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MA thesis

United Nations Security Council Resolution 1373

and its implementation in a Dutch context

Daan van Halsema

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S1787942

Supervisor: Dr. E. Cusumano

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Leiden University

ABSTRACT

This MA thesis investigates the impact of UN Security Council Resolution 1373 on Dutch counterterrorism policy and legislation. In this case study and policy analysis the main elements that play a role in (counter)terrorism research are touched upon to provide a conceptual basis. A theoretical framework based on the social constructivist approach is then used in order to shed light on the processes that play a role in the transposition of international agreements, in the shape of norms, into a domestic setting, Dutch counterterrorism policy. To do so this thesis draws on literature on norm diffusion to discuss how resolution 1373 is translated from the international to a domestic context. As a case study Dutch counterterrorism policy and legislation is analyzed to illustrate the conceptual process of norm diffusion. Furthermore, statistical data on UN Security Council Resolutions is used to investigate the political interest in terrorism on the international agenda.

PREFACE

To complete my MA International Relations Global Conflict in the Modern Era I decided to write my thesis on the impact of the UN on national policy, since often the UN is criticized for being a bureaucratic and symbolic institution that struggles to provide actual change on the ground. In this thesis I investigate how a UN Security Council counterterrorism resolution has impacted Dutch policy and legislation.

I would like to thank all my professors at Leiden University and a special thanks to dr. Eugenio Cusumano for his supervision, guidance and patience.

And finally, I would like to dedicate this thesis to my grandmother.

Daniel van Halsema

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LIST OF ABBREVIATIONS

AIVD	Algemene Inlichtingen en Veiligheidsdiensten (National Intelligence and Security Services)
ASTA	Ambtelijke Stuurgroep Terroristische Acties (Official Steering Group Terrorist Actions)
BVD	Binnenlandse Veiligheidsdienst (Former National Security Services)
CT	Counterterrorism
EU	European Union
IGO's	Intergovernmental Organizations
IR	International Relations
MIVD	Militaire Inlichtingen en Veiligheidsdiensten (Military Intelligence and Security Services)
NCTb	Nationaal Coordinator Terrorismebestrijding (former NCTV)
NCTV	Nationaal Coordinator Terrorismebestrijding en Veiligheid (National Coordinator Terrorism & Security)
P5	Permanent 5, (Permanent members of the United Nations Security Council)
S/RES/1373	United Nations Security Council Resolution 1373
SCR	Security Council Report (organization)
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
WIV	Wet op de Inlichtingen en Veiligheidsdiensten (Intelligence and Security Services Act)
WWFT	Wet ter Voorkoming van Witwassen en Terrorismefinanciering (Anti-Money Laundering and Anti-Terrorist Financing Act)

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“Our war on terror begins with Al-Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated.”¹

1. INTRODUCTION

The ‘War on Terror’ was declared shortly after the attacks on September 11, 2001 by George W. Bush, invoking the principle of collective defense of article 5 of NATO’s founding treaty. On September 28, 2001 resolution 1373, (S/RES/1373), a counterterrorism measure calling on all member-states to collectively fight international terrorism, was unanimously adopted by the United Nations Security Council (UNSC) (The United Nations, 2018).

This thesis investigates the role of the United Nations (UN) as a vehicle of norm diffusion by using S/RES/1373 and Dutch counterterrorism (CT) policy. The purpose of this research is to investigate how international norms translate into domestic policy and legislation. In doing so, this research draws on constructivist theory to provide a framework for analysis and highlight the underlying mechanisms that play a role in the implementation of new norms. Particularly, I will look into the Dutch approach on dealing with terrorism and investigate if, and if so, how Dutch CT policy is influenced or shaped by international norms, specifically S/RES/1373. Therefore, this research aims to answer the following question:

Can the UN be considered a successful vehicle of norm diffusion when looking at how S/RES/1373 was adopted and implemented in a Dutch context? And if so, what has been its contribution to Dutch CT policy?

Using Dutch CT policy as a case study, this thesis discusses how and why norms that are set out in international resolutions are transposed into domestic legislation and policy.

The structure of this thesis is as follows: firstly the research design is discussed in which I explain my data and how I aim to find the answer to the research question. This is followed by a literature review in which I explain the conceptual debate on terrorism and look at main ideas on counterterrorism to provide a contextual background of terrorism and counterterrorism.

Thereafter, the main theories relevant for this research are discussed followed by a separate chapter on norm diffusion to provide a theoretical framework in which my research question is to be answered.

¹ George W. Bush following the 9/11 attacks on September 2001 (The Guardian, 2001)

This is then followed by a chapter on Dutch CT policy and legislation to discuss the developments over the past decades as a case study to investigate the effects of the resolution, using the discussed theory as a framework for analysis.

In the discussion part of this thesis I explain what conclusions can be drawn regarding the implementation and practicality (policy wise) of the resolution. I then conclude the research with the findings of my analysis and further recommendations for future research.

2. JUSTIFICATION

The reason I am researching this specific resolution is that it was adopted as a direct response to the 9/11 attacks and the declaration of the (global) war on terror, which according to many scholars has kindled a shift in terrorism-research and following counterterrorism-strategies. Moreover, the fact that the resolution was adopted unanimously demonstrates a collective willingness to join efforts in fighting international terrorism. As this thesis will show, there is much debate about the notion of terrorism, which has notable consequences for developing effective counterterrorism-strategy. However, the unanimity of the adoption of S/RES/1373 brought hope for more efficient international cooperation. By analyzing the implementation of S/RES/1373 I aim to find out if the resolution can in fact be considered successful. The relevance of the answer to the research question lies in its evaluative nature and answers to these questions may contribute to the larger debate on the efficacy of Intergovernmental Organizations (IGO's) and whether they can in fact be considered as relevant and efficient vehicles of norm diffusion.

When looking at what has been written on terrorism and counterterrorism vast literature can be found on efforts that have been undertaken to fight terrorism, as well as on the conceptual debate of terrorism and its causes. Often scholars look at terrorism from one specific approach or discipline, like the historical patterns of terrorism seen in Rapoport's wave model or the psychological elements that can help explain terrorist behavior as identified by Martha Crenshaw. An inevitable topic when researching terrorism is the definitional problem, which has been widely researched and debated, yet still no consensus on the concept of terrorism has been reached.

When looking at literature on counterterrorism-strategy in the Netherlands, not that much has been written. This can be partly attributed to the fact that in the past decades not many terrorist attacks have happened on Dutch soil, which could make one wonder if this is can be attributed to efficient CT strategy. Most literature focuses on past events and the approach the Netherlands has taken to combat terrorism, as will be discussed in chapter 9. This thesis aims to contribute to literature on Dutch CT policy and legislation and particularly the contribution S/RES/1373 has made to this.

I will do so by investigating the relation between international norms as distributed by the UN and the transposition into Dutch policy, using Dutch CT policy and legislation. Therefore, I will combine conceptual constructivist theory on norm diffusion with a more concrete case study based on historical findings and implemented legislation as an illustration on norm diffusion, which can often be seen as quite an abstract process.

As will be further explained in the theoretical framework, resolutions², treaties and conventions are considered social constructs, norms, shared understandings of what is appropriate and/or desired behavior of state-actors. This thesis investigates how such norms diffuse from an international setting into domestic policy and legislation. Taking this approach I aim to shed some light on the relation between S/RES/1373 and Dutch CT policy through a constructivist lens. This will also add an evaluative layer to the question of the efficiency of the UN as a norm entrepreneur.

This case study/policy analysis, thus investigates to what extent, and how, this resolution has been implemented into Dutch counterterrorism policy and legislation and if a link can be drawn between the resolution and the policy developments that followed.

² *“United Nations resolutions are formal expressions of the opinion or will of United Nations organs.”* (United Nations Security Council, 2021)

3. METHODOLOGY AND DATA SELECTION

1. Approach and research question

This thesis investigates the role of the UN as a vehicle of norm diffusion by analyzing Dutch CT policy as a case study. The purpose is to contribute to the larger debate regarding the role of IGO's, like the UN, in serving as a norm entrepreneur in the fight against terrorism. This question is, of course, broad and as we will see there is extensive literature on (counter)terrorism and norm diffusion. For this reason I specifically look into how the UN has functioned as a vehicle of norm diffusion when it comes to S/RES/1373 in relation to Dutch CT policy by looking at its developments to investigate the correlation between CT developments and the adoption of S/RES/1373 to explore causality. The thesis aims at answering the following question:

Can the UN be considered a successful vehicle of norm diffusion when looking at how S/RES/1373 was adopted and implemented in a Dutch context? And if so, what has been its contribution to Dutch CT policy?

To answer this research question a set of sub questions will be answered throughout this thesis to help answer the main question :

- *How can terrorism be defined and conceptualized and what are possible implications and issues in the definition process?*
- *What are the main practices in CT strategy and policy?*
- *How was terrorism reflected on the international political agenda before and after the adoption of S/RES/1373?*
- *What did Dutch CT policy look like before and after the adoption of S/RES/1373?*
- *How is terrorism defined in Dutch domestic policy and legislation?*
- *Is there a causal link between the adoption and implementation of S/RES/1373 in Dutch policy and legislation?*

The analysis of this thesis is twofold: on the one hand it takes on a broad approach by examining statistical data on UNSC resolutions on terrorism to illustrate how terrorism is reflected on the international, i.e. UN, agenda before and after the implementation of S/RES/1373. On the other hand, it looks specifically into the Dutch field of counterterrorism to provide a context in which S/RES/1373 is implemented by looking at historical developments before and after its adoption, as well as at the legislative developments in relation to terrorism as part of the implementation of S/RES/1373.

2. Data selection

To investigate the interest in the topic 'terrorism' within the UNSC I looked at the number of UNSC resolutions that have been adopted on terrorism to identify a trend in the topical interest in terrorism.

For this section two datasets are used. The first set consists of data from Security Council Report (SCR) which is an independent and impartial not-for-profit organization of which the board consists of current and former representatives to the UN. They investigate and report on the effectiveness of the UNSC to provide transparency. The dataset consists of resolutions on terrorism selected by SCR.

Since the first dataset is a selection of UNSC resolutions related to terrorism selected by SCR, it does not necessarily reflect all the resolutions that the UNSC itself categorizes under the topic 'terrorism'. For this reason the second dataset consists of all UNSC resolutions that are categorized by the UNSC itself as resolutions on terrorism. The second dataset is retrieved from the official UNSC website from which I listed all adopted UNSC resolutions and selected the ones on terrorism. Both datasets are analyzed and compared to investigate the interest in resolutions on terrorism to identify the political interest in terrorism as an international issue, acknowledged on the political international agenda.

For the second part of my analysis I take on a historical approach by looking at Dutch CT policy before and after the implementation of S/RES/1373 to see what has changed in order to answer the question if, and if so, how the resolution has been implemented into Dutch policy and legislation. In this section old reports from the Dutch intelligence services were used investigate how terrorism was perceived.

From this analysis I extrapolate conclusions regarding the counterterrorism-strategy as set out in S/RES/1373 and discuss if a causal link can be drawn to consider if the resolution can in fact be seen as successful when looking at the Dutch context. The conclusions that are drawn from this analysis, in turn will contribute to the larger debate on the efficacy of the UN.

4. TERRORISM

1. Introduction

After 9/11 the interest in (counter)terrorism increased drastically within academic and political spheres. To get a better understanding of counterterrorism and its measures as set out in S/RES/1373, terrorism as a concept will be addressed first.

From the 1970s onwards, terrorism as a research topic became more prominent as a result of terrorist attacks³ happening throughout the world, due to left- and rightwing extremist tendencies. At first, terrorism was primarily researched for policy purposes by government and intelligence services, but from the 1980s onwards prominent names in the field started publishing their first works on terrorism, setting the foundation for future researchers. One of which is David Rapoport, whose wave theory is fundamental in the field of terrorism research taking on a historical approach, identifying four waves of terrorism, looking at its characteristics in a specific timeframe. Other prominent researchers, like Martha Crenshaw, look at strategic and political motivations of terrorists as rational actors. However, even though there has been an growing interest in terrorism as a research topic, it did not lead to the agreement on an official definition of terrorism (De Graaff, 2017).

The definition of terrorism - or the lack thereof - is a recurring topic within the field of terrorism-studies, which is why it is discussed first, because how terrorism is embedded and defined in legislation can have far-reaching implications for those being accused or convicted of terrorist practices.

2. The definition problem

In security studies a difference is made between irregular and regular warfare. Terrorism belongs to the former category, describing the type of violence used by (sub)state actors for political purposes. This has implications on the approach of terrorism within international law, since regular warfare and its constraints, rules and consequences are to a large extent embedded in public international law. Whereas irregular warfare, and terrorism in particular, does not have such a strong legal framework (Kiras, *Irregular Warfare: Terrorism and Insurgency*, 2016).

Generally, it is agreed upon that terrorism is an essentially contested concept and there is no universal definition of terrorism that commands full international approval according to Alex P. Schmid. The notion is contested across all fields of science from social, political to legal science, and popular notions of terrorism diverge broadly (Schmid, *The Routledge Handbook of Terrorism*

³ The majority of the European victims fell in Northern Ireland and Spain, due to the IRA/ETA conflicts. (Gaub, 2017)

Research, 2011). The leading idea among researchers is that an objective and internationally accepted definition of terrorism, cannot be achieved. However, some scholars like Boaz Ganor disagree and are convinced that a definition is not only achievable, but also indispensable to efficiently combat terrorism (Ganor, *Defining terrorism: Is one man's terrorist another man's freedom fighter?*, 2002).

As Kiras (Kiras, *Irregular Warfare: Terrorism and Insurgency*, 2016) points out, defining terrorism is problematic in terms of relativity and subjectivity, which is agreed upon by many other scholars, like Ganor and Schmid. Schmid adds to this that it is essential to realize that terrorism is a man-made construct and *'as such tends to reflect the interests of those who do the defining'* (Schmid, *The Routledge Handbook of Terrorism Research*, 2011, p. 40) Furthermore, classifying a person or group as 'terrorist' has implications, because someone's terrorist can be someone else's freedom-fighter (Ganor, 2002). Consequently, the definition-question is inherently linked to notions of (de-)legitimization and criminalization. In the legal sense, this definition power usually lies in the hand of governments and IGO's. These governments and institutions can put organizations on designated terrorist organization lists and thereupon apply counterterrorism measures and pursue criminal prosecution.

