities in Western countries, which are consequences that may exacerbate the issue. Reed & Pohl (2017) argue that since the FTF is a multidimensional issue – as was mentioned earlier in Reed et al. (2017) – it should be approached comprehensively because the targeting of one of these dimensions may affect one of the other dimensions. Silverman (2016) uses the case study of the United Kingdom for her argument that a community engagement approach is needed in order to strengthen counter-terrorism efforts and criticizes the U.K. government for current weaknesses in its approaches to community engagement, as strong community engagement can improve the efficacy of community counter-terrorism capacity. Using the case study of the 2016 Nice attacks, Van Ginkel (2016) argues that France was lacking the rehabilitation and reintegration programs needed alongside the criminal justice approaches. Curtis et al. (2016) call for a focus on intelligence services, stating that intelligence is the key to shutting down the flow of FTFs and

that, since the FTF phenomenon is a global threat, the United States and its allies need to take greater security and intelligence measures and collaborate in this field.

Specific studies specifically focus on the Dutch comprehensive approach to the FTF phenomenon. For instance, Paulussen (2013) discusses how the Netherlands handled the problem in 2013, the year in which the government raised the threat level from “limited” to “substantial,” based on the fact that since 2012, the number of FTFs traveling from the Netherlands to Syria increased significantly. It demonstrates how the Netherlands responded to this trend and can show us how the country has developed its approach toward the issue since. In an extended report, Wittendorp et al. (2017) compare the cases of Netherlands, Belgium, Denmark, Germany, France, the United Kingdom and the United States in order to demonstrate how each country tackles the jihadist traveler problem. Another comparative study (2016) is that of Boutin, who looks at the administrative measures against FTFs taken by the Netherlands, France, and the United Kingdom, critically assessing the impact of these administrative measures on the protection of human rights.

In order to analyze current Dutch policy, we must examine how threat assessment and the implementation of soft and hard measures are taken into consideration. On the grounds that there is disagreement among scholars on whether to use soft, hard or comprehensive measures and considering the diversity of theories on which approach to the FTF phenomenon is most effective, this research will attempt to expand on this complicated matter.

In order to answer the questions “How should the FTF phenomenon be approached in order to reduce the threat posed by returned FTFs?” and “How does the Netherlands deal with FTFs and the threat they pose to society?” this study analyzes the information on the policy program of the Netherlands provided by the National Coordinator for Security and Counter-Terrorism, the

General Intelligence and Security Service, and aforementioned studies in order to provide a broad overview of the current Dutch comprehensive approach to the FTF phenomenon. In addition, the Dutch comprehensive approach will be compared to other forms of strategies used in the past and by other countries in order to draw conclusions on the potential and anticipated efficiency of those approaches. This research will be an important next step in our understanding of how the FTF phenomenon should be approached, as it will clearly demonstrate why the comprehensive approach is most effective in minimizing the threat posed by FTFs, based on an analysis of comparison to other approaches, as well as areas for improvement and findings that could serve as lessons for the establishment of future counter-terrorism policies and programs.

## Methodology

In order to find out how the FTF phenomenon should be approached to most effectively minimize the threat it poses to Western societies and how it is approached by the Netherlands, it was most appropriate to use the methodology of qualitative policy analysis regarding the FTF-policy of the Netherlands. I looked at how the Netherlands handles the FTF phenomenon and discussed the controversy surrounding several elements of this policy, in order to determine the anticipated effects of the approach and explore its limitations and strengths. The case study of the Netherlands was used as an example of a well-developed and broad comprehensive approach. This case provided an example of an effective response to the FTF problem since no terrorist attack has been carried out in the Netherlands so far, while the threat posed by returning FTFs is increasing and the Netherlands has recently been mentioned more often as a potential target of jihadist terrorist organizations. The lack of terrorist activity in the Netherlands, as opposed to several surrounding countries, suggests that the Dutch comprehensive approach has, so far, limited the FTF threat effectively.

Each sort of approach affects the level of threat posed by returned jihadist FTFs in a Western country differently. Therefore, the terrorist threat posed by FTFs to Western societies is the dependent variable in this study. This dependent variable is affected by certain approaches, policies, and strategies of countries in response to the phenomenon, operating as the independent variables.

