

**CAUGHT IN THE STORM: CANADA AND THE NETHERLANDS  
AS BAROMETERS FOR THE WEST'S CHANGING ATTITUDE  
TOWARDS SECURITY AND HUMAN RIGHTS AFTER 9/11**

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## **Caught in the Storm: Canada and the Netherlands as Barometers for the West's changing Attitude towards Security and Human Rights after 9/11**

What the present age calls “morality” is instituting what the people like and doing away with what they hate. But if you institute what the people delight in, they will in fact suffer from what they hate. On the other hand, if you institute what they hate, the people will be happy in what they enjoy.

– *The Book of the Lord Shang (300 BC)*

Every war when it comes, or before it comes, is not presented as a war but as an act of self-defence against a homicidal maniac.

- *George Orwell*

“Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists.”<sup>1</sup> These few words, uttered by United States President George W. Bush on September 20 2001, were in reaction to the terrorist attacks that occurred nine days earlier against the World Trade Centre in New York and the Pentagon in Washington. More than a throwback to the Cold War era, they perhaps redefined, more than the attacks themselves, domestic policies and the international political picture. The local suffering became global, the victim no longer a country but an entire civilisation. With those few words, all were to become involved in the American “War on Terror”.

Western powers swiftly reacted to that ultimatum first through the United Nations resolutions 1368 and 1373, and then with the enactment of domestic legislation such as the *Patriot Act* (USA), the *Anti-Terrorism, Crime and Security Act* (UK) and the *Terrorismusbekämpfungsgesetz* (Germany). Furthermore, the response took a military aspect with the October 2001 UN coalition attack on Afghanistan and in 2003, the American/British invasion of Iraq. Major economic and military powers are expected to have a strong response against terrorism – or any threat – due to their high-profile status. But should the same be expected from intermediate-power countries like Canada and the

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<sup>1</sup> PRESIDENT GEORGE W. BUSH (2001). *Address to a Joint Session of Congress and the American People*. <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>

Netherlands? Does their response embody the wave of security concerns sweeping the West and its ensuing redefinition of domestic and international stances on immigration, integration, prevention and terrorism? Can the political discourse and the intensity of post-9/11 policies, the counter-terrorism measures in particular, act as a barometer to determine Western positions and trends, in particular the infringement of human rights, both in approaches and discourses?

Using Canada and the Netherlands as case studies, we propose in this article that the use by intermediate-power countries of measures and methods that parallel those of the major powers when confronting terrorism provide accurate insight as to Western trends when dealing with security and human rights in the post 9/11 context. We will do so by first examining Western counter-terrorism tendencies, prior to and after September 11, notably the American, British, French and German approaches. Second, we will look at the Canadian and Dutch history when dealing with terrorism and thirdly, provide a socio-political analysis of both countries, with a particular focus on integration policies and human rights. We will then assess the weight of their bilateral and multilateral relations, notably with the United States and the European Union and how this affects their stance on human rights and terrorism. Finally, we will examine the impact of the changes.

## **I. Examining Western Counter-Terrorism Tendencies before and after 9/11**

In an interview given to Giovanna Borradori in the weeks following the Al Qaïda attacks, French philosopher Jacques Derrida argued that what had occurred on September 11 was not a major event, perhaps *not even* an event, for “a major event should be so unforeseeable and irruptive that it disturbs even the horizon of the concept or essence on the basis of which we believe to recognize an event *as such*.”<sup>2</sup> Although this seems at first glance like nothing more than an abstract etymological debate, it nonetheless underscores the real debate concerning the impact of those terrorist attacks, if there actually is a before and after 9/11.

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<sup>2</sup> BORRADORI, Giovanna (2003). *Philosophy in a time of Terror – Dialogues with Jürgen Habermas and Jacques Derrida*. Chicago: University of Chicago Press, p.90.

If one relies on the prominence and attention that terrorism, counter-terrorism legislation and methods have received since then, it's hard to believe that there is no before and after. The “new”, “more deadly” terrorism discourse is omnipresent in academic, political and security circles; the situation in Guantanamo Bay and the “unlawful combatant” status grab daily headlines; the Extraordinary Rendition Program, combined with numerous wrongful detention cases and an increase in electronic surveillance and data mining, all seem to cement the notion that something has changed, including a worrisome increase in human rights abuse by Western powers. But further analysis actually contradicts this impression.

Indeed, closer examination of security trends prior to and in the wake of 9/11 demonstrates a glaring continuity in policies when dealing with terrorism. American, British, French and German counter-terrorist legislation and methods have remained practically unchanged, notably when it comes to guilt by association, preventive detention and surveillance methods.