Several definitions of terrorism are outlined to indicate their common features and the way they differ to illustrate the conceptual debate regarding the difficulties in defining terrorism. Moreover, there is a difference between what Schmid refers to as 'popular definitions', academic definitions and legal definitions used by governments or IGO's.

The first definition is the one used by the US Department of State, which is an important one, since it was the US who declared the 'War on Terror' and therefor reflects the country's idea of terrorism. This definition is used - and referred to - in the Country Reports on Terrorism, which are published annually by the US Department of State.

Section 2656f(d) of Title 22 of the United States Code defines certain key terms used in Section 2656f(a) as follows:

- The term 'terrorism' means premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents
- The term 'international terrorism' means terrorism involving citizens or territory of more than one country.
- The term 'terrorist group' means any group practicing, or that has significant subgroups that practice, international terrorism. (The US Department of State, 2016)

Key elements of this definition are underlined in the citation:

- *Premeditated*: terrorism is not an accidental occurrence, but takes time and planning
- *Politically motivated*: terrorism is used as a tool to achieve political ends or challenge the status quo
- *Non-combatant targets*: terrorism is aimed mostly at civilians or symbolic targets, not at combatant targets
- *Subnational groups*: terrorism is carried out by sub-state actors

The main criticism on this definition is that it excludes state-actors, therefore excluding terrorist actions carried out by the state and state-sponsored terrorism by repressive governments. Another critique is the absence of 'terror' or 'fear' since most academic definitions contain the element of fear as a psychological and essential element of terrorism. Finally the absence of 'threat' and 'intimidation' are a point of discussion since these elements are generally considered to be important factors when describing terrorism (Schmid, *The Routledge Handbook of Terrorism Research*, 2011). These missing elements of the notion of terrorism can be found in Grant Wardlaw's 1982 definition, which states the following:

Political terrorism is the use, or threat of use, of violence by an individual or a group, whether acting for or in opposition to established authority, when such action is designed to create extreme anxiety and/or fear-inducing effects in a target group larger than the immediate victims with the purpose of coercing that group into acceding to the political demands of the perpetrators. (Wardlaw, 1982)

This definition used by Paul Rogers is more comprehensive and includes the element of fear, an essential element according to Rogers, since it explains why terrorism draws so much attention compared to other forms of violence. However, it does not specify the target-audience unlike the definition used by the US Department of State. Another critique is that, although it is implied, the notion of intimidation is not explicitly mentioned in the Wardlaw definition (Rogers, 2013).

To create a more universal approach on the definition, Schmid established an academic consensus on terrorism based on his research in which he involved many experts in the field. His initial attempt to create an academic consensus was in the 1980's when he asked a large number of experts to give their definition of terrorism. He extrapolated the key components by looking at the lowest common denominators and constructed a definition using those key elements.

In 2011 he published a revised version based on new research and questionnaires as demonstrated in his handbook on terrorism research.

The revised version consists of 12 key components of which the following passage is the first part:

Terrorism refers, on the one hand, to a doctrine about the presumed effectiveness of a special form or tactic of fear-generating, coercive political violence and, on the other hand, to a conspiratorial practice of calculated, demonstrative, direct violent action without legal or moral restraints, targeting mainly civilians and non-combatants, performed for its propagandistic and psychological effects on various audiences and conflict parties. (Schmid, The Routledge Handbook of Terrorism Research, 2011)

Although Schmid established this academic consensus, the absence of a consensus of a legal definition on a global level is problematic since it hinders international cooperation (Schmid, The Routledge Handbook of Terrorism Research, 2011).

Nonetheless recurring elements with the lowest common denominator are the political element, the element of fear and the element of intimidation. These findings have also appeared in other researches about the definition of terrorism, so they can be considered characteristics of terrorism that are widely agreed upon. Terrorism should thus be considered an essentially contested concept which is subject to time, place and actors involved.

5. COUNTERTERRORISM

1. Introduction

Since we are investigating the effects of S/RES/1373 as a counterterrorism measure and its policy implications, it makes sense to look at what counterterrorism entails. Counterterrorism can best be described as the coordinated and cooperative effort to fight terrorism. Since counterterrorism is a response to terrorism, its strategy is logically influenced by different types of terrorist threats.

The concept of counterterrorism dates back to the late 19th century when the first international conference on counterterrorism took place in Rome in 1898 (Pillar, 2013). This International Anti-Anarchist Conference was organized after several assassinations of different heads of state⁴. During this conference representatives from all European countries were present, ranging from diplomats to police officials, to join efforts in order to establish a strategy to fight the wave of anarchy that was spreading throughout Europe. Already during the previous twenty years, countries like Germany, France and Italy, among others, had implemented legislation to ban anarchist propaganda and the use of explosives, but so far unsuccessfully (Jensen, 1981).

The first issue to be tackled at the conference was the lack of a legal definition of the term 'anarchism', which was problematic given that no legislative institution in Europe at that time had established a clear definition.

Hector de Rolland, *Avocat Général* of Monaco, proposed a definition that focused on the 'anarchist act', which he defined as an action 'having as its aim the destruction through violent means of all social organization [toute organisation sociale]'. An anarchist, then, was simply one who committed such an act. (Jensen, 1981, p. 327)

After having agreed on a legal working definition of 'an anarchist', several working committees were instated focusing on legal and administrative issues. It was decided that unlawful use or possession of explosives was to be forbidden, as well as providing any form of assistance to anarchists, membership of anarchist organizations or spreading anarchist propaganda.

Various other resolutions were called for by different states, such as the non-public execution of anarchists for complicity in anarchist deeds, proposed by Austria-Hungary, Germany and Russia. The Germans even proposed a resolution to impose the death penalty to be made mandatory for assassins of sovereigns and heads of state, which passed, but not unanimously.

⁴ E.g. Empress Elizabeth of Austria-Hungary & President Carnot of France

2. Basic elements counterterrorism

As Paul Pillar points out, interest in counterterrorism has fluctuated throughout history and as we know, there is much debate regarding the causes of terrorism in the academic as well as in the political sphere. Although opinions differ on the root-causes of terrorism, varying from radical ideologies to political discontent or injustice, basic elements in counterterrorism-strategy can be identified:

Dissuading individuals from joining terrorist organizations or groups is an element that can be found in most national policy goals. When looking at the attacks in Europe over the recent years, the focus has been put on Islamic terrorism, varying from returning foreign fighters to homegrown lone-wolves. Consequently there has been a greater interest in profiling Muslim populations in European countries. CT policy thus focuses on high-profile groups in society and on how to prevent radicalization and dissuade people from joining terrorist organizations. The approach however, varies from government to government. The French government emphasizes assimilation, whereas the UK government focuses on multiculturalism (Pillar, 2013). The Dutch government focuses on early warning signals via youth-workers and teachers (Rijksoverheid, 2020). The next basic element is dissuading terrorists from carrying out attacks and trying to convince them to use other, more peaceful means, to achieve their political goals.⁵ These basic elements for counterterrorism-strategy are about reducing the motivation for individuals to join terrorist groups and curbing the ability of terrorists to carry out attacks. Other elements that are usually thought of when looking at counterterrorism-strategy can be compiled under defensive and offensive measures. The former kind usually carried out on a national level and the latter focusing more on international or multilateral cooperation.

3. Defensive counterterrorism measures

Common defensive measures are the protection of public sites or sites that are of symbolic value e.g. Synagogues. Another defensive measure that is often taken, is system-level security, the protection of an entire system or industry, like the aviation industry, but also power-grids and IT-systems. What Pillar points out to be the most general level of defensive security is the protection of an entire country by protecting its borders. This however, depends heavily on the geographical position of a country. For European countries for instance, it is much harder to protect and control its borders due to the free cross-border movement. In exceptional cases however, border-control

⁵ Successful results are rare, but not non-existing e.g. Good Friday agreements

is sometimes temporarily reinstated⁶. Defensive counterterrorism measures are intended to prevent any attacks from happening by deterrence or by slowing down and complicating preparations, increasing the likelihood to detect and catch those planning an attack. However, their high costs and impact on normal life are a limiting factor to defensive counterterrorism measures. Complementary to the mentioned defensive measures are offensive measures that are intended to foil an attack or raid terrorist cells.

4. Offensive counterterrorism measures

Diplomacy and international cooperation are essential offensive measures due to the more transnational nature of terrorism. Particularly, sharing intelligence and the fostering of interstate-cooperation on specific terrorist cases is obtained through counterterrorism-diplomacy. Bilaterally this can mean sharing intelligence between countries or establishing extradition-agreements to prosecute terrorists. Multilaterally it has helped to frame terrorism as a transnational phenomenon and to create recognition for terrorism as a shared problem by establishing conventions and resolutions on how to combat terrorism. Getting financial control over terrorist assets is an offensive measure which has gained more prominence after 9/11. Lists of terrorist organizations are created at domestic and multilateral levels. Contributing financially to organizations on such lists has been criminalized by many countries. Furthermore, many governments are authorized to freeze or seize any financial asset of organizations or of individuals associated with terrorism. However, most money transfers occur through informal networks and are therefore hard to trace back. Another limitation are the low costs of carrying out amateur terrorist attacks with a relatively high impact.

Intelligence is another offensive key element that has gained more prominence after 2001 and aims to provide a strategic sense of terrorist threats, helping to shape policy based on information gathered on terrorist organizations and their infrastructures. Furthermore, it helps to identify which areas should be (de)prioritized and whether certain threats are in- or decreasing. They also help from an operational point of view since law enforcement and military operations rely heavily upon good intelligence. 9/11 exacerbated the need for international cooperation in the intelligence field and although cooperation has improved, the sharing of intelligence is more of a bilateral matter rather than a multilateral one. (Aldrich, 2013)

The collection of intelligence however, brings up an important nexus between security, freedom and privacy. As Kiras points out, methods of counterterrorism must be effective, yet stay within

⁶ This happened after the Bataclan attacks in Paris on 13 November 2015, after which border-control was temporarily reinstated at the French borders

the boundaries of the law. This can be problematic when thinking of surveillance or the monitoring of individuals who potentially might be considered a threat or be susceptible to radicalization (Kiras, *Irregular Warfare: Terrorism and Insurgency*, 2016).

Particularly, pre-emptive measures are difficult to align or to not be constrained by domestic legislation protecting one's individual freedom. This is different when an attack is on hand or ongoing. In such situations extraordinary measures can apply such as curfews, media control or military assistance. The justification and legitimization of the use of extraordinary measures happens through a mechanism of securitization, which will be addressed in the theoretical framework.

6. THEORETICAL FRAMEWORK

1. Introduction

As we have seen; international cooperation and diplomacy are essential to fight terrorism, which is not constrained by country borders. S/RES/1373 being one of many efforts to fight terrorism and promoting international security therefore is important and contributes to international and national CT policy. To evaluate how S/RES/1373 has been implemented by the Netherlands, constructivist IR theory will be used to provide a framework for analysis. Furthermore, the literature on norm diffusion will help explain how norms and ideas, in the shape of treaties, conventions and resolutions, are transposed into national norms- and more practically - into active policy and legislation. This will provide insights in the relation between the resolution and the Dutch CT policy.

Realism, Liberalism and Constructivism, the main paradigms within international relations (IR) theory, all try to make sense of how the world works politically to explain phenomena like war and conflict. When looking at international organizations and their role in world politics, opinions differ vastly within these paradigms.

Whereas realists focus on state-interest in terms of power or wealth distribution via military force or cooperation, and liberalists emphasize cooperation and interdependence, social constructivists focus on ideational factors and believe that social constructs, such as knowledge (ideas), identity and norms shape the world order and influence international relations. They argue that the world (order) is created through social interactions and agreements that are formed by normative structures that shape the interests and identity of actors. Unlike realists, constructivists believe that international politics are social practices in which nothing is considered to be predetermined or inevitable. State behavior is shaped by the social practices in which states are embedded and normative structures influence how state actors perceive themselves as identity is a key element of social constructivism. Constructivism is a social theory focusing on the relationship between agents, such as states, and normative structures, e.g. the international community or international politics. Furthermore, international politics is seen as a society rather than a static system.

Constructivist scholar Michael Barnett explains that constructivist theory is about shared ideas and how these ideas create and shape politics. Mutual constitution is an important mechanism for social constructivists. Actors create structures and structures shape actors, so constructivists focus on dynamic processes of change and how change in world politics comes about. For this reason, social constructivism can be helpful in analyzing how international norms and laws diffuse and what role international organizations can play in this process. Consequently, when looking at

international organizations like the UN it makes sense to take on a constructivist approach to investigate how these institutions can act - or intend to act - as instruments of norm diffusion (Barnett, 2017).

2. Constructivism and security

Traditional IR theories have clear ideas on international security and for some it is even a defining element. Constructivism however, approaches security, as all other issues, as a social construct. They emphasize that security as a social construction cannot have a fixed definition, but is subject to context, meaning that security can have different meanings in different contexts. What constitutes security as a social construct is negotiated and defined through social interaction in a particular historical and social context. Consequently, constructivists are not pursuing one static or broad definition of the concept of security, rather they look at how specific security practices and perspectives come into being. Key elements to the constructivist study of security are identity and norms, since norms can have a regulative or constitutive function deciding if certain political behavior is considered legitimate or not. Particularly regulative norms define this legitimacy, since norms can be seen as shared expectations of behavior of actors having a certain identity or belonging to a certain category.

Rather than focusing on establishing a clear definition, constructivists focus on how security is given meaning and how this affects or influences political action consequently. According to researcher Matt McDonald the process of the construction of security as a social construct revolves around the dynamics of negotiation and contestation. He explains the idea of security as a site of negotiation between actors competing to define the identity and values of a particular group they claim to represent, in such a way as to establish grounds to enable and legitimize, thus mobilizing public support and political action (McDonald, 2013).

3. The Copenhagen school and securitization theory

Securitization is a mechanism through which extraordinary measures that apply in crisis situations can be explained. Securitization theory, known through the Copenhagen School was introduced by Barry Buzan and Ole Waever with the aim to provide a new framework for analysis in the field of security studies, which is dominated by realist thought, predominantly focusing on powerplay and military action. Building on the principle of security as a social construct the Copenhagen School explains how security is constructed and how it functions in world politics.