Most sources used for this study are written by scholars and policy advisors who conduct research commissioned by the International Center for Counter-Terrorism, the United Nations Security Council and other similar organizations that have the goal to increase the general understanding of topics related to terrorism and improve counter-terrorism strategies. Publicly

accessible sources on policy information provided by the Dutch National Coordinator for Security and Counter-Terrorism and the Dutch General Intelligence and Security Service was used for the Dutch case study.

Most information on counter-terrorism strategies in the Netherlands is open access, which helped to conduct this research. Another beneficial factor is that the International Center for Counterterrorism is located in the Netherlands, giving me access to a number of Dutch scholars and their work. The internal validity can be ensured as trustworthy sources were used, considering that most research was conducted for thinktanks and organizations that specialize in counter-terrorism policy and programs. External validity was attempted to ensure through comparative analysis, using other case studies besides the Netherlands. However, external validity, also known as transferability, is difficult to ensure as it is difficult to apply the findings of the research to other contexts within the same country as the situation continues to evolve. Regarding the reliability of the sources, repeated research would have resulted in the same findings, considered that the data is a form of policy that remains consistent. However, the findings might change over time, as the issue and its most effective approach depend on the political and economic context.

In order to examine the current Dutch policy, I used the Five-E approach as a form of qualitative policy analysis, which considers the policy's effectiveness, efficiency, ethical considerations, evaluations of alternatives, and the establishment of recommendations for positive change. As part of that policy analysis, I used comparative analysis, using the case studies of France, the United Kingdom, and Denmark. These cases were chosen because they demonstrate different approaches to the FTF phenomenon than the comprehensive approach of the Netherlands. I compared these approaches to each other by looking at the different policies implemented by each case study that specifically target the FTF phenomenon, examining the sort of measures and

the focus of the approach. The comparison gave an overview of different approaches and challenges each country faces regarding the FTF phenomenon.

Some limitations of this study were the limited time frame that prevented me from analyzing long-term effects of the policy. This study merely provides a review of current policy and its predicted effectiveness. In 5 or 10 years, better studies could be conducted that can reflect on the policy today, and its effects on the growing number of returning FTFs to the Netherlands, whereas at the moment, the novelty of the extent of the problem challenges policy analysis. Another factor that should be into consideration is that this study would be strongest in combination with quantitative analysis of Dutch policy effects. However, taking into account that a qualitative policy analysis cannot be extended to wider populations with the same certainty, this analysis is limited to the case study of the Netherlands. Policy effects cannot be applied and generalized to all countries, meaning that the conclusions drawn in this study can only be applied to the Netherlands and not necessarily be applied to other countries in Western Europe.

Some strengths of this study were due to the qualitative nature of the analysis, the results are flexible to evolve and provide a holistic overview on a complicated problem which controversies could easily be overlooked in quantitative research. Focusing on qualitative analysis, I was able to provide more detailed context, discuss the controversy, and manage data that demonstrates the problem's complexity. The purpose is to understand how best to approach the FTF phenomenon, however, the controversy and effectiveness of policy is difficult to measure in quantitative research thus far.

## Results

### **The Comprehensive Approach**

The comprehensive approach toward the FTF phenomenon consists of a combination of preventive, criminal, administrative and rehabilitative measures that are taken toward returnees (Mehra 2016). This response strategy to the issue recognizes that the phenomenon cannot be handled with merely soft or hard measures and requires multidisciplinary action. Preventive measures focus on counter-radicalization of certain individuals in a country that are expected to acquire jihadist ideas and the intention to become FTFs. Criminal and administrative measures deal with the legal consequences returnees face before and upon arrival back to their countries of residence, such as prosecution, prison sentence and revocation of their nationality. The comprehensive approach combines the hard, criminal justice response to the FTF phenomenon with softer, long-term measures focused on rehabilitation and reintegration, in order to counter the threat in a broader and multidimensional context.