### **1. Guilt by Association**

The United States' *Patriot Act* defines, in its section 411, terrorist activities and a terrorist group as “two or more individuals, whether organized or not, which engages in [terrorist activities]”<sup>3</sup>. It also describes what is material support to terrorism and makes aliens deportable for such an act, “irrespective of any nexus between the individual's support and any act of violence, much less terrorism”<sup>4</sup>. This is an extension of the same “material support” provision included in the 1996 *Anti-terrorism and Effective Death Penalty Act*, which in its section 303, “made it a crime for citizens and non-citizens alike to provide any material support to the lawful political or humanitarian activities of any foreign group designated by the Secretary of State as “terrorist””<sup>5</sup>. In turn, this act is

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<sup>3</sup> USA PATRIOT ACT (2001). § 411 (G) (III).

<sup>4</sup> COLE, David. DEMPSEY, James (2006). *Terrorism and the Constitution*. New York: The New Press, p.198.

<sup>5</sup> COLE, David. DEMPSEY, James (2006). *Terrorism and the Constitution*. p.135.

based on the Reagan era legislation addressing the same issue<sup>6</sup>, aimed in particular towards humanitarian South American organisations.

Similar laws are also in effect in Germany and Great Britain. The German penal law (Stafgeseztbuch) §129 is aimed at criminal organizations, terrorist groups in particular, and includes various provisions that are in essence designed to prevent terrorism rather than react to it. Section 129 clearly stipulates that any form of support, including promotion through graffiti for example, can lead to financial penalty and/or up to five years in prison<sup>7</sup>. This was actually amended in 2002, as the original penalty was limited to jail time upwards to ten years. This law, enacted in 1976, was slightly modified in late 2001 through the first and second anti-terror packages (Anti-Terror Paket I & II), which gave the law extraterritorial jurisdiction and removed the “religious right” protection for religious organisations advocating violence and radicalism.

As for the United Kingdom, such provisions are inscribed in §121 of the *Terrorism Act 2000*, which defines an organisation as “any association or combination of persons”<sup>8</sup>, and §57 which states that a terrorist offence is committed if a person “possesses an article in circumstances which give rise to reasonable suspicion that his possession is for a purpose connected with the commission, preparation or *instigation*<sup>9</sup> of an act of terrorism”. Hence, any form of support for terrorism is a punishable offence<sup>10</sup>, not unlike the USA and Germany.

## 2. Preventive Arrest and Detention

Numerous anti-terror laws since 2001 appear to hinder the basic right of *Habeas Corpus* by granting unwarranted arrests and prolonged detention powers. Section 412 of

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<sup>6</sup> COLE, David. DEMPSEY, James (2006). *Terrorism and the Constitution*. p.34.

<sup>7</sup> WEIGEND, Thomas (2006). *Strafgesetzbuch 42. Auflage*. Munich: DTV, p. 75

<sup>8</sup> TERRORISM ACT 2000. §56 (5), §121. <http://www.opsi.gov.uk/ACTS/acts2000/00011--i.htm>

<sup>9</sup> Our italics

<sup>10</sup> On November 8 2007, Samina Malik, known as the “Lyrical Terrorist”, was found guilty of owning terrorist material, although she was found not guilty of terrorism support under §57. She possessed books on terrorism and wrote in her diary that she sometimes dreamed of being a martyr, although she had no ties to any terrorist organisation.

the *Patriot Act* stipulates that the Attorney General may take, after the emission of a detention certificate (certification), into custody any alien against whom he *believes* to be engaged in acts of terrorism<sup>11</sup>. Article 412 (5) further stipulates that detention may be made without charge for a maximum of seven days if necessary. In the United Kingdom, the same provisions can be found in the *Anti-Terrorism Crime and Security Act 2001*, in which section 21 (1)(a) also grants a government official, in this case the Secretary of State, the power to issue detention certificates if he/she believes an alien to be involved in terrorism<sup>12</sup>. Furthermore, the *Terrorism Act 2006* allows preventive detention to last up to 28 days<sup>13</sup>, pending authorization by a Crown prosecutor or in any part of the United Kingdom, a police officer of at least the rank of superintendent, at a maximum 48 hours after the arrest of the suspected individual<sup>14</sup>.