The concept of securitization is based on the idea that an issue, this can be a certain actor, but also a dynamic or event, is declared security threat, after which the threat is taken out of the public

debate and put in a context in which extraordinary measures apply, the realm of security. McDonald describes this mechanism as the “temporary suspension of normal politics” (McDonald, 2013). The realm of normal politics is characterized by democratic processes, rule of law, and political debate, mechanisms and structures constituting our liberal democracy. However, once an issue is securitized, normal politics are no longer relevant. Given that securitization usually occurs in a crisis situation and there is usually a high sense of urgency, e.g. with terrorist attacks or issues that are considered an existential threat to the survival of the state, extraordinary measures can be applied which in a normal situation would not find any public or political support. Once a security threat has been mitigated and is no longer of concern, the issue is de-securitized and extraordinary measures are no longer supported, nor legitimate.

It must be noted however, that the mechanism of securitization can also be politicized itself and misused to create political or public support to apply extraordinary measures.

7. NORM DIFFUSION

1. Introduction

Norm diffusion, the spread of norms, ideas and beliefs throughout a certain population or society is one of the central themes within the constructivist paradigm when looking at global change and it plays a central role in this thesis since we are looking at how norms diffuse from the international to the national.

A frequently used example is the normative shift with regards to the principle of humanitarian intervention. This changed the perception of sovereignty from the traditional understanding of non-interference to how sovereignty is perceived nowadays in a globalized world, as some argue that resolutions and norms like 'The Responsibility to Protect'⁷ and concepts like humanitarian intervention add conditionality to the concept of sovereignty as it speaks to the normative values of states. Constructivists claim that the world order is not only made up out of power structures, but that the normative structures are what constitutes a legitimate world order. Factors that play a role in the diffusion⁸ of norms and beliefs are coercion⁸, strategic competition or access to resources⁹ (Barnett, 2017).

An important mechanism used by constructivists is socialization, a concept focusing on how states change their behavior to align their interests and behavior to that of a larger group adhering or adapting to the norms of that particular group. This can be done by mimicking, social influence and persuasion, which will be further described in the 'Lifecycle of Norms' model.

When conceptualizing how norms spread, we must start by asking ourselves, *what is a norm?* Constructivist scholar Martha Finnemore describes norms as standards "of what is considered appropriate behavior for actors with a given identity" (Finnemore & Sikkink, 1998, p. 891). When applying this concept of a norm to state actors, it raises questions on how states define themselves, and on how they define themselves in relation to other state actors. What is considered civilized, thus upholding a certain standard or norm, creating legitimacy for international law - which takes shape in the form of agreements, conventions & resolutions - but

⁷ The global commitment from states to accept the interference by other nation states, when they fail to uphold certain international norms and agreements in relation to the protection of their citizens to prevent genocide and mass atrocities.

⁸ Frequently seen in colonialism when colonizers forcefully imposed their norms and values on those being colonized

⁹ European countries that accept reforms in order to be part of the EU, not because of intrinsic motivation, rather to have access to resources and to belong to a certain 'club'

also rule of law and law enforcement¹⁰, embodied by - and promoted through institutions as agents of norm diffusion.

Consequently, norms can constrain and regulate the behavior of actors described by Finnemore as the *regulative* type of norms. She distinguishes between two types of norms, *regulative* and *constitutive* norms. Constitutive norms are norms that “create new actors, interests, or categories of action” (Finnemore & Sikkink, 1998, p. 891) i.e. they define certain standards. These standards of appropriate behavior logically depend on what is collectively agreed upon to be appropriate, leading us to the question of *how do norms come about?*

A norm, or shared understanding does not simply appear out of thin air, but comes into being through a political process (Barnett, 2017). The dynamics of this political agreement process can be described by a three-stage model which is introduced by Finnemore. Her ‘Lifecycle of Norms’, is a model that is frequently used to analyze how norms diffuse in an international context.

Two essential processes that are part of this political process in an international context are *internationalization* and *institutionalization*. Institutionalization is defined as “the degree through which social patterns and interactions formally constitute an organization with a specific purpose” (Barnett, 2017, p. 538). The UN is a clear example, being an organization that is constituted by international law and norms. How norms emerge at an international level and how they make up the international organization can be described as the process of institutionalization. Treaty signature and ratification therefore are important and obvious signals of this process (Betts & Orchard, 2014).

Internationalization is a term used to “denote high levels of international interaction and interdependence” (Barnett, 2017, p. 539). In short, internationalization and institutionalization are processes through which norms spread, thus become international, within – and constitute (international) organizations.

2. The lifecycle of norms

How international norms diffuse is explained in Finnemore’s three-stage ‘lifecycle of norms’. The first stage is the emergence of a new norm when a norm entrepreneur introduces a new norm and intends to persuade a critical mass of actors to accept this new norm¹¹. Once this critical mass is convinced, a tipping point is reached ushering in stage two, “norm cascade”. In this stage, Finnemore argues, more actors start to adopt new norms primarily through a mechanism of active

¹⁰ i.e. the International Criminal Court (ICC) and International Court of Justice (ICJ)

¹¹ This can be through the politization of a certain issue, e.g. the danger of international terrorism

international socialization, the induction from norm entrepreneurs to leaders/states as a trickledown effect from norm-setters to norm-adopters.

Why do states follow and are they willing to comply to new norms? This has to do with how states see themselves as member of the international society and more particular of a certain category of that international society. This is also influenced by how states want to be seen and recognized¹². Reputation and international legitimacy are essential motives for states to change their behavior and accept, adopt and implement a new norm. Catalyzing mechanisms that support this process of socialization are ‘demonstration’ and ‘contagion’, but also peer pressure. One of the key elements in this process, as in most constructivist models, is identity and conformity to identity. And particularly in the case of international politics, the desire to acquire international legitimacy. The process of mimicking, the adoption of strategies or policies perceived as successful, can play a facilitating role.

When newly induced norms have cascaded down to the point where they are no longer subject of contention and have become so widely spread accepted, we can speak of the third stage, namely: internalization. This is the point where norms are almost automatically adhered to and the issue is no longer part of public debate. At this point they have acquired a ‘taken for granted’¹³ quality.

The full process is illustrated in below table pointing out the actors, motives and mechanisms that are central in each stage of norm diffusion:

Table 1 Stages of norms in Finnemore’s lifecycle¹⁴

	<i>Stage 1 Norm emergence</i>	<i>Stage 2 Norm Cascade</i>	<i>Stage 3 Internalization</i>
<i>Actors/Instruments</i>	Norm entrepreneurs with organizational platforms	States, international organizations, networks	Law, professions, bureaucracy
<i>Motives</i>	Altruism, empathy, ideational, commitment	Legitimacy, reputation, esteem	Conformity
<i>Dominant Mechanisms</i>	Persuasion	Socialization, institutionalization, demonstration	Habit, institutionalization

¹² To uphold a certain status (sense of elite) in relation to the ‘other’ or to belong to a certain category that would be considered to be morally superior to other categories e.g. liberal democracies vs. authoritarian regimes

¹³ I.e. behavior that was considered appropriate in the past, but inappropriate nowadays e.g. the abolishment of slavery: in the past slavery was considered appropriate (otherwise it would not have been common practice), but nowadays it is considered immoral and unacceptable

¹⁴ (Finnemore & Sikkink, 1998, p. 898)

An important issue with norm diffusion is institutional isomorphism: states or organizations in which the same norms converge start to look alike. This is not to say that they also act alike. It is often because of symbolic legitimacy or to belong to a certain community that states or organizations adopt certain norms¹⁵. One could also argue that institutional isomorphism is what makes up the international community, an often referred to, yet problematic concept in IR theory. And as Barnett points out, norms are usually diffused from the West to the developing world and rarely the other way around (Barnett, 2017).

3. Institutionalization & implementation

As the aim of this thesis is to shed light on how S/RES/1373 was adopted and implemented into Dutch policy, conceptually we are looking at how an international norm spreads and is implemented on a national level. Although Finnemore's model is widespread and well accounted for; scholars Alexander Betts and Phil Orchard point out that most IR scholarship on norm diffusion, like the Norm Lifecycle Model, focusses on how norms influence world politics through institutionalization. However, Betts and Orchard identify an analytical gap. Their criticism is that most of this scholarship emphasizes internationalization and institutionalization, considering institutionalization as an endpoint¹⁶. Yet it raises the question why certain norms that have been similarly institutionalized, have different outcomes in practice. This matters because it affects the actual efficiency of the norm, which was institutionalized for a particular reason, thus it affects its performance.

Norms may well be reflected in formal mechanisms, such as international treaties, or informal understandings, such as principles, and in the policy of individual states and organizations. However, unless we understand and explain the conditions under which such norms actually make a difference to people's lives "on the ground," then we are left with an incomplete picture of the role of international norms in world politics. (Betts & Orchard, 2014, p. 2)

In order to evaluate whether international norms actually make a difference, Betts and Orchard observe that same levels of institutionalization cause different types of behavior or practice in outcome. Norms are supposed to promote certain action, yet this action may differ between norm adopters, which is problematic because what matters is how norm adopters (states) understand the norm, rather than merely signing and ratifying a formal treaty. Furthermore, they observe that institutionalization does not equal compliance, which is often suggested or implied.

¹⁵ E.g. democracy: many states consider themselves democratic, yet in practice the way they exercise democracy may vary drastically.

¹⁶ E.g. once a treaty or resolution is ratified the process stops and is considered institutionalized

This is what they describe as the 'norm institutionalization-implementation gap'. This is not to say that there is no scholarship on the domestic or regional implementation and interpretation of norms, but according to Betts and Orchard the conceptualization of this gap is incoherent in existing scholarship. In most constructivist scholarship, the relationship between institutionalization and implementation is often vague, so in order to explore this gap they identify the two as distinct processes, institutionalization as an international process and implementation as a domestic process.

Implementation processes play a central role in the compliance to international normative understandings for states and organizations. Moreover, international norms, e.g. treaties or resolutions, can be vague and often deliberately contain various forms of ambiguity. All the more reason why 'how' these particular norms are implemented on a state-level is paramount to the actual effectiveness of a norm, that may - or not - be well institutionalized formally on an international level, thus critical for the actual intent and purpose of the norm as it was introduced in the first place. And as Betts and Orchard rightfully point out, the nature of law is not set in stone, but is always subject to interpretation, equally norms should be considered processes rather than static constructs.

The emphasis on the implementation process has implications on the compliance of norms because of various reasons. Firstly, institutionalization rarely happens without some form of implementation. Implementation defines how norms are adopted in a domestic context, because without implementation norms remain theoretical and vague. It determines how a new norm actually functions in practice. The implementation process can instigate a new process¹⁷ of interpretation and contestation by relevant actors. Finally, Implementation processes often result in clear and observable standards, making the norm practical and can serve as evidence that the norm has been accepted.

Building on the previously introduced Lifecycle of Norms by Finnemore, Betts and Orchard complement her model by adding implementation as a distinct process, allowing domestic actors and organizations to be included in the norm contestation process. These local actors play a key role in how norms manifest 'on the ground' and in turn may influence the institutionalization process on the international level. As Betts and Orchard argue, these processes, institutionalization and implementation happen parallelly and may even interact.

¹⁷ This may result in different interpretations in different contexts, by different actors

However, not all norms take the form of a formal treaty or legal agreement. Betts and Orchard distinguish between different types of norms, treaty, principle and policy norms. Treaty norms are legal norms that have a binding nature and are often constructed and diffused through high levels of government or IGO's. Treaty norms have legitimacy and a sense of oughtness in that they are to be obeyed by. Yet, even though treaty norms are often considered to be more precisely articulated than other (informal) norms, interpretation by those who sign the norm may vary, resulting in different outcomes of the same norm. Ambiguity as to the interpretation, sometimes even deliberate, thus leaves up room to interpret the norm differently, resulting in different, - or sometimes no - formal outcome. This can undermine, or defy the whole purpose of the norm, because if a norm is only a formal signature of a treaty, resulting in no actual 'effect on the ground' its purpose is merely symbolic, whereas the intention or reason why the norm was adopted was to promote action or change.

Unlike treaty norms, principle norms are less formal, yet are still shared understandings between different (state) actors, but these understandings have not been worked out into formal, legal agreements. Yet, they still go through processes like institutionalization and implementation, but since the norms are not fully worked out and codified, these processes might be harder to observe. Policy norms on the other hand are, as the name suggests, policy, patterns of social behavior (norms) or shared expectations of certain behavior by certain actors or agents that are captured and articulated in policy. Often policy norms are in part, or to a large extent, reiterations or redefinitions of treaty and/or principle norms. To some extent one could even consider policy norms as being part of, or the result of the implementation process of treaty or principle norms¹⁸. Implementation is critical for the efficiency of norms, since norms that have not been clearly implemented tend to be weak and have little effect.

Distinguishing between different types, or forms, that norms can take, is relevant for this thesis, since we are looking at the adoption and implementation of a treaty norm, S/RES/1373, and its effects on domestic policy to shed some light on the relevance of the actors involved. In this case it is considered that treaty norms and policy norms are not mutually exclusive categories, but rather phases of how the resolution diffused. S/RES/1373 on the one hand is considered a treaty norm that is shaped at – and diffused from – the international level. On the other hand, S/RES/1373 is what (partly) constitutes or shapes domestic CT policy at the national level and can therefore be considered a policy norm.

¹⁸ Describing policy as a course of action or set of principles and norms to achieve certain objectives or behavior, i.e. policy could be considered the articulation/concretization of certain intent as described in a treaty norm.

8. THE UN AND TERRORISM

1. UNSC Resolution 1373

Terrorism and the efforts to counter it have since long been subjects on national political agendas, but the attacks on 11 September 2001 changed perception of terrorism and, with that, the fight against it. It has put the fight against terrorism on the agenda of not only national governments, but also on the agenda of international and supranational organizations (Bakker, *Terrorism and Counterterrorism Studies*, 2015). The 9/11 attacks were the largest that happened in the modern Western world and of course it does not come as a surprise that the US as one of the P5 proposed this resolution to condemn the 9/11 attacks.