### ***The Netherlands***

The Netherlands has adopted a comprehensive response strategy to the FTF phenomenon in 2014 and has since adjusted the strategy every year based on trends and developments. Data on the Dutch policy is provided by the National Coordinator for Security and Counter-Terrorism in an overview of measures and actions used by the Comprehensive Action Program to Combat Jihadism (2014). The realization by the Dutch government in 2013 that its soft approach solely based on reintegration and rehabilitation techniques would be insufficient in tackling the increasing number of FTFs, led to the implementation of the current comprehensive approach. The

current approach is based on the idea that besides the prosecution of FTFs, it is important to reintegrate and rehabilitate these returnees to prevent them from further radicalization. Further radicalization could lead to returnees carrying out terrorist attacks after facing the legal consequences of their actions. The Factsheet *Approach to Returnees* provided by the National Coordinator for Security and Counter-Terrorism gives an overview of how the approach works in the different stages of an FTF's travels. The role of regional and local actors and government, especially from municipalities, educational institutions, (religious) communities, and local companies, is very important in the prevention, recognition and countering of radicalization, which is the first step toward countering the FTF phenomenon. In the Netherlands, individual cases are handled by teams consisting of public prosecutors, municipalities, the national police, and other local and national parties (NCTV factsheet *Approach to Returnees*). Appropriate interventions are considered on a case-by-case basis, which means that the comprehensive response to FTFs is handled and implemented per individual. Examples of such interventions are the revocation of passports or nationality, the use of international intelligence systems to identify and monitor travelers, arrests of returnees or suspected travelers, and child protection measures. These interventions most often happen at the first travel stages of an FTF, which is when he or she is in preparation for leaving the country of residence. The current policy states that the Dutch nationality can be taken away from an FTF with two nationalities. As it is an international right for every person to have a nationality, this does not apply to FTFs with only the Dutch nationality. A measure that can be taken to someone with only the Dutch nationality is taking their travel documents, such as their passport, which will limit them from traveling back to the Netherlands and other EU countries.

*While the FTF is abroad*

During their travels, authorities continuously gather information to build a criminal case against the returnees, so they can be prosecuted upon return. The comprehensive teams aim to detect returnees as early as possible, following the detection of an investigation carried out by the public prosecution service and the police. In some cases, the intelligence services contribute to those investigations. When considered necessary, the military police can arrest monitored returnees while they are still on their way back to the Netherlands (NCTV factsheet *Approach to Returnees*). In case an FTF intends to return to the Netherlands, they can report themselves to the Dutch embassy or consulate in the Turkey where the Dutch military police will pick them up and bring them to the Netherlands where they will be prosecuted.

*Measures to those who return*

Eventually, every returnee is arrested for questioning by the police upon arrival and every individual is prosecuted on the basis of the criminal investigation. Again, a multidisciplinary management team discusses their case and makes an individual assessment that determines the level of threat that is posed by the returnee. The team then decides which intervention is necessary to minimize the potential threat and most appropriate to the individual's case (NCTV factsheet *Approach to Returnees*). Returned children of nine years or older are considered a threat, because they have often been trained and learned to fight abroad. Those children are sent to a juvenile detention center upon arrival. Children of twelve years and above face the possibility of being prosecuted.

*Measures to those who do not return*

The Netherlands bases its policy regarding those who have not returned on the principle that although the FTF has decided to leave the Netherlands, the Dutch rule of law has not decided to leave the FTF as it does not support this decision, meaning that FTFs abroad can be put on *trial in absentia* by the public prosecution service. Their sentencing will not wait for the FTFs to return, regardless of whether they are planning to return or have been killed abroad.

Another factor of Dutch policy regarding those who have not returned is that the Dutch government and authorities will not put effort into helping with the FTFs return to the Netherlands, with no exceptions for children or women.

As opposed to countries such as France and the United Kingdom, the Netherlands prefers to use judicial measures and criminal prosecution over killing FTFs abroad and will therefore not attempt to target and kill Dutch FTFs who have traveled to Syria or Iraq.

***Hard Measure Approach***

Another response to the FTF phenomenon is the ‘hard’ response. This approach focuses on the legal measures that are taken against returned FTFs. The criminal justice response is frequently used by governments. There is no room for reintegration and rehabilitation programs, dialogue with the FTF or individual assessment based on what is most appropriate for the future of the FTF. France, for example, has focused on hard measures, such as arrests, prison sentences, revocation of citizenship, and military action against FTFs (Raczova, 2017) while neglecting softer measures.