Despite their recent addition into national penal codes, these laws were once again nothing new, mere updates of preexisting ones already tackling these issues. Section 412 of the *Patriot Act* amends §236 of the 1994 *Immigration and Nationality Act*, in which the above-mentioned detention powers were already granted to immigration officials<sup>15</sup>. The powers granted to UK officials in the *Anti-Terrorism Crime and Security Act* and the *Terrorism Act 2006*, have their roots in §41 (1) of the *Terrorism Act 2000*, which stipulates that “a constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist” for whom “provisions of Schedule 8 (detention: treatment, review and extension) shall apply.”<sup>16</sup>. Section 36 of Schedule 8 stipulates nearly the exact same provisions granted by section 23 of the *Terrorism Act 2006*, with the notable difference that the detention period will not exceed seven days<sup>17</sup>.

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<sup>11</sup> USA PATRIOT ACT (2001). §412 (a)(1), §412 (a)(3). In fact, the Attorney General certifies that the individual represents a terrorism threat or national security

<sup>12</sup> ANTI-TERRORISM CRIME AND SECURITY ACT 2001. §21 (1)(a).

<http://www.opsi.gov.uk/acts/acts2001/20010024.htm>

<sup>13</sup> British Prime Minister Gordon Brown’s reform plan suggested, other than restoring the control orders, that the 28-day detention be increased up to 56 days. The current comprise is 42.

<sup>14</sup> TERRORISM ACT 2006. §23 (7)(3). §23 (2)(1).

<sup>15</sup> COLE, David. DEMPSEY, James (2006). *Terrorism and the Constitution*. p.201.

<sup>16</sup> TERRORISM ACT 2000. §41 (1-2). <http://www.opsi.gov.uk/ACTS/acts2000/00011--i.htm>

<sup>17</sup> TERRORISM ACT 2000. Schedule 8, §36 (1-3). <http://www.opsi.gov.uk/ACTS/acts2000/00011--i.htm>

In conjunction with those measures, the British government set up through the *Terrorism Act 2005*, the *Control Orders*, which are emitted “{...} against an individual that imposes obligations on him for purposes connected with protecting members of the public from a risk of terrorism.”<sup>18</sup>. Therefore, despite release, the suspect remains under surveillance and this, for a period of twelve months<sup>19</sup>. Although these control orders were later ruled to violate human rights, similar projects remain under consideration at Whitehall and Westminster<sup>20</sup>.

In France, preventive powers are standard procedure when it comes to terrorism. The 1986 *Pasqua* law, named after the then Interior minister, created the *14<sup>e</sup> section spéciale du parquet de Paris*, a special judicial branch composed of six anti-terror judges that handle all terrorism related cases<sup>21</sup>. This law states that anyone suspected of terrorism may be arrested and held without charge for four days, with a possible extension of 48 hours if a terrorist act is deemed imminent<sup>22</sup>. However, if the judge states *intent* to prosecute, the suspect may be held indefinitely, in some cases numerous years<sup>23</sup>, something that is analogous to the detention periods and powers inscribed within US and British immigration laws, to which suspected alien terrorists are rapidly subject to.

As we can see, what appears as a tendency for Western government to enact stronger, more draconian security policies following the September 11 attacks is actually more illusion than fact. The majority of them are actually slight updates of already existing laws, most of them decades old, including the surveillance and data mining policies. There is no denying that changes did occur, such as an increase in CCTV cameras, profiling and extended periods of detention, but they by no means warrant the

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<sup>18</sup> PREVENTION OF TERRORISM ACT 2005. §1 (1).

<http://www.opsi.gov.uk/acts/acts2005/20050002.htm>

<sup>19</sup> PREVENTION OF TERRORISM ACT 2005. §2 (4)(a)

<sup>20</sup> JONES, George. ROZENBERG, Joshua (29/06/2006). Human rights ruling leaves anti-terror law in tatters. *Telegraph online*. [www.telegraph.co.uk](http://www.telegraph.co.uk)

<sup>21</sup> LOI 86-1020 (1986). §17-19.

<sup>22</sup> CODE PÉNAL (2008). §706-88. It must be specified that the original detention period (1986) was 48 hours with two possible extensions of 24 hours each. This was amended early 2006 with the Sarkozy law that granted a six-day detention period.

<sup>23</sup> LEROUGETEL, Antoine (2006). *France: Le juge Bruguière – de l'utilisation de l'anti-terrorisme comme instrument politique*.

[www.wsws.org/francais/News/2006/janvier06/260106\\_JugeBruguiereprn.shtml](http://www.wsws.org/francais/News/2006/janvier06/260106_JugeBruguiereprn.shtml)

widespread belief that there is a *de facto* before/after September 2001, that civil liberties and human rights are more threatened today than in the mid-1990's.