Consequently during the 4385th UNSC meeting on September 28, 2001, S/RES/1373 was unanimously adopted condemning the attacks and reaffirming that terrorism is to be considered a threat to international peace and security and that terrorist acts are to be combatted by all means. The declaration as such, that terrorism is to be considered a threat to international security is not new, since this had already been declared in previous resolutions such as S/RES/1269 and S/RES/579 among others. However, S/RES/1373 differs from its previous resolutions by not only calling on international cooperation between member states, as most resolutions do, but particularly because of its binding nature of the commitments set out in this resolution. Furthermore, S/RES/1373 calls on its member states to implement a range of legal and institutional measures into their national counterterrorism strategies and policies (United Nations, 2001).

Before the impact of S/RES/1373 on Dutch CT policy and legislation can be discussed, the contents of the resolution must be analyzed. S/RES/1373¹⁹ starts by reaffirming resolution 1269 (1999)²⁰ and resolution 1368 (2001)²¹ condemning the events on 11 September 2001 and expressing the need for international cooperation. It is then divided into three sections of which the first two impose a set of actions.

The first paragraph focusing primarily on the prevention (1a), criminalization (1b) and sanctioning (1c) of the financing of terrorism.

The second paragraph stipulates the prohibition of the provision of support (2a) by governments and their nationals to facilitate in the commission of terrorist acts. It seeks to improve intra-state

¹⁹ Full resolution available in attachment in appendix 1

²⁰ UNSC resolution 1269 on 'The responsibility of the Security Council in the maintenance of international peace and security'

²¹ UNSC resolution 1368 on 'Threats to international peace and security caused by terrorist acts'

cooperation to prevent terrorism and improve the sharing of information on those (potentially) involved in any terrorist acts (2b). It also dictates that member states shall establish terrorist acts as serious criminal offences in domestic legislation to facilitate criminal prosecution, as well as that the punishment should reflect the severity of the act (2e).

The third paragraph *calls upon* states to improve and find innovative ways to exchange information (3a, 3b, 3c) and ensure implementation of previous resolutions, conventions and protocols (3d/3e) related to terrorism. Also, it requires that member states make sure that the refugee status as set out in the 1951 Geneva convention is not abused by the perpetrators, organizers or facilitators of terrorist acts (non-refoulement principle, article 1F (United Nations, 1951)) (3f), and that claims of political motivation are not recognized as grounds for refusing requests for extradition of alleged terrorists (3g) (United Nations, 2001).

The first two paragraphs impose clear legislative measures and obligations to member states, but the third paragraph specifically *calls upon* states to take certain actions and could semantically therefore be considered less binding. Particularly the sections on the prohibition of financing terrorism can be seen as most innovative since they are not just declarative, but also so legislative in nature. As professor Hinojosa-Martinez rightfully points out the collection or provision of funds with the mere intention of financing a terrorist act should now also be punishable, rather than only carrying out the actual attack.

A shift is identified from taking '*appropriate domestic measures*'²² as defined in UN General Assembly (UNGA) resolution 51/210 1996 to '*define as serious criminal offences in domestic laws*' S/RES/1373, making it revolutionary due to its clear legislative dimension (Hinojosa-Martinez, 2014).

Since terrorism is not mentioned in the charter, but the UNSC is the appropriate UN-body that deals with threats to international peace and security, it is important to look at other UNSC resolutions related to terrorism. UNSC resolutions from 1945 onwards were selected to see how many resolutions on terrorism were adopted.

One dataset contains resolutions that are categorized by Security Council Report (SCR)²³, an organization independent from the UN. The other dataset consists of resolutions the UN itself categorizes as resolutions on the topic of terrorism to get an idea of the number of resolutions

²² A/RES/51/210 17 Dec. 1996 Measures to eliminate international terrorism

²³ An independent, impartial not-for profit organization that frequently reports on issues that are addressed by the UNSC

adopted since 1945 and to see if an increase on the topic of terrorism can be identified after S/RES/1373²⁴.

2. Dataset 1: Security Council Report data selection:

When looking at UNSC resolutions related to terrorism that were adopted since the first resolution against the hijacking of commercial aircrafts, S/RES/286 on September 9 1970, we can establish a notable increase in the number of resolutions adopted after September 11, 2001.

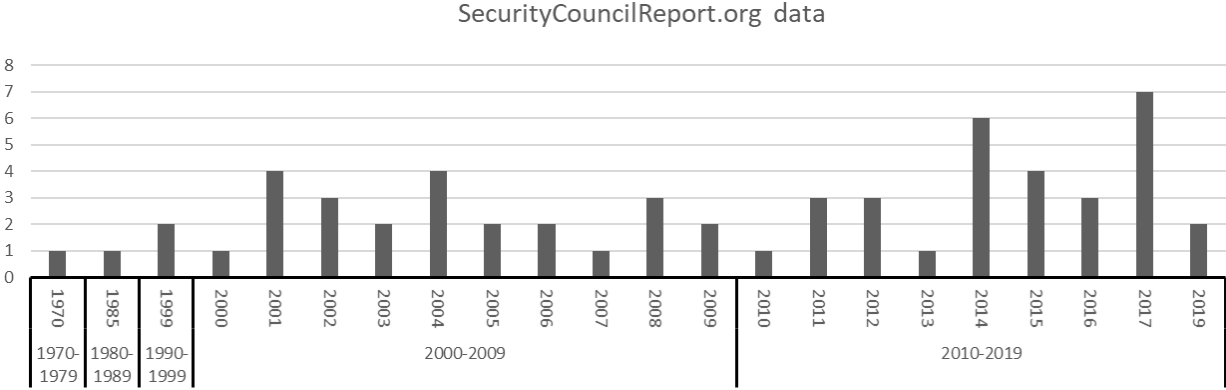


Figure 1 numbers of resolutions on terrorism per year per decade based on SCR data

This is of course not to say that large terrorist attacks did not happen before 2001, but the scale and impact of the 9/11 attacks have, according to many, changed the perception of international terrorism and increased the sense of urgency to address the issue. This is reflected in the number of resolutions that were adopted after 2001, which is exponentially higher than before 2001. When looking at the resolutions that were adopted before S/RES/1373 there are seven resolutions related to terrorism. When taking a closer look at the actual content of the resolutions in table 2, S/RES/1373 is the first one that imposes binding legislative action to its member states.

²⁴ And 9/11 2001, since the events are inherently linked to S/RES/1373

Table 2 Resolutions on terrorism according to Security Council Report²⁵

Date	UNSCR	Content
9-9-1970	S/RES/286	<i>This resolution appealed for an end to hijacking of commercial aircraft and for release of passengers and crew currently held.</i>
18-12-1985	S/RES/579	<i>This resolution condemned acts of hostage-taking and abduction.</i>
15-10-1999	S/RES/1267	<i>This resolution established the Al-Qaida and Taliban Committee and its sanctions mandate.</i>
19-10-1999	S/RES/1269	<i>This resolution condemned all acts, methods and practices of terrorism as criminal and unjustified and calls upon all States to cooperate with each other to prevent and suppress terrorist acts.</i>
19-12-2000	S/RES/1333	<i>This resolution strengthened the sanctions against the Taliban and imposed sanctions against Al-Qaida.</i>
30-7-2001	S/RES/1363	<i>This resolution established the monitoring mechanism (the Monitoring Group (MG)) and the Sanctions Enforcement Support Team (up to 15 members with expertise in customs, border security and counter-terrorism). The MG was also tasked with offering assistance to states neighbouring Afghanistan to increase their capacity to implement the sanctions.</i>
12-9-2001	S/RES/1368	<i>This resolution condemned the attacks of 11 September 2001 on the United States, and called on states to bring justice to the perpetrators, organisers and sponsors of those terrorist acts.</i>
28-9-2001	S/RES/1373	<i>This resolution placed barriers on the movement, organisation and fund-raising activities of terrorist groups and <u>imposed legislative, policy and reporting requirements</u> on member states to assist the global struggle against terrorism. It also established a Counter-Terrorism Committee to monitor state compliance with these provisions.</i>

Furthermore, a build-up of the call for international cooperation and the condemnation of terrorism can be identified in previous resolutions, but they are mostly declarative, which is why S/RES/1373 is different from earlier resolutions. Therefore it can be considered a point of departure for a set of actions to be set in motion by multiple multilateral institutions, not only the UN, but also supranational institutions like EU and consequently by national governments.

This idea is also confirmed by scholars Haaland Kramer and Yetiv who researched the UN's behavior towards terrorism and pointed out that for long it has not been on the political agenda of the UN. According to them, and partly supported by the data that was discussed, this only started to change from the 1980s and 1990s. They go as far as to state that the UNSC did not deal with global terrorism until 1989, until then (and even after) the UNGA was mostly responsible for dealing with terrorism, which they did by adopting 13 conventions dealing with different aspects

²⁵ Full list can be found in appendix 2

of terrorism. They consider S/RES/635²⁶ on plastic or sheet explosives to be the first resolution on terrorism the UNSC has adopted (Haaland Kramer & Yetiv, 2007). However, this statement could be challenged, because looking at the resolutions related to terrorism adopted by the UNSC we can see that S/RES/286 on the hijacking of commercial airplanes, a practice of (international) terrorism, was already adopted in the 1970s as well as S/RES/579 in 1985 condemning hostage-taking and abduction as part of terrorist actions. Or even the resolutions S/RES/57²⁷ and S/RES/59²⁸ (1948) on the Palestine Question. Regardless of what is to be considered the very first resolution related to terrorism, the increase in resolutions adopted by the UNSC on terrorism after S/RES/1373 is prominent.

3. Dataset 2: United Nations Security Council Resolution titles:

For the second dataset the titles of all adopted UNSC resolutions were collected and analyzed to find out which resolutions are specifically dedicated to (counter)terrorism and to identify their occurrence before and after 2001. The dataset consists of resolutions in which terrorism is directly referred to in the title of the resolution.²⁹

Table 3 UNSC resolutions of which the title directly refers to terrorism³⁰

YEAR	RESOLUTION	NAME
1998	S/RES/1189	On the international terrorism
2001	S/RES/1368	Threats to international peace and security caused by terrorist acts
2001	S/RES/1373	Threats to international peace and security caused by terrorist acts

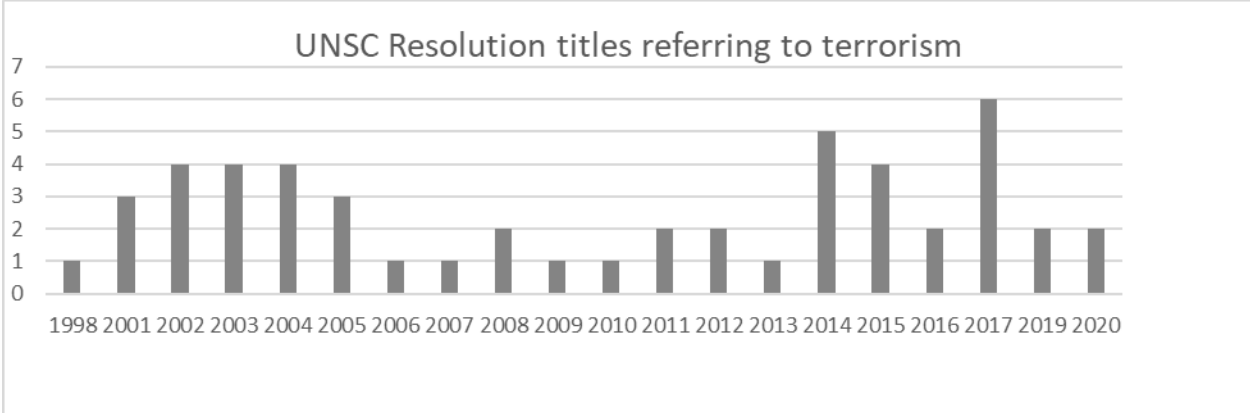


Figure 2 Number of UNSC resolutions adopted of which the title refers to terrorism per year

²⁶ Not in SCR dataset, UNSC resolution 635, Marking of explosives 1989
²⁷ Following the death of a UN mediator in Palestine committed by a group of terrorists, considering it a terrorist act
²⁸ idem
²⁹ Resolutions of which the title contains 'terrorism' or 'terrorist acts'
³⁰ Full list containing all UNSC resolutions on terrorism can be found in appendix 3

Not only do these titles directly refer to terrorism, they also address terrorism as an international issue and consider it a threat to international peace and security. Although the total number of resolutions on terrorism differs depending on which approach is taken, in both datasets show a clear increase in the number of resolutions on terrorism after 2001. The results of both datasets differ because the first dataset includes resolutions that are not specifically dedicated to terrorism, but do touch upon the topic because of a certain practice³¹ or because they are dedicated to a specific incident or region in which terrorism occurs.

This increase becomes even better visible when looking at the totals per decade, clearly indicating an exponential increase in the number of resolutions adopted per decade, hence indicating an increase in the interest in terrorism on the international agenda.

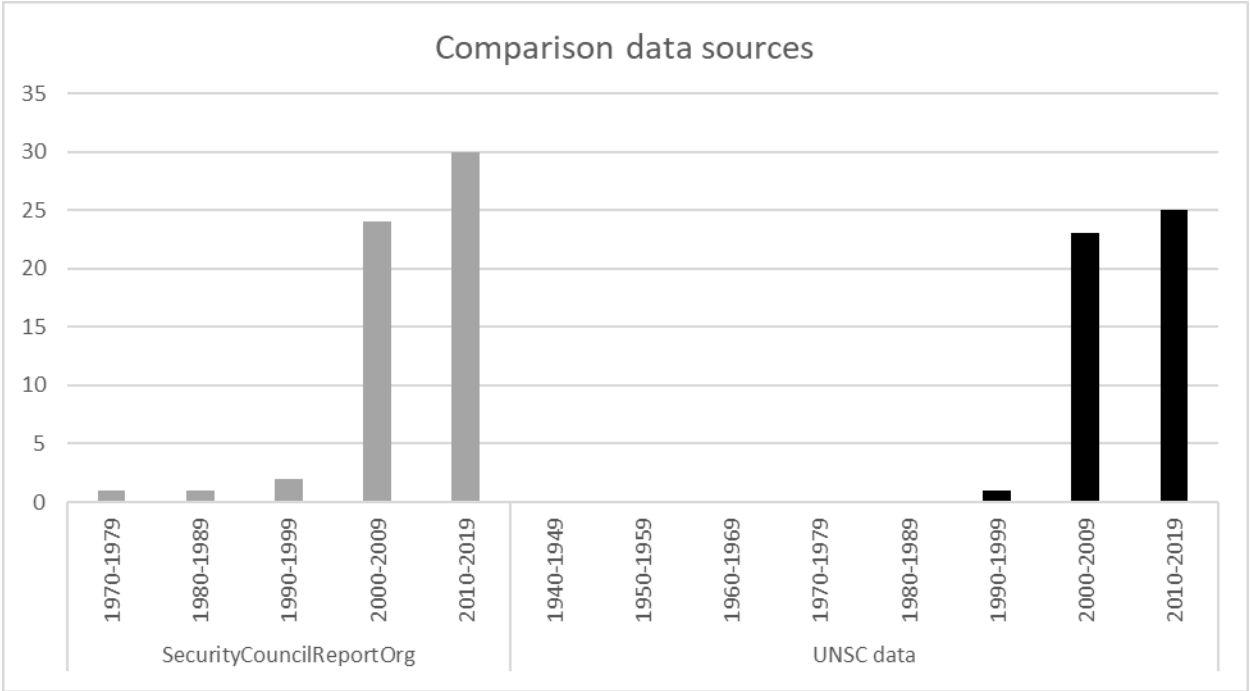


Figure 3 Numbers of resolutions on terrorism per decade based on both datasets

The absence of resolutions in the decades before the 1990s in the second dataset, does not mean that the UN(SC) did not deal with terrorism or terrorist actions before, because we have seen that terrorist actions have been addressed indirectly in other resolutions from the first dataset. However, the explicit mention in the title of the resolutions after 1998 and the emphasis on terrorism as an international issue, indicates an increased interest on the international agenda.