### *Soft Measure Approach*

The other type of response used very often is the ‘soft’ response, which was used by the Netherlands in 2013 and mostly focuses on reintegration and rehabilitation measures. This approach argues for dialogue and collaboration with the FTF in order to ensure a safe integration back into society. The Aarhus model in Denmark is an example of a soft approach to the TTF phenomenon. This model “emphasizes the importance of assessing each returnee individually and when possible supporting the reintegration back into society through counseling, providing a job opportunity, accommodation and strengthening social ties. This way the returnee can become a full member of the society again, even taking on an important role in the fight against radicalization by sharing negative experiences” (Raczova, 2017).

## Discussion

There are different sides to the discussion on the best approach in order to minimize the threat of the FTF phenomenon. It is difficult to determine which approach should be used toward FTFs because it is an ever-changing phenomenon in terms of the scale, resources, context, and challenges it brings along.

### **The Five-E Policy Approach**

I will use the Five-E approach as a form of qualitative policy analysis to review the Dutch policy regarding the FTF phenomenon, which considers the policy's effectiveness, efficiency, ethical considerations, evaluations of alternatives, and establishment of recommendations for positive change. This approach examines how well a policy is predicted to work or how well it works thus far; how much work it entails, what the costs are and whether they are worth it; whether the policy is ethically and morally sound or have unintended consequences; which other approaches it has been compared to; and whether it can be actually implemented or should be adjusted or removed.

### ***Effectiveness***

One of the most crucial aspects of the policy is whether it has the effects that were intended. In the case of the Dutch FTF-policy, it is difficult to analyze its specific effects thus far, but we can make a prediction on how well it will work based on the data we have. The comprehensive approach is likely to counter the FTF problem effectively, as it targets the different dimensions of the phenomenon and does not generalize among FTFs. Although it is a global phenomenon, no FTF case is exactly identical to another, calling for a cross-sectoral response so that all possible

triggers and motives will be addressed by the interventions. Stated by Patel & Koushik (2017), “While the search [for a predictable trajectory that leads someone to terrorism or the tell-tale signs of a potentially violent actor] continues, empirical analysis has produced two definitive conclusions: there is no fixed profile of a terrorist – the process by which a person embraces violence is dynamic and involves an array of personal, social and political factors that interact with each other in complex, individualistic ways; and precisely because it is a complex mix of factors that leads to terrorism, there is no predictable path to violence. It is simply impossible to reliably assess who will become a terrorist within a population and who will not” (p. 10).

The United Nations Security Council takes the side of the comprehensive approach and indicates that the need for such an approach is required for all Member States to effectively limit the threat posed by the FTF phenomenon. To address the threat FTFs pose to Member States, UNSC Resolution 2178 (2014) requires those States to adopt appropriate criminal justice measures reflecting the seriousness of the crime. However, the resolution also underlines the importance of developing and implementing prosecution, rehabilitation and reintegration strategies for returning FTFs (Mehra, 2016). A Security Council meeting’s coverage regarding this topic states, “The Security Council recognizes that addressing the threat posed by foreign terrorist fighters requires comprehensively addressing underlying factors, including by preventing radicalization to terrorism, stemming recruitment, inhibiting foreign terrorist fighter travel, disrupting financial support to foreign terrorist fighters, countering violent extremism, which can be conducive to terrorism, countering incitement to terrorist acts motivated by extremism or intolerance, promoting political and religious tolerance, economic development and social cohesion and inclusiveness, ending and resolving armed conflicts, and facilitating reintegration and rehabilitation” (“Action Against Threat...”, 2015).

As argued by Reed & Pohl (2017), there are no quick fixes to this complex and multidimensional issue. They summarize their argument as follows, “The only way to tackle the foreign fighter phenomenon is a comprehensive approach that addresses all dimensions of the threat while focusing on its most salient aspects. Thus, a priority on rehabilitating returned foreign fighters needs to go hand-in-hand with an emphasis on security-centric measures, such as the surveillance of homegrown networks and sympathizers, to prevent both travel abroad and attacks at home.” The effectiveness of this approach is a prediction that takes evaluation of alternatives into consideration, which will be touched upon later. It should also be taken into account that the effectiveness of the comprehensive approach could change over time and should be linked to specific context and circumstances.