One could argue that the strong security minded political discourse expressed by high-level politicians is not only cause for concern but also a reflection of the change. On the other hand, this is exactly the response expected from major powers like France, Germany, the UK or the United States. Swift, strong responses that send a clear political message of unwavering power. But as history shows, the policies of major powers can often be unilateral, extended to what could be called a "civilization policy". But if countries that are not expected to follow suit also apply these policies, despite their own conventional positions and policies, can they be an accurate microcosm of general trends?

## **II. Canada, the Netherlands and the Terrorist Question: A History**

When focusing on the history of terrorism, the names of Canada and the Netherlands are seldom mentioned, if ever, amid the constellation of the Middle East, Northern Ireland or Spain. However, statistics compiled on the subject since 1968 indicate that a combined 110 terrorist attacks<sup>24</sup> occurred in both countries, with 34 of those occurring in Canada and 76 in the Netherlands<sup>25</sup>.

Because the vast majority of the attacks were perpetrated by foreign nationals on foreign nationals, it is safe to say that these countries have had to deal more with targeted assassinations than actual terrorism. Furthermore, domestic terrorism is nearly in-existent although this does not exclude, as we will see here, their capacity as a breeding ground for international terrorism.

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<sup>24</sup> It is to be noted here that terrorist attacks are extremely difficult to assess as data is often lacking or more importantly, that what is actually a terrorist attacks differs greatly from one country to the next. In this case, I have chosen to rely on the statistical data compiled by MIPT, which, although not without some errors, is perhaps the most reliable source on the subject.

<sup>25</sup> MIPT (2008). *Country Profile Canada; Netherlands*. [www.tkb.org/Country.jsp?countryCd=CA](http://www.tkb.org/Country.jsp?countryCd=CA)

## 1. The Canadian Experience with Terrorism

The export of national conflicts aside, Canada's experience with terrorism is limited to seven years, from 1963 to 1970, all of it coming from one group, the *Front de Libération du Québec*. The FLQ, as it is commonly known, was a pro-Québec Independence terrorist group responsible for 60 bomb attacks and two kidnappings, which resulted in three casualties and 42 injuries<sup>26</sup>.

Prior to late 1970, the attacks had been limited to destroying symbols of "British" occupation and of the Federal government, therefore causing material and physical damage, including the accidental death of a night watchman. But on October 5 1970, the FLQ became bolder and proceeded with the kidnapping of British diplomat James R. Cross, only to follow suit five days later with the kidnapping of Québec labor minister Pierre Laporte. The successful nature of the attacks and the possible invigorating effect it would have on a burgeoning nationalist movement in the province prompted then Canadian Prime Minister Pierre-Elliott Trudeau to enact, at the request of the Québec government, the state of emergency through the *War Measures Act*. Consequently, the army was sent in to assist law enforcement officials to bring this crisis to an end. As of October 16, all civil liberties were suspended in the province and security officials were granted unlimited stop and search, arrest and detention powers, a "necessity" justified hours later as Laporte was found dead in the trunk of a car. In all, what is known as the *October Crisis* ended with the rescue of Cross on December 3, led to the arrest and detention without charge of 487 people and in effect put an end to the terrorist venture of the FLQ<sup>27</sup>.

But the question of terrorism in Canada has more to do with its status as a terrorist breeding ground, status that became quite apparent with the arrest of the "Millennium Bomber" Ahmed Ressam in December 1999. Ressam, an Algerian immigrant who lived

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<sup>26</sup> GAUDETTE, Étienne (2005). *Les réseaux felquistes*. [http://www.independance-quebec.com/flq/recherche\\_reseaux.php#4](http://www.independance-quebec.com/flq/recherche_reseaux.php#4)

<sup>27</sup> ST-PIERRE, Yan (2008). *Terrorismus in Kanada. Das Politische Verhalten des Westens und die Verwaltung des Ausnahmezustands - Der Zusammenprall von Freiheitsbegriff und Feindbild*.

in Montreal for four years, was caught trying to smuggle explosives across the American border in order to bomb the Los Angeles airport on New Year's Eve. His arrest also led to the arrest of his accomplices but most of all raised questions about potential sleeper agents in Canada, notably among the country's Muslim population, most of which comes from Algeria, Morocco, Pakistan and Tunisia.