³¹ Bombings or hostage-takings

9. THE NETHERLANDS AND TERRORISM

To determine if, and if so, how S/RES/1373 has influenced Dutch CT policy and legislation; the history of terrorism in the Netherlands and how CT policy has developed over time is outlined below, after which the legal developments in regards to (counter)terrorism are analyzed.

1. The Dutch approach

When taking a closer look at Dutch history in relation to terrorism of the past decades, relatively few attacks have successfully been carried out, compared to other European countries such as France, The UK, Spain and Germany. The main terrorist groups that were active in the Netherlands during the 1970s and 1980s were Moluccan militants, the Red Youth and the RARA (Revolutionary Anti-Racist Action), but although there were incidents, these groups never developed into full-fledged terrorist organizations (Schmid, *Countering Terrorism in The Netherlands*, 1992). As Dutch terrorism expert Beatrice de Graaf points out, the events that have had the biggest impact were the hostage-takings in the 1970s.

Literature on the history of terrorism in the Netherlands often refers to what is called 'The Dutch Approach' (de Graaf, 2010). This term refers to the Dutch policy of the 1970s in which these hostage-takings took place when the Moluccan community in the Netherlands turned against the Dutch government³². The way in which the Dutch government responded to these attacks became known as the Dutch approach and was characterized by its focus on negotiation and dialogue (van Sliedregt, 2010). It is, however, important to point out that for the Moluccan cases in particular, this strategy of negotiation was successful (to a certain extent) due to the willingness of Moluccan president in exile, Manusama to participate in the negotiations and persuade the terrorists to surrender. These attacks were strongly politically motivated and aimed at creating awareness for this Moluccan minority in the Netherlands and the loss of their homeland and therefore legitimized for their constituency by their common grief, therefore the type of terrorism has a strong political element.

This type of terrorism or political violence is very much in line with Rapoport's wave theory, referring to the anti-colonial wave. The events of 1969-1978 that happened were the impetus to create an infrastructure to deal with terrorism and the ASTA³³ (Ambtelijke Stuurgroep Terroristische Acties) was founded in 1973 to coordinate actions between different stakeholders

³² This was the result of the unwillingness of the Netherlands to support the Moluccans in gaining independence in the former Dutch colonial empire after the Netherlands had handed over its sovereignty in the region to the Indonesian Republic (Eikelenboom, 2007)

³³ Ambtelijke Stuurgroep Terroristische Acties - *Official Steering Group Terroristic Actions*

involved in CT: Binnenlandse Veiligheidsdienst (BVD)³⁴, the police and the ministry of justice. However, it was only in 1985 that a CT department was established within the BVD (Wittendorp, de Bont, & Bakker, 2017). The tactics utilized in this time are often referred to as the “Dutch Approach”; focusing on dialogue, but using force when needed. It has for long been considered successful because of its de-escalatory nature and humane approach (Schmid, Countering Terrorism in The Netherlands, 1992).

At the time these actions were mainly ongoing in the background, outside the public eye. This started to change when from the 1990s onwards BVD started publishing yearly reports disclosing some of their activities and areas of focus (Wittendorp S. , de Bont, de Roy van Zuijdewijn, & Bakker, 2017). In the first published BDV report terrorism is explicitly identified as an international problem and international cooperation is said to be essential to fight terrorism, focusing on bilateral and intergovernmental cooperation, referring to TREVI³⁵ (European Parliament, 2020). At the time the main focus of CT efforts were centered around the Gulf war, since there was risk of attacks being planned in countries of the coalition (among which the Netherlands) fighting the Iraqi regime. And although terrorism is frequently and explicitly mentioned as an issue, it was not formally defined, nor was there a legal definition to facilitate criminal prosecution of terrorist actions. It was only until after 9/11 that the approach to terrorism formally changed and became adopted under criminal law and that CT became a specific focus-area in terms of policy.

2. The broad approach

9/11 has made a large impact to the discourse and perception of terrorism, namely as a large risk and threat to society. But when comparing statistics of terrorist attacks in the Netherlands from the 1970s until 9/11, and those from 9/11 until now, we can see that the actual deaths as result of terrorism or terrorist actions is significantly higher in the 1970s than the number of deaths after 9/11. Most recent was the Utrecht tram attack in 2019 when four people were murdered and the perpetrator was convicted for committing a terrorist crime (ECLI:NL:RBMNE:2020:1046, 2020).

Apart from the 1970s the number of deaths as a result of a terrorist attack in the Netherlands is relatively very low compared to other European countries. This is also visible when we look at a list of terrorist incidents that occurred in the Netherlands:

³⁴ The national intelligence and security services

³⁵ Intergovernmental network of representatives of European Justice and Home affairs 1976-1993 that was established to foster international cooperation and fight terrorism and other forms of international crime

Table 4 Incidents that have been identified as terrorist attacks resulting in deaths^{36,37} grouped per decade

1970-1979	1970	Hostage taking of the Indonesian ambassador
	1975	Hostage taking Indonesian Consulate Amsterdam Hijacking train Beilen
	1977	Hijacking train + Hostage taking school
	1978	Hostage taking Assen A Dutch customs officer was killed in gunfire with two West German terrorists
	1979	The British ambassador to The Netherlands killed Assassination Bank official, Andre Michaux by Red Brigade or IRA Son of Turkish ambassador killed
	1980-1989	1988
1990-1999		1990 2 Australian tourists murdered by accident
	1995	A car bomb in Rotterdam killed a Turkish man
	1997	Three attacks on Turkish targets by PKK
2000-2009	2002	Dutch politician, Pim Fortuyn, was shot six times
	2004	Assassination Theo Van Gogh, a Dutch film maker
2010-2019	2019	Attack on tram in Utrecht

It must be noted that although the number of casualties is relatively low, this does not say anything about terrorism as a security threat.

The Dutch approach is characteristic for the Dutch CT policy, although according to some it is considered to be 'soft' since it is intended to be de-escalatory and avoid violence and repression wherever possible. Professor Abels states that the political attention for terrorism faded away in the first half of the 1980s and by 1985 terrorism was barely an issue in the Netherlands (Duyvesteyn & De Graaf, 2007). After 1985 the country was faced with a series of incidents, but those were qualified as violent political activism rather than terrorism.

Generally the period between the 1980s and 2000 is considered very quiet, yet old BVD reports indicate topics that were already flagged as possible future threats. The BVD called out radicalization and Islamic fundamentalism as a side-effect of migration and a potential breeding ground for terrorism. Radicalization as a result of failing integration and increasing polarization. Certain radical Islamic organizations are explicitly mentioned in these reports, although not

³⁶ Total nr of fatalities =<7

³⁷ Based on RAND/GTD data (RAND National Security Research Division, 2020) (Global Terrorism Database, 2020)

exclusively (the IRA is also mentioned).^{38,39} And in the years following, these topics are described more extensively and first mentions of political Islam⁴⁰ as a potential danger to the democratic values are published. In the 1999 report it is stated that the increasing international interest in terrorism calls for a Dutch contribution to international CT policy. Other topics that play a central role are the hindering and undermining of integration in the Dutch multi-ethnic society and an increasing influence from abroad by religious leaders. The BVD importantly notes an increasing interest in international jihad and international terrorism, but at the time these topics or concerns gained little to no (political) attention. Nonetheless, the intelligence services started to focus more and more on Islamic radicalism, but due to lack of political attention, all CT expertise remained mostly within the BVD.

After 9/11 things started to change drastically in the way terrorism was perceived (Bakker, 2004). A shift can be identified from CT being under the responsibility of the BVD towards CT being the responsibility of a proliferation of actors after efforts were set in motion to intensify CT cooperation. The need for a conceptual CT policy framework was expressed for the first time since the 1970s and the BVD called for cooperation between various actors that could play a role in fighting terrorism.

Contemporary Dutch CT policy is still characterized as the Dutch approach or the 'broad approach'⁴¹, a term widely used in academics and policy. This broad approach is explained in the 2001 BVD year report expressing a strong focus on prevention rather than looking only at repression. Terrorism should not be approached as an isolated issue, rather one should look into elements and factors that can provide a breeding ground for terrorist groups (BVD, 2001). The policy approach is aimed at preventing that individuals radicalize and grow into terrorists by identifying and stopping radicalization and recruitment processes in an early stage without repressive means, showing much similarities with the 'Dutch Approach' that was developed in the 1970s (Duyvesteyn & De Graaf, 2007).

Although this call for a 'broader' approach was mentioned in the 2001 BVD report, it took a few years before it was fully implemented as Dutch CT policy, because in 2001 there was no formally published strategy or coordination on counterterrorism. This increasing emphasis on prevention is still prevalent in Dutch CT policy nowadays⁴² (Justitie, 2011).

³⁸ (BVD, 1996, p. 23)

³⁹ (BVD, 1997, p. 24)

⁴⁰ (BVD, 1998)

⁴¹ Brede benadering

⁴² CT policy 2011-2015/2016-2020

In 2003 the policy note 'Terrorism and the protection of society'^{43,44} was written by the minister of Justice. This is considered the first document through which the 'broad approach' was declared official government policy (Wittendorp S. , de Bont, de Roy van Zuijdewijn, & Bakker, 2017).

Where 9/11 is according to many the starting point for rapid developments and efforts for cooperation in the field of counterterrorism, the 2004 Madrid attacks accelerated these efforts since it became clear that also Europe, and thus the Netherlands could fall victim of terrorist attacks.

Consequently in 2004 the CT-infobox was created as a platform in which information between different government agencies⁴⁵ can be shared. This made it possible for individually operating agencies to cooperate and deal with terrorist threats from multiple angles and facilitate early warning. Any of the agencies involved can flag an individual as a risk after which their details are checked and an advise is created (Akerboom, 2011).

Additionally the NCTb⁴⁶, now NCTV⁴⁷ was founded in 2004 under the responsibility of the ministry of the Interior and the ministry of Justice and Security as a central body to develop CT policy and regulate the execution of this policy, as well as to coordinate different actors involved in CT (Duyvesteyn & De Graaf, 2007). the NCTV is responsible for creating and publishing the four-year CT strategy in which CT policy plans are set out. This strategy is based on the broad- and Dutch approach as explained earlier, but has developed into a full-fledged policy/strategy based on five pillars. 1. Collecting and exchanging intelligence and information on potential threats and risks. 2. Prevention of attacks by fighting violent extremism nationally and internationally. 3. Defense by protecting vital objects and persons. 4. Prepare and anticipate potential attacks. 5. Prosecute and track down individuals with terrorist motives. These pillars still form the foundation of contemporary Dutch CT strategy (Akerboom, 2011).

Now that developments of Dutch policy on counterterrorism before and after the adoption of S/RES/1373 have been discussed, we will look at how its requirements have been implemented and embedded in Dutch legislation.

⁴³ Translation of 'Terrorisme en de bescherming van de samenleving'

⁴⁴ <https://www.parlementairemonitor.nl/9353000/1/j9vvij5epmj1ey0/vi3alfomuzs>

⁴⁵ Among which AIVD, IND, MIVD, KLPD, FIOD, KMAR, FIU

⁴⁶ Nationale Coordinator Terrorismebestrijding – National coordinator for counterterrorism

⁴⁷ Nationale Coordinator Terrorisme en Veiligheid – National coordinator terrorism & security

3. Dutch legislation on terrorism and counterterrorism

S/RES/1373 was unanimously adopted by all members states including The Netherlands. The Netherlands being a monist country, adopts and applies all resolutions and treaties signed and ratified into its domestic legislation in accordance to article 90 and 93 of the constitution in which it is proclaimed that:

The Government shall promote the development of the international legal order and...Provisions of treaties and of resolutions by international institutions which may be binding on all persons by virtue of their contents shall become binding after they have been published.⁴⁸

This means that legislation in international treaties and resolutions signed by the Netherlands also applies to domestic legislation, unlike dualist countries, for which international legislation needs to be translated and transformed before being applied domestically. Furthermore, it is stated that if the application of statutory regulations in force in the Kingdom of the Netherlands conflicts with the application of provisions of treaties or resolutions, the former will no longer apply.⁴⁹

Before 9/11 there was no specific anti-terrorism legislation in Dutch law, even though the Netherlands had already signed most UN treaties related to terrorism. A month after the attacks ministers of different ministries presented a letter to parliament announcing a set of measures that should make the Netherlands more resilient and better equipped to deal with terrorism (The Prime minister of the Netherlands et. al., 2001).

In this letter they express the need for the introduction of a European arrest warrant, criminal prosecution of terrorism, the need to stop the financing of terrorism and the need to intensify collaboration of European intelligence services. The ministers express their commitment to S/RES/1373 and emphasize the importance of the resolution to address terrorism as a global threat to security. Furthermore, they commit to implement pending resolutions into national legislation before the end of the year. Additionally, they state that they expect that the EU Council will take a joint stance in extending the scope of existing EU sanctions against the Taliban and Bin Laden and that existing UN sanctions against Taliban and Bin Laden will be adopted in an EU protocol or regulation, making the sanctions effective immediately in all EU member states. This protocol will come with an open list to which individuals and organizations can be added whose funds are to be frozen.