### *Efficiency*

A factor that plays a role in the implementation of certain policies is how efficient some specific measures are. A policy cannot be designed without taking the efficiency of the measures into account. For example, hard measures can aim to put all returned FTFs into jail upon arrival, however, the increasing number of number FTFs could be too overwhelming for the prison system of a country. Therefore, the growing number of returnees calls for other actions to be taken besides imprisonment, such as reintegration and rehabilitation.

### *Ethical Considerations*

Several topics challenge the ethical and moral dimension of the current Dutch FTF-policy. The comprehensive approach is intended to tackle the FTF phenomenon effectively and minimize the threat posed by FTFs, however, we need to consider potential unintended consequences.

Considering the novelty of the number of returning FTFs, the country is still conflicted on several of these topics. Especially with the comprehensive approach, many stakeholders, advisory groups, and different forces, support different ideologies and continue to debate on what to focus on and what elements need to be adjusted in future policies.

An important factor of the controversy surrounding the appropriate and most effective approach to the FTF phenomenon is the question what the consequences are of hard measures such as jail time, criminal sentences, and the revocation of nationality or travel documents. For example, the public prosecution service pushes for trial in absentia, whereas the judicature argues that suspects have the right to attend their own court hearing and criminal procedure. Another unintended consequence of imprisonment could be the adverse effect that solitary confinement has on radicalized and traumatized FTFs upon their return.

The Dutch government often debates whether it is the right decision to revoke the travel documents or nationality of FTFs who have left the Netherlands. Some political parties are pushing for revocation of travel documents and passports of all FTFs without criminal persecution. While the current policy clearly describes that the revocation of such documents is decided on a case-by-case basis, the political parties disagree on the effects this measure will have in the long run and question its ethical ground. Many FTFs leave the Netherlands with an idealized image of the situation in Syria and Iraq and of their intended role abroad which does not match with reality but is only realized upon arrival. Their intentions were not always to support terrorist organizations such as Daesh and some are able to escape before being brainwashed, trained, and radicalized. Those FTFs put themselves into a situation that they did not intend to end up in, and did not have bad intentions, however, they can still face the consequences of their travel documents or Dutch

nationality being taken away in case they are unable to defend themselves or provide sufficient evidence in court to prove their innocent intentions.

Another topic that leads to much controversy within the Netherlands is the question on what to do with the children of FTFs who have been taken to Syria and Iraq with their parents. While the Dutch government argues that efforts to save those children from the problematic and futile situation in Syria and Iraq and take them back to the Netherlands is the responsibility of the parents and not of the government, while agencies like the Council for Child Protection [Raad voor Kinderbescherming] argue that these children are victims of their parents' choice and should be helped. The government sticks to its principle that no FTF, including children and women, are will receive help from the government with their return to the Netherlands. The National Coordinator for Security and Counter-Terrorism argues that no European government will help any FTF to return to their home country, and that they will not make expectations. Their argument is that they provide as much as help as possible to those who need it without entering the dangerous terrorist zones the FTFs traveled to. Considering that the current policy states that FTFs will be assisted in their return if they report themselves to a Dutch embassy or consulate in Turkey, it should be questioned how facile it is for vulnerable and traumatized women and children to reach those posts in Turkey while being in terrorist zones. Children have no future other than becoming radicalized jihadist fighters and having traveled from the Netherlands, the prospect of their educational future seems problematic. Furthermore, the Council for Child Protection believes that it is the Dutch government's responsibility to help Dutch children who did not choose to travel abroad with their parents and should be considered as victims. The Council understands the government's

limitations as to entering conflict zones and proposes more help to family members with accommodating and caring for returned children.

### *Evaluation of Alternatives*

While proponents of a hard response argue that all FTFs need to be punished upon arrival back in their countries of residence because their radicalized and extremist ideals pose a threat to the Western civilization, the limitation of this response is that it is difficult to collect evidence against the FTF on their actions while abroad, complicating the assessment of their threat level and the impact of punishment on the FTF. Such measures could seem unfair to the FTF, imposing an adverse effect on the mindset of the returnee, who is most likely already racialized and has negative opinions on the West. Regarding this implication of the hard response, Raczova states “While returning fighters present a clear security threat, the motivation for many returnees is disillusionment and the desire to resume a normal life at home. If these individuals are seriously punished upon return, they may easily become victimized and go down a radicalization path that could have been avoided” (2017).

Using the case of the Nice attacks that occurred in 2014, Van Ginkel (2016) counters the argument for a hard response and criminal justice approach, stating that France was lacking the rehabilitation and reintegration programs needed alongside those criminal justice approaches. She states that besides the sentencing of FTFs, further radicalization at this time needs to be prevented and therefore calls for a comprehensive approach to the FTF phenomenon.

The Netherlands does not attempt to target and kill FTFs abroad, unlike some countries, such as France and England. This is a topic of controversy as well, as people like Rory Stewart, the British Minister of Foreign Affairs, argues for killing British jihadi fighters while abroad in

order to avoid a problem of returning FTFs to the United Kingdom. France has confirmed four times of the French military killing French FTFs abroad for the same reason. The Netherlands, however, does not want to risk targeting innocent victims, for example by the use of drones, and therefore prefers legal prosecution in the Netherlands. By killing innocent victims, the Netherlands would risk more hate towards the west and recruitment opportunity for terrorist organizations.

Proponents for a soft response argue that further radicalization of FTFs needs to be avoided and that instead of punishing them upon arrival, they need to be assisted in their reintegration into society by involving them with reintegration and rehabilitation programs. As such, Jawaid (2017) argues that the restrictive measures taken by European countries against returnees will lead to dissuasion of unthreatening young people who have not radicalized, as well as alienation and marginalization of Muslim communities in Western countries. According to Jawaid, these factors might exacerbate the issue.

However, soft measures are limited in minimizing the threat posed by FTFs, since some returnees have radicalized to such an extent that these reintegration and rehabilitation programs are no longer effective. The idea of justice also needs to be taken into consideration, as many people want returned FTFs to be punished for their participation in terrorist acts.

### **Establishment of Recommendations for Positive Change**

Even if the conclusion is drawn that a specific approach is most appropriate and predicts the most effective outcome as opposed to other approaches, areas for improvement should always be considered. Counterterrorism and the FTF phenomenon is an evolving and significantly current topic that requires continuous reconsideration and evaluation, especially with all different angles,

controversy and approaches to the phenomenon. Specifically, the legal implications of the comprehensive approach, such as the topics of nationality, travel documentation, and the FTF's children safety should be evaluated as often as possible. There is much room for improvement on this matter, as there are many questions that remain unanswered thus far. This study merely provides a speculation on what is most effective at the moment, however, it will be less difficult to predict the effects of counterterrorism policy, analyze its risks, and assess the threat posed by returned FTFs.

## Conclusion

Based on the Five-E Policy Approach, an individual and comprehensive approach to potential and returned FTFs is needed in order to most effectively minimize the threat posed by the FTF phenomenon. By discussing different approaches and analyzing controversial topics regarding policy on this matter, solely using hard or soft responses to returning FTFs limits the threat control, as every individual case is different. The multidimensional nature of the phenomenon requires a similar approach. The uniqueness of every case makes it difficult to predict the outcome of generalized policies that focus specifically on soft or hard measures. While it is important to work on the opportunities to reintegrate and rehabilitate returnees back into society, these decisions need to be made carefully. The Netherlands argues that the returnee cannot simply get away with partaking in terrorist activities, the returnee also needs to face the legal consequences of their decisions and actions.

A combination of soft measures that can give second chances to returnees and address the divides in local communities and hard measures that serve justice to the FTF's terrorist activity is more likely to minimize the threat posed by the FTF phenomenon than soft and hard approaches on their own.

The conclusions drawn are limited to the difficulty in determining the causal relationship between policy responses and level of terrorism a country has experienced. We can only assume that a specific approach has an impact on the number of attacks carried out by FTFs. One must be aware that even with a comprehensive approach, the possibility of a terrorist attack is still existent, even "substantial" in the Netherlands. These conclusions simply suggest ways in which the threat could possibly be limited, based on our current understanding of the issue. Ultimately, continued

analysis of approaches, trends, dynamics, and context would enhance our understanding of the FTF phenomenon and lead to the development of effective conflict policies that can help prevent terrorism.

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