⁴⁸ Article 90 and 93 of the Constitution of The Kingdom of The Netherlands

⁴⁹ Article 94 of the Constitution of the Kingdom of The Netherlands

On June 13 2002 the Council of the European Union adopts the Council Framework Decision on combating terrorism requiring its member states to make terrorism, and terrorist offenses punishable under criminal law referring to acts which:

given their nature or context, may seriously damage a country or an international organisation where committed with the aim of: seriously intimidating a population, or unduly compelling a Government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation(2002/475/JHA) (European Union: Council of the European Union, 2002)

This EU Council framework decision was then adopted in the Dutch penal code comprising Dutch legislation on criminal law and was the first body of law in which terrorism is explicitly mentioned.

It is understood that crimes with terrorist motives or intentions are crimes with the intention to promote fear to the population, or part of a population of a country, as well as to unlawfully force a government or international organization to do something, cease to do something or to tolerate something, as well as to seriously disrupt or to destroy the fundamental political, constitutional, economic or social structures of a country or an international organization.⁵⁰

These crimes are described in article 83 paragraph 1,2 and 3 of the penal code referring to crimes to which a terrorist motive may apply, either explicitly mentioned as terrorist attacks to certain government bodies⁵¹ or officials, but also participating in organizations who have the intention to commit terrorist crimes⁵². This legislation on terrorist crimes entered into force on August 10, 2004 (Ministry of Justice Kingdom of The Netherlands, 2004). The act itself, however, was proposed to parliament on July 4th 2002 as an addition (including an array of amendments), to the existing penal code, introducing terrorism and terrorist acts explicitly to criminal legislation, which until this time did not mention terrorism explicitly, but addressed terrorism and terrorist acts as criminal acts (Tweede Kamer der Staten-Generaal, 2002).

Further legislation in which terrorism is explicitly mentioned is the Anti-Money Laundering and Anti-Terrorist Financing act, (WWFT)⁵³ which entered into force on the 1st of August 2008. This legislation is aimed at, as the name implies, stopping the financing of terrorism as set out in article 1b, referring to penal code article 421, 1a and 1b in which the crime of financing terrorism is

⁵⁰ Personal translation of Dutch penal code article 83a: “*Onder terroristisch oogmerk wordt verstaan het oogmerk om de bevolking of een deel der bevolking van een land ernstige vrees aan te jagen, dan wel een overheid of internationale organisatie wederrechtelijk te dwingen iets te doen, niet te doen of te dulden, dan wel de fundamentele politieke, constitutionele, economische of sociale structuren van een land of een internationale organisatie ernstig te ontwrichten of te vernietigen.*”

⁵¹ Article 95, penal code

⁵² Article 140a, penal code

⁵³ Wet ter voorkoming van Witwassen en Financiëren van Terrorism (WWFT)

described. These articles focus on the willful collection or provision of intelligence or property, which, fully or in part, serve to the provision of monetary support to carry out a terrorist attack, or to commit a crime in order to prepare or facilitate a terrorist crime. The WWFT hereby incorporates the Anti-Money Laundering Directive of the EU into Dutch domestic legislation, providing a range of measures with the aim to prevent the abuse of the Dutch and EU financial system for the financing of terrorism (European Union: The Council of the European Union, 2015).

Additional legislation that is part of CT policy is the intelligence and security services act (Wet op de Inlichtingen en Veiligheidsdiensten, (WIV)), which came into force in 2002 and was amended in 2017. The rights and duties of the Dutch General Intelligence and Security Service⁵⁴ (AIVD) and the Dutch Military Intelligence and Security Service⁵⁵ (MIVD) are described in this act. More importantly, the scope, authority and liberties in which the services can and cannot operate to protect and secure the democratic legal order are stipulated in this act. In order to keep up with technological developments in the (tele-)communication landscape, the 2002 act was amended in 2017, whereas in the old act, interceptions were mostly made into radio/ether traffic (Algemene Inlichtingen en Veiligheidsdienst, 2019).

Another measure stipulated in S/RES/1373, is the freezing of funds to hinder and prevent terrorist activities. The measures can be taken on a national, European and international level. This measure is implemented in Dutch legislation through the 2002 and 2007 regulation on sanctions for the suppression of terrorism⁵⁶, based on the 1977 Sanctions Act (Rijksoverheid, 2019) which authorizes the Minister of Foreign Affairs to indicate and install (temporary) regulations in order to comply with international obligations, such as S/RES/1373. In this regulation, S/RES/1373 is explicitly referred to and it authorizes the freezing of funds as well as the placement of personal data of a perpetrator on a public sanctions list.

⁵⁴ Algemene Inlichtingen- en Veiligheidsdienst

⁵⁵ Militaire Inlichtingen- en Veiligheidsdienst

⁵⁶ Sanctieregeling terrorisme 2002-ii/2007-ii

10. THE EFFECTS OF S/RES/1373 ON DUTCH CT POLICY

Since I am discussing if, and if so, how S/RES/1373 has influenced Dutch policy, essentially we are looking at *if*, and *how*, an international resolution is translated into domestic policy. Conceptually we look at how an international norm, in the form of a resolution, is translated into the domestic realm and how it shaped policy and legislation. Finnemore's model on norm diffusion helps to explain how this works in practice, but according to Betts and Orchard her approach is limited, considering institutionalization as an end-state. However, as they point out institutionalization does not equal compliance. Formal signature of international treaties in and of itself does not automatically trigger policy change. What matters is how norms are implemented as described by their institutionalization-implementation gap.

Within traditional IR paradigms, the role of international organizations in world politics differs. Where realists are skeptical on the role of international organizations as their main focus is on state-power and sovereignty and liberalists focus on principles like cooperation and democracy, constructivists see the world in ideas and social constructs. Therefore it makes sense to approach S/RES/1373 as an international norm being promoted by an international organization, the UN. Although the UN is often criticized for being bureaucratic and symbolic, not promoting actual action 'on the ground' in this research I argue that in light of the discussed developments, the implementation of this resolution can in fact be considered successful, since it resulted in actual legislative change. Using the discussed analytical framework we can consider S/RES/1373 on the one hand as a treaty norm⁵⁷ and when looking at the implementation of this treaty norm into the Dutch policy and legislation, it can also be considered a policy norm⁵⁸. To make this abstract process more concrete and observe the conceptual implementation process we looked at different elements as a case study to highlight the implementation process.

Firstly, data on UNSC resolutions related to terrorism before and after 9/11 was collected and analyzed. One dataset consists of resolutions that the UN itself labeled as terrorism resolutions, the other dataset was categorized by SCR, an independent organization. Although they differ, as some resolutions were considered to be indirectly linked to terrorism, whereas other resolutions are explicitly titled to be on terrorism, both datasets indicate a significant increase after 9/11.

What conclusions can be drawn from these findings? Even though it is sometimes perceived as a contemporary issue, terrorism is not a new phenomenon, nor are the efforts to counter it.

⁵⁷ A UN resolution being an international formal expression of the will or the opinion of the UN on a certain issue/subject thus setting, and agreeing upon, a certain norm

⁵⁸ The resolution expresses what is the expected behavior of those who adopt the resolution

However, the 9/11 attacks were unprecedented in the modern western world. Not just by the number of casualties, but also because it was fully televised, which caused it to have a tremendous impact as one element of terrorism is to spread fear. What this indicates is that the perception of international terrorism and the fight against it became politically urgent and relevant and that terrorism is considered to be an international phenomenon and issue.

To evaluate the impact on Dutch CT policy, it makes sense to investigate the policy area before and after 9/11 2001. However, looking into the literature on Dutch CT policy, a distinction is made between the Dutch approach and the broad approach. The former belonging to a timeframe from the early 1970s until the late 1990s, and the latter belonging to a more holistic comprehensive approach on CT strategy and policy which was introduced as official policy in 2003, but had already been construed in 1999.

Although ASTA was created, following the hostage takings in the 1970's, CT had no particular policy domain, but was mostly the concern of the BVD, the intelligence services and remained outside the public eye. From the 1990s onwards this started to change, when year reports started being published by the BVD and after 2001 we can notice a bigger change with the formal introduction of the broad approach which is later declared official government policy by the minister of Justice. Defining CT as a specific policy domain or area of focus, involved a larger range of actors and cooperation between those actors. CT is no longer only the responsibility of the intelligence services, but a coordinator is established to coordinate cross-functional, multidisciplinary action between different parts of government, police and other actors. Furthermore, a full-fledged strategy plan is now created and published every four years, in which different areas of focus are laid out.

According to Abels, the foundation of this policy approach was already there, but 9/11 increased the sense of urgency and called for further improvement and cooperation between different actors and the reform of existing – as well as the introduction of new legislation on terrorism (Abels, 2012). Even though the terrorist attacks in the 1970s had a big impact, there was no specific legislation on terrorism, and terrorism was not articulated in legislation, hence in line with what we saw on the international level, there was little political attention for terrorism in the Netherlands, until 2001. After 9/11 and after the adoption of S/RES/1373 many changes were implemented with regards to CT policy and strategy and more concrete CT policy was developed and coordinated by the newly instated role of NCTb/NCTV. More importantly, legislative changes were implemented, in which terrorist acts were defined.

This leads to the question if the changes implemented were a direct result of S/RES/1373. Of course the resolution cannot be seen separately from the impact that 9/11 had, yet efforts were already ongoing to improve and develop a broader CT policy. I argue however, that the resolution did help to streamline and articulate the steps to be taken. And as we have seen many of those steps indicated in the resolution were actually actioned on. S/RES/1373 is also quite different from its previous resolutions on terrorism in the sense that it stipulated legislative measures. And in some steps that were taken by the government, S/RES/1373 was specifically referred to.

Looking at what measures were taken and how certain legislation was implemented in the Dutch legal system, I believe there is a correlation between S/RES/1373 and the developments in the Dutch context. Of course the 9/11 events have been critical to foster the political will to adopt the measures from S/RES/1373 and most of what was stipulated in the resolution has been actioned on in Dutch policy and legislation.

S/RES/1373 called for a need to define terrorist acts in domestic legislation:

2(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts; (United Nations, 2001)

This led to amendments and the introduction of a definition of terrorist acts in the Dutch penal code:

It is understood that crimes with terrorist motives or intentions are crimes with the intention to promote fear to the population, or part of a population of a country, as well as to unlawfully force a government or international organization to do something, cease to do something or to tolerate something, as well as to seriously disrupt or to destroy the fundamental political, constitutional, economic or social structures of a country or an international organization.⁵⁹

Furthermore, we have seen that the participation in the financing of terrorism is now punishable under the Anti-Money Laundering and Anti-Terrorist Financing act, (WWFT), as well as through the 2002/2007 regulation for the suppression of terrorism in which S/RES/1373 is explicitly referred to.

Although in some government documents on the introduction of these acts/bills on anti-terrorism measures S/RES/1373 is not always explicitly referred to, some refer to the EU Council Framework Decision on terrorism or to the Council Regulation (EC) No 2580/2001. Yet, both the EU Council Framework Decision and the Council Regulation refer directly to S/RES/1373.

⁵⁹ Personal translation of Dutch penal code article 83a

Of course it can be argued that international legislation always has to be abided by, by states that signed and ratified. However, the extent to which this is actually done differs, and often signature and ratification are formal actions and do not always cause action on the ground.

11. CONCLUSION AND RECOMMENDATIONS

When taking a step back and looking at the larger picture of the efficacy of the UN as a vehicle of norm diffusion, what conclusions can be drawn? In the specific case of S/RES/1373 and its implementation in Dutch setting and context, I argue that the implementation can be considered successful, but as discussed, different crucial factors played a role. In order to evaluate if the UN can be considered a successful vehicle of norm diffusion in light of S/RES/1373 in the Dutch context the question was approached from different angles, by looking at theory on norm diffusion, statistical data on terrorism resolutions and by looking at Dutch CT policy and legislation.

As the aim of this thesis was to evaluate the UN as a vehicle of norm diffusion by investigating the effects of S/RES/1373 on Dutch CT policy and legislation, we are specifically discussing the correlation between policy and legislative developments following the adoption of S/RES/1373 to consider if we can speak of causality. This raises the question if the policy and legislative developments that followed the adoption of the resolution were the result of the normative power of the resolution or if they were the result of the 9/11 events? It must be noted that S/RES/1373 is inherently linked to the attacks as it was adopted as a direct result of – and reaction to - the events and used as a formal condemnation of 9/11 and international terrorism as a whole. Consequently, S/RES/1373 and its effects cannot be seen separately from 9/11, as part of its impact and normative power, derive directly from the shock 9/11 brought about.

The objectives and intentions of S/RES/1373 are clear: improve international cooperation between UN member states in the fight against terrorism by adopting international legislation into domestic legislation and policy. So can we speak of a causal link between the aforementioned legislative and policy related developments in the Dutch case and the adoption and implementation of S/RES/1373?

First we looked at terrorism to get a grasp of what it entails as a concept and how to define it. As we have seen, terrorism is a contested concept and defining it can be problematic. It matters because defining terrorism, defines who is considered a terrorist, which can have far-reaching consequences in terms of prosecution and sanctions. What also matters is *who* is doing the defining, as Ganor rightfully questioned “*is one mans’ terrorist another mans’ freedom fighter?*” Particularly abuse or misuse of defining who is a terrorist is problematic, since for terrorism, often heavier measures and sanctions apply in criminal law. However, although the concept is contested, there are recurring elements that can be found across many different definitions, like the element of fear, intimidation and political motivation.

When looking at the literature and theory on CT, many elements were identified that play a role in CT strategy and policy, split into offensive and defensive measures. One of the offensive measures was diplomacy and international (multilateral) cooperation, of which S/RES/1373 is a clear example.

To better explain how abstract concepts like norm diffusion work in practice, in the theoretical framework a constructivist approach was taken, which helps to conceptualize the process of norm diffusion, since it is not a traditional one sided IR theoretical approach, but a multidisciplinary approach drawing from different social disciplines.

As the data on UNSC resolutions on terrorism also indicates, after 9/11 there is a significant increase in the number of UNSC resolutions on terrorism and, as many scholars argue, 9/11 has drastically changed the way terrorism was perceived and created the political interest and will to articulate and implement measures in the fight against it as we have seen in S/RES/1373.

Furthermore, older pending treaties on terrorism and the prevention of the financing of terrorism were ratified shortly after the adoption of S/RES/1373. One could therefore argue that resolution functioned as a catalyzer for measures and stipulations that were already put in place in previous resolutions, but that had not yet been ratified.

When looking at the definition of terrorism in Dutch legislation and policy, after the adoption formal definitions and tools to execute regulations on the prevention of terrorism have been implemented, making it easier to establish working functionality of the definition leading to the possibility of criminal prosecution of (the preparation of) terrorist acts or the apprehension and temporary detainment of persons even when there are only strong suspicions of terrorism. Therefore it did provide those involved in the execution of CT policy with more means, tools and flexibility.

This is not to say that all changes and implementation can be fully attributed to the signature and ratification S/RES/1373. As we have seen, interest in international cooperation to fight international terrorism was already expressed in the BVD reports, although there was little to no political desire to pursue it. Similarly the foundation of a more comprehensive CT policy strategy had already been created in 1999. So in and of itself S/RES/1373 did not lay the foundation for policy, because it was already there. However, 9/11 drastically changed how terrorism was perceived and S/RES/1373 did help to articulate commonly shared intentions and legislative reforms. Therefore, I do argue that the implementation of the resolution in the Dutch policy and

legislation can be considered successful in the sense that it helped to organize and structure and homogenize elements of a more global CT strategy.

As Betts and Orchard pointed out, how a norm is interpreted and implemented is essential in the process of norm diffusion and utilizing their framework for analysis I have tried to highlight the implementation part of the norm diffusion process, by providing examples of changes that were implemented as part of S/RES/1373. In this respect I conclude that the implementation of the resolution in the Dutch setting was successful, which brings me back to the research question:

“Can the UN be considered a successful vehicle of norm diffusion when looking at how resolution 1373 was adopted and implemented in a Dutch context? And if so, what has been its contribution to Dutch CT policy?”

In and of itself researching the implementation of one resolution does not say much about the success of such a large organization as a whole, but in this specific context and regarding these specific measures, I argue that the UN has functioned as successful vehicle of norm diffusion and particularly for the legislative changes in which S/RES/1373 was referred to (directly or by referring to the EU Framework Decision or Council Regulation) we can speak of causality. Yet it must be noted that if it were not for the political will as a result of the shock 9/11 and other terrorist attacks have brought about, the implementation process might have happened differently.

As this thesis focused specifically on the causal relationship between S/RES/1373 and its implications and effects on Dutch policy and legislation, there are of course other angles to be taken. One recommendation would be to compare Dutch CT policy and legislation to that of a similar European country, such as Denmark that has adopted legislation and policy after S/RES/1373 to do a comparative policy analysis and use Betts and Orchard's methodology to investigate how the same resolution can be interpreted and implemented differently.

Another option would be to look into the legislation of policy of a country that already had specific CT policy and legislation in place before adopting S/RES/1373 and investigate how this legislation and policy originated and differs from Dutch CT policy and legislation.

This thesis did not look into human rights violations through misuse of CT policy and legislation and if S/RES/1373 is used in the legitimization of such practices, e.g. how does the Turkish government legitimize the prosecution of certain individuals (journalists, Kurds) and if S/RES/1373 is in any way used or referred to in this practice.

The effects of S/RES/1373 on the legislation and policy of non-European countries could also be investigated in order to exclude the role of the EU institutions and look into how the resolutions has shaped domestic policy and legislation.

Finally one could look into convictions of terrorists or attempts of terrorism, before and after legislative reforms that followed S/RES/1373 to investigate the outcome in practice in criminal prosecution.

12. BIBLIOGRAPHY

- European Parliament. (2020, 07 01). *Police cooperationa*. Retrieved from Fact Sheets on the European Union: <https://www.europarl.europa.eu/factsheets/en/sheet/156/police-cooperation>
- Abels, P. (2012). *De brede benadering in de terrorismebestrijding: de oorsprong, ontwikkeling en stand van zaken*. Den Haag: Rijksoverheid.
- Abrahms, M. (2008). What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy. *International Security*, 78-105.
- Akerboom, E. (2011). Tien jaar Nederlands contraterrorismebeleid. *Militaire Spectator*, 387-397.
- Aldrich, R. J. (2013). Intelligence . In P. D. Williams, *Security Studies An Introduction* (pp. 235-249). London and New York: Routledge.
- Algemene Inlichtingen en Veiligheidsdienst. (2019, 11 10). *Wat is er veranderd na het referendum over de Wiv?* Retrieved from Algemene Inlichtingen en Veiligheidsdienst: <https://www.aivd.nl/onderwerpen/wet-op-de-inlichtingen-en-veiligheidsdiensten/wat-is-er-veranderd-na-het-referendum-over-de-wiv-2017>
- Bakker, E. (2004). *Terrorisme in Nederland 1969-2004. Is de dreiging nu groter dan ooit? Jaarboek Vrede en Veiligheid 2004*, pp. 179-192.
- Bakker, E. (2015). *Terrorism and Counterterrorism Studies*. Leiden: Leiden University Press.
- Barnett, M. (2017). Social Constructivism. In J. Baylis, S. Smith, & P. Owens, *The Globalization of World Politics* (pp. 144-158). Oxford: Oxford University Press.
- Betts, A., & Orchard, P. (2014). *Implementation and World Politics: How International Norms Change Practice*. Oxford: Oxford University Press.
- Bill on terrorist crimes. (2002, July 11). *Wet terroristische misdrijven; voorstel van wet*. Dutch Parliament.
- BVD. (1991). *Jaarverslag BVD 1991*. Den Haag: Ministerie van Binnenlandse Zaken (Ministry of Home Affairs).
- BVD. (1996). *Jaarverslag BVD 1996*. Den Haag: Ministerie van Binnenlandse Zaken (Ministry of Home Affairs).
- BVD. (1997). *Jaarverslag BVD 1997*. Den Haag: Ministerie van Binnenlandse Zaken (Ministry of Home Affairs).
- BVD. (1998). *Jaarverslag BVD 1998*. Den Haag: Ministerie van Binnenlandse Zaken (Ministry of Home Affairs).
- BVD. (2001). *Jaarverslag Binnenlandse Veiligheidsdienst 2001*. Den Haag: Ministerie van Binnenlandse Zaken en Koninkrijksrelaties.
- Crenshaw, M. (1981). The Causes of Terrorism. *Comparative Politics*, 379-399.
- de Graaf, B. (2010). *Theater van de Angst*. Amsterdam: Boom.

- De Graaff, B. (2017, August 14). Terrorisme- en radicaliseringsstudies. Een explosief onderzoeksveld. *Justitiele Verkenningen*, pp. 8-31.
- Dunne, T. (2017). Liberalism. In J. Baylis, S. Smith, & P. Owens, *The Globalization of World Politics* (pp. 116-128). Oxford: Oxford University Press.
- Dunne, T., & Schmidt, B. C. (2017). Realism. In J. Baylis, S. Smith, & P. Owens, *The Globalization of World Politics* (pp. 101-115). Oxford: Oxford University Press.
- Duyvesteyn, I., & De Graaf, B. (2007). *Terroristen en hun bestrijders: vroeger en nu*. Amsterdam: Boom.
- ECLI:NL:RBMNE:2020:1046, 16/659055-19 (Rechtbank Midden-Nederland 03 20, 2020).
- Eikelenboom, S. (2007). *Niet bang om te sterven*. Amsterdam: Nieuw Amsterdam.
- European Union: Council of the European Union. (2002, June 13). 2002/475/JHA. *Council Framework Decision of 13 June 2002 on combating terrorism*. EUR-Lex.
- European Union: The Council of the European Union. (2015, May 20). Directive (EU) 2015/849. *Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing*. Brussels, Belgium: EUR-LEX.
- Finnemore, M., & Sikkink, K. (1998). International Norm Dynamics and Political Change. *International Organization*, 52(4), 887-917.
- Ganor, B. (2002). Defining terrorism: Is one man's terrorist another man's freedom fighter? *Police Practice and Research*, 287-304.
- Ganor, B. (2017). *The Counterterrorism Puzzle*. New York: Routledge.
- Gaub, F. (2017, March). Trends in terrorism. *European Union Institute for Security Studies (EUISS)*(4), 1-2.
- Global Terrorism Database. (2020, September 6). *The Global Terrorism Database*. Retrieved from <https://gtd.terrorismdata.com/>: https://gtd.terrorismdata.com/app/uploads/_mediavault/2019/09/globalterrorismdb_0919dist.xlsx
- Haaland Kramer, H., & Yetiv, S. A. (2007). The UN Security Council's Response to Terrorism: Before and after September 11, 2001. *Political Science Quarterly*, 409-432.
- Hinojosa-Martinez, L. M. (2014). UN Security Council Resolution 1373. In B. Saul, *Research handbook on international law and terrorism* (pp. 626-650). Edward Elgar Publishing.
- Jensen, R. B. (1981). The International Anti-Anarchist Conference of 1898 and the origins of Interpol. *Journal of Contemporary History*, 323-347.
- Justitie, M. v. (2011). *Antiterrorismemaatregelen in Nederland in het eerste decennium van de 21e eeuw*. Den Haag: Ministerie van Veiligheid en Justitie.

- Kiras, J. D. (2016). Irregular Warfare: Terrorism and Insurgency. In J. Baylis, J. J. Wirtz, & C. S. Gray, *Strategy in the Contemporary World* (pp. 175-193). Oxford: Oxford University Press.
- Kiras, J. D. (2017). Terrorism and Globalization. In J. Baylis, S. Smith, & P. Owens, *The Globalization of World Politics* (pp. 402-418). Oxford: Oxford University Press.
- Mcdonald, M. (2013). Constructivisms. In P. D. Williams, *Security Studies an Introduction* (pp. 63-77). Oxon: Routledge.
- Ministry of Justice Kingdom of The Netherlands. (2004, July 29). Besluit van 21 juli 2004 tot vaststelling van het tijdstip van inwerkingtreding van de Wet terroristische misdrijven. *Staatsblad van het Koninkrijk der Nederlanden*, p. 1.
- NCTV. (2019). *Dreigingsbeeld Terrorisme Nederland 50*. Den Haag: NCTV.
- North Atlantic Treaty Organization. (2017, March 22). *Collective defence - Article 5*. Retrieved from NATO Website: https://www.nato.int/cps/en/natohq/topics_110496.htm?
- Owens, P., Baylis, J., & Smith, S. (2019). Introduction. In P. Owens, J. Baylis, & S. Smith, *The Globalization of World Politics* (pp. 1-14). Oxford: Oxford University Press.
- Pillar, P. R. (2013). Counterterrorism. In P. D. Williams, *Security Studies* (pp. 457-470). Oxon: Routledge.
- RAND National Security Research Division. (2020, September 6). *RAND Database of Worldwide Terrorism Incidents (RDWTI) Online Search Form*. Retrieved from RAND: <https://www.rand.org/nsrd/projects/terrorism-incidents/download.html>
- Rapoport, D. (2001). The Four Waves of Modern Terrorism. *Current History*, 419-24.
- Rijksoverheid. (2019, 02 12). *Procedures totstandkoming en beëindiging van bevestigingsmaatregelen terrorisme*. Retrieved from www.rijksoverheid.nl: <https://www.rijksoverheid.nl/documenten/publicaties/2019/02/12/procedures-totstandkoming-en-beeindiging-van-bevestigingsmaatregelen-terrorisme>
- Rijksoverheid. (2020, July 5). *Aanpak terrorisme in Nederland*. Retrieved from [Rijksoverheid.nl](http://www.rijksoverheid.nl): <https://www.rijksoverheid.nl/onderwerpen/terrorismebestrijding/aanpak-terrorisme-in-nederland>
- Rogers, P. (2013). Terrorism. In P. D. Williams, *Security Studies an Introduction* (pp. 221-235). London: Routledge.
- Schmid, A. P. (1992). Countering Terrorism in The Netherlands. *Terrorism and Political Violence*, 77-109.
- Schmid, A. P. (2011). *The Routledge Handbook of Terrorism Research*. Abingdon, Oxon: Routledge.
- Security Council Report. (2020, 12 27). *Selected Security Council Resolutions*. Retrieved from <https://www.securitycouncilreport.org/un-documents/terrorism/>

- The Guardian. (2001, September 21). *Text of George Bush's speech*. Retrieved from www.theguardian.com:
<https://www.theguardian.com/world/2001/sep/21/september11.usa13>
- The Prime minister of the Netherlands et. al. (2001, October 5). BRIEF VAN DE MINISTER-PRESIDENT, MINISTER VAN ALGEMENE ZAKEN EN VAN DE MINISTERS VAN JUSTITIE, VAN BINNENLANDSE ZAKEN EN KONINKRIJKSRELATIES, VAN FINANCIËN EN VAN DEFENSIE. *27 925 Terroristische aanslagen in de Verenigde Staten*. The Hague, The Netherlands: Tweede Kamer der Staten-Generaal. Retrieved from <https://zoek.officielebekendmakingen.nl/kst-27925-10.html>
- The United Nations. (2018, May 10). *Security Council Counter-Terrorism Committee*. Retrieved from www.un.org: <https://www.un.org/sc/ctc/resources/assessments/>
- The United Nations Security Council. (2001, September 28). *Creation of Counter Terrorism Committee (CTC)*. Retrieved from United Nations Office of Counter-Terrorism: <https://www.un.org/counterterrorism/ctitf/en/sres1373-2001>
- The US Department of State. (2016, April 4). *Country Reports on Terrorism 2016*. Washington DC: The US Department of State. Retrieved from <https://www.state.gov/>:
<https://www.state.gov/documents/organization/65464.pdf>
- Tweede Kamer der Staten-Generaal. (2002, July 11). *Wijziging van het Wetboek van Strafrecht en enige andere wetten in verband met terroristische misdrijven (Wet terroristische misdrijven)*. The Hague, The Netherlands: Tweede Kamer der Staten-Generaal . Retrieved from <https://zoek.officielebekendmakingen.nl/kst-28463-3.html>
- United Nations. (1951). *Refugee Convention*. Geneva: UN General Assembly.
- United Nations. (2001). *Resolution 1373 Threats to international peace and security caused by terrorist acts*. New York: United Nations Security Council.
- United Nations Security Council. (2021, January 16). *Resolutions*. Retrieved from United Nations Security Council: <https://www.un.org/securitycouncil/content/resolutions-0>
- van Halsema, D. (2018). Research proposal International Relations. Leiden University: Unpublished.
- van Sliedregt, E. (2010). European Approaches to Fighting Terrorism. *Duke Journal of Comparative & International Law*, 413-428.
- Wardlaw, G. (1982). *Political Terrorism: Theory, Tactics, and Counter-Measures*. Cambridge: Cambridge University Press.
- Wittendorp, S., de Bont, R., de Roy van Zuijdewijn, J., & Bakker, E. (2017). *Beleidsdomein Aanpak Jihadisme*. Leiden: Universiteit Leiden.

13. APPENDICES

1. Resolution 1373 (United Nations, 2001)

Due to word count limitations the full text is not included in the appendix, but can be accessed through:

[https://undocs.org/S/RES/1373\(2001\)](https://undocs.org/S/RES/1373(2001))

2. Dataset 1. (Security Council Report, 2020)

Year	UNSCR	Content
1970	S/RES/286	This resolution appealed for an end to hijacking of commercial aircraft and for release of passengers and crew currently held.
1985	S/RES/579	This resolution condemned acts of hostage-taking and abduction.
1999	S/RES/1267	This resolution established the Al-Qaida and Taliban Committee and its sanctions mandate.
1999	S/RES/1269	This resolution condemned all acts, methods and practices of terrorism as criminal and unjustified and calls upon all States to cooperate with each other to prevent and suppress terrorist acts.
2000	S/RES/1333	This resolution strengthened the sanctions against the Taliban and imposed sanctions against Al-Qaida.
2001	S/RES/1363	This resolution established the monitoring mechanism (the Monitoring Group (MG)) and the Sanctions Enforcement Support Team (up to 15 members with expertise in customs, border security and counter-terrorism). The MG was also tasked with offering assistance to states neighbouring Afghanistan to increase their capacity to implement the sanctions.
2001	S/RES/1368	This resolution condemned the attacks of 11 September 2001 on the United States, and called on states to bring justice to the perpetrators, organisers and sponsors of those terrorist acts.
2001	S/RES/1373	This resolution placed barriers on the movement, organisation and fund-raising activities of terrorist groups and imposed legislative, policy and reporting requirements on member states to assist the global struggle against terrorism. It also established a Counter-Terrorism Committee to monitor state compliance with these provisions.
2001	S/RES/1377	This resolution called on states to become party to the relevant international conventions and protocols relating to terrorism, to implement 1373 and to assist each other in doing so.
2002	S/RES/1388	This resolution amended sanctions on the Taliban and Al-Qaida, to not include Ariana Afghan Airlines.
2002	S/RES/1390	This resolution extended the financial measures and broadened the travel ban and arms embargo; requested States to report on the measures taken to enforce them; and requested the 1267 Committee "to cooperate" with the Counter-Terrorism Committee (CTC).
2002	S/RES/1452	This resolution provided humanitarian exemptions to the assets freeze.
2003	S/RES/1455	This resolution enhanced the monitoring role of the 1267 Committee; urged states to report progress on implementation of the sanctions; stressed the "need for improved coordination and increased exchange of information" between the 1267 Committee and the CTC; and established further reporting requirements by states.
2003	S/RES/1456	This resolution called on states to implement sanctions against terrorists, and mentioned in particular the Taliban and Al-Qaida.
2004	S/RES/1526	This resolution strengthened the mandate of the 1267 Committee, and made more specific the financial sanctions, travel ban and arms embargo imposed on the individuals associated with the Taliban and Al-Qaida.
2004	S/RES/1535	This resolution established the Counter-Terrorism Executive Directorate (CTED).
2004	S/RES/1540	This resolution established the 1540 Committee and its mandate, affirmed that proliferation of nuclear weapons as well as the means of delivery constitutes a threat to international peace and security.

2004	S/RES/1566	This resolution established a working group to consider practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida/Taliban Sanctions Committee and the establishment of a trust fund to compensate victims of terrorist acts and their families.
2005	S/RES/1617	This resolution significantly broadened the mandate of the Committee and the Monitoring Team and extended its mandate for an additional 17 months.
2005	S/RES/1624	This resolution called on states to take further measures to combat terrorism.
2006	S/RES/1730	This resolution established "a focal point" within the UN Secretariat to process submissions for de-listing under Council resolutions involving targeted sanctions.
2006	S/RES/1735	This resolution further expanded the scope of the sanctions regime and the Committee's mandate, adopted new listing requirements, and extended and elaborated the mandate of the Monitoring Team.
2007	S/RES/1787	This resolution extended the mandate of the Counter-Terrorism Executive Directorate to 31 March 2008.
2008	S/RES/1805	This resolution extended the mandate of the Counter-Terrorism Executive Directorate to 31 December 2010.
2008	S/RES/1810	This resolution extended the mandate of the 1540 Committee until 25 April 2011.
2008	S/RES/1822	This resolution extended the mandate of the Analytical Support and Sanctions Implementation Monitoring Team of the 1267 Committee for 18 months.
2009	S/RES/1887	This resolution was on nuclear non-proliferation and disarmament and stressed the value and necessity of fully implementing resolution 1540.
2009	S/RES/1904	This resolution renewed the mandate of the 1267 Committee Monitoring Team for 18 months. The resolution also included significant changes to the administration of the 1267 regime, including the creation for an initial period of 18 months of an Office of the Ombudsperson, which is intended to serve as a point of contact for individuals and entities requesting that they be delisted.
2010	S/RES/1963	This resolution extended the mandate of the Counter-Terrorism Committee's Executive Directorate (CTED) until 31 December 2013, with an interim review to be conducted by 30 June 2012 and an updated global implementation survey of resolution 1373 to be completed by 30 June 2011. The resolution encouraged CTED to focus increased attention on resolution 1624 (2005) and to produce a report on that resolution's implementation by 31 December 2011.
2011	S/RES/1977	This resolution renewed the mandate of the 1540 committee for 10 years. The committee was requested to conduct a comprehensive review of the status of implementation of resolution 1540 and recommend any necessary adjustments to its mandate every five years. The committee was also asked to consider by 31 August the feasibility of a coordination and leadership post for the group of experts, as well as the expertise and broad geographical representation required for the group of experts. In addition, the Council decided that the committee should submit an annual programme of work to the Council before the end of each May, with the next due by 31 May 2011.
2011	S/RES/1988	This resolution established a separate Taliban/Afghanistan sanctions regime, with a separate list of Taliban individuals and entities subject to sanctions and a new Afghanistan focused sanctions committee.
2011	S/RES/1989	This resolution empowered the Ombudsperson to make delisting recommendations to the 1267/1989 Committee.
2012	S/RES/2055	This resolution expanded the 1540 Committee's Group of Experts from eight to nine.

2012	S/RES/2082	This resolution modified the Taliban (1988) sanctions regime, allowing for a number of exemptions to make it easier for listed individuals to travel in order to participate in meetings in support of peace and reconciliation. It also renewed the Committee's Monitoring Team.
2012	S/RES/2083	This resolution renewed the mandate of the Al-Qaida sanctions committee (1267/1989) Ombudsperson for 30 months.
2013	S/RES/2129	This resolution renewed the mandate of the Counter-Terrorism Executive Directorate for four years.
2014	S/RES/2133	This resolution called on states not to pay ransom to terrorist kidnappers.
2014	S/RES/2160	This resolution renewed, with minor adjustments, the 1988 Taliban sanctions regime.
2014	S/RES/2161	This resolution renewed the measures targeting Al-Qaida associated individuals and entities and extended the mandates of the Office of the Ombudsperson and the Analytical Support and Sanctions Monitoring Team assisting the 1267/1989 Al-Qaida Sanctions Committee for 30 months.
2014	S/RES/2170	Condemned the recruitment by ISIS and al-Nusra of foreign fighters and listed six individuals affiliated with those groups under the 1267/1989 Al-Qaida sanctions regime.
2014	S/RES/2178	This resolution expanded the counter-terrorism framework by imposing obligations on member states to respond to the threat of foreign terrorist fighters.
2014	S/RES/2195	This was a resolution that addressed the role of transnational organised crime in supporting terrorism.
2015	S/RES/2199	Was on ISIS and Al-Nusra's illicit funding via oil exports, traffic of cultural heritage, ransom payments and external donations.
2015	S/RES/2249	Called for member states to take all necessary measures on the territory under the control of ISIS to prevent terrorist acts committed by ISIS and other Al-Qaida affiliates.
2015	S/RES/2250	This was a resolution on youth, peace and security which recognises the contribution of youth in the prevention and resolution of conflicts, and warns against the rise of radicalisation to violence and violent extremism amongst youth.
2015	S/RES/2253	This was a resolution strengthening the Al Qaida sanctions regime and focusing on the Islamic State in Iraq and the Levant (ISIL). The sanctions regime was also renamed the "1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions List" to reflect this focus.
2016	S/RES/2309	This was a resolution which called on member states to work within ICAO to ensure that its international security standards are reviewed, adapted and implemented to effectively address this threat.
2016	S/RES/2322	This was a resolution on international judicial cooperation in countering terrorism.
2016	S/RES/2331	This was the first-ever resolution on human trafficking, which condemned the phenomenon and stressed how human trafficking can exacerbate conflict and foster insecurity.
2017	S/RES/2341	This was a resolution on the protection of critical infrastructure against terrorist threats.
2017	S/RES/2347	This was a resolution on protection of cultural heritage in armed conflicts.
2017	S/RES/2354	This was a resolution on a "comprehensive international framework" to counter-terrorism narratives.
2017	S/RES/2368	This was a resolution renewing and updating the 1267/1989/2253 ISIL (Da'esh) & Al-Qaida Sanctions regime. Through an annex to the resolution, eight individuals or organisations were added to the sanctions list.
2017	S/RES/2370	This was a resolution on preventing terrorists from acquiring weapons.
2017	S/RES/2395	This resolution renewed the mandate of the Counter-Terrorism Committee Executive Directorate (CTED) until 31 December 2021.

2017	S/RES/2396	This was a resolution addressing the threat of foreign terrorist fighters.
2019	S/RES/2462	This was a resolution on combatting the financing of terrorism.
2019	S/RES/2482	This was on the nexus between terrorism and international organised crime.

3. Dataset 2: Security Council Resolution titles (United Nations Security Council, 2021)

YEAR	RESOLUTION	CONTENT
1998	S/RES/1189	On the international terrorism
2001	S/RES/1368	Threats to international peace and security caused by terrorist acts
2001	S/RES/1373	Threats to international peace and security caused by terrorist acts
2001	S/RES/1377	Threats to international peace and security caused by terrorist acts
2002	S/RES/1438	Threats to international peace and security caused by terrorist acts
2002	S/RES/1440	Threats to international peace and security caused by terrorist acts
2002	S/RES/1450	Threats to international peace and security caused by terrorist acts
2002	S/RES/1452	Threats to international peace and security caused by terrorist acts
2003	S/RES/1455	Threats to international peace and security caused by terrorist acts
2003	S/RES/1456	High-level meeting of the Security Council: combating terrorism
2003	S/RES/1465	Threats to international peace and security caused by terrorist acts
2003	S/RES/1516	Threats to international peace and security caused by terrorist acts
2004	S/RES/1526	Threats to international peace and security caused by terrorist acts
2004	S/RES/1530	Threats to international peace and security caused by terrorist acts
2004	S/RES/1535	Threats to international peace and security caused by terrorist acts
2004	S/RES/1566	Threats to international peace and security caused by terrorist acts
2005	S/RES/1611	Threats to international peace and security caused by terrorist acts
2005	S/RES/1617	Threats to international peace and security caused by terrorist acts
2005	S/RES/1618	Threats to international peace and security caused by terrorist acts
2006	S/RES/1735	Threats to international peace and security caused by terrorist acts
2007	S/RES/1787	Threats to international peace and security caused by terrorist acts
2008	S/RES/1805	Threats to international peace and security caused by terrorist acts
2008	S/RES/1822	Threats to international peace and security caused by terrorist acts
2009	S/RES/1904	Threats to international peace and security caused by terrorist acts
2010	S/RES/1963	Threats to international peace and security caused by terrorist acts
2011	S/RES/1988	Threats to international peace and security caused by terrorist acts
2011	S/RES/1989	Threats to international peace and security caused by terrorist acts
2012	S/RES/2082	Threats to international peace and security caused by terrorist acts
2012	S/RES/2083	Threats to international peace and security caused by terrorist acts
2013	S/RES/2129	Threats to international peace and security caused by terrorist acts
2014	S/RES/2133	Threats to international peace and security caused by terrorist acts
2014	S/RES/2160	Threats to international peace and security caused by terrorist acts
2014	S/RES/2161	Threats to international peace and security caused by terrorist acts
2014	S/RES/2170	Threats to international peace and security caused by terrorist acts
2014	S/RES/2178	Threats to international peace and security caused by terrorist acts
2015	S/RES/2199	Threats to international peace and security caused by terrorist acts
2015	S/RES/2249	Threats to international peace and security caused by terrorist acts
2015	S/RES/2253	Threats to international peace and security caused by terrorist acts

2015	S/RES/2255	Threats to international peace and security caused by terrorist acts
2016	S/RES/2309	Threats to international peace and security caused by terrorist acts: Aviation security
2016	S/RES/2322	Threats to international peace and security caused by terrorist acts
2017	S/RES/2341	Threats to international peace and security caused by terrorist acts
2017	S/RES/2354	Threats to international peace and security caused by terrorist acts
2017	S/RES/2368	Threats to international peace and security caused by terrorist acts
2017	S/RES/2370	Threats to international peace and security caused by terrorist acts - Preventing terrorists from acquiring weapons
2017	S/RES/2395	Threats to international peace and security caused by terrorist acts
2017	S/RES/2396	Threats to international peace and security caused by terrorist acts
2019	S/RES/2462	Threats to international peace and security caused by terrorist acts: Preventing and combating the financing of terrorism
2019	S/RES/2501	Threats to international peace and security caused by terrorist acts
2020	S/RES/2557	Threats to international peace and security caused by terrorist acts
2020	S/RES/2560	Threats to international peace and security caused by terrorist acts