But beyond the plot itself, it is Ressam's ease in manipulating the Canadian citizenship and immigration policies that caused concern. Ahmed Ressam was able, under the alias Antoine Benni, to obtain a real Canadian passport, driver's license and social security card<sup>28</sup>. That gave him the mobility and access to resources necessary to plan the attack. In addition to that, he had been in 1995 by immigration agents for trying to enter the country with a false passport. He claimed political asylum, was detained for two days before being unconditionally released, action that the then immigration minister Eleanor Kaplan justified by saying that "carrying a false passport is not a major offense, a lot of asylum seekers possess false passport and are not criminals"<sup>29</sup>. This wide-open approach was made even clearer in April 1999 when French chief anti-terror judge Jean-Louis Bruguière submitted a formal request to the Canadian government that Ressam be brought in for questioning and his Montreal apartment be searched, on the grounds that he was involved in a terrorist plot. Despite learning that Ressam was using an alias, the request was granted only seven months later, when the suspect had already fled<sup>30</sup>.

Therefore, despite numerous cases of *foreigner contra foreigner* terrorist operations on Canadian soil, the country's experience with terrorism is extremely limited, the latest being the Ahmed Ressam case, and post 9/11 issues have been limited to the wrongful detention of Maher Arar, part of the US *Extraordinary Renditions Program*, and the suspected cases of Adil Charkaoui and Guantanamo Bay prisoner Omar Khadr. It is perhaps this lack of actual experience that led to the law enforcement agencies passive attitude in the Ressam case and the ensuing criticism to their overly cautious

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<sup>28</sup> <http://www.erta-tcrg.prg/ahmedressam/ressam.htm>

<sup>29</sup> [www.erta-tcrg.prg/ahmedressam/ressam.htm](http://www.erta-tcrg.prg/ahmedressam/ressam.htm)

<sup>30</sup> <http://www.erta-tcrg.prg/ahmedressam/ressam.htm>

attitude with Arar and Charkaoui, although the latter is in line with the West's "better safe than sorry" approach.

## 2. Canada's Counter-Terrorism Profile

Prior to December 24 2001, Canada had no particular counter-terrorism law. Infractions stipulated within the United Nations twelve terrorism related conventions were integrated within the criminal code and therefore measures and methods which were normally used to deal with certain types of crimes were adapted to terrorism cases if necessary<sup>31</sup>. Two particular measures were used, namely the *Criminal Law Improvement Act*, enacted in 1997 and which contains the bulk of the surveillance and data mining measures<sup>32</sup> as well as the *Security Certificate*, established under immigration law in 1978, which is basically an expulsion order issued by the Immigration or Public Safety minister against a permanent resident or immigrant if he or she is deemed to be a serious threat to national security<sup>33</sup>. As of late February 2008, 28 certificates have been issued since 1991, with five of them currently under appeal.

Perhaps the most interesting aspect of the certificate is the absence of *Habeas Corpus*, especially when it comes to burden of proof. Indeed, if the information used to issue the security certificate is deemed to be dangerous for national security or the national security of a foreign country, it must be kept from the defendant and thus remains confidential at all times<sup>34</sup>. However, a 2007 Supreme Court ruling found this to be unconstitutional<sup>35</sup> and gave the government one year to amend the law. Under law C-3, the defendant would still not be granted access to the confidential information but a special advocate is assigned to argue the confidential nature of the information and to cross-examine governmental witnesses, thus indirectly granting the defendant the capability to contest the charges. As we can see, it is not unlike the burden of proof

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<sup>31</sup> [www.justice.gc.ca/en/anti\\_terr/context.html](http://www.justice.gc.ca/en/anti_terr/context.html)

<sup>32</sup> [http://ww2.ps-sp.gc.ca/policing/organized\\_crime/FactSheets/org\\_crime\\_e.asp](http://ww2.ps-sp.gc.ca/policing/organized_crime/FactSheets/org_crime_e.asp)

<sup>33</sup> [www.publicsafety.gc.ca/prg/ns/seccert-eng.aspx](http://www.publicsafety.gc.ca/prg/ns/seccert-eng.aspx)

<sup>34</sup> <http://www.publicsafety.gc.ca/prg/ns/seccert-eng.aspx>

<sup>35</sup> *Charkaoui vs Canada*, 02/2007

procedures currently in force in Guantanamo for “Enemy Combatants” or in British immigration law when arguing deportation cases.

In September 2001, Canadian immigration and security policies were sharply criticized. In response, politicians deemed necessary to elaborate and enact a specific anti-terror law, one properly adapted to the new challenges posed by the terrorist threat and in line with the growing security concerns of the population<sup>36</sup>. This law was complemented by the *National Security Program*, whose aim was to upgrade national security structures, and officially completed in mid-January 2008.

In essence, the Canadian *Anti-Terror Law* specifies terrorism related infractions and significantly increases preexisting law enforcement powers. Any type of *participation* – and not simply support – whether it be financial (domestic or foreign) or logistical, with a particular focus on recruitment, in terrorist actions is subject to ten years in prison without possibility of parole, and these charges are additional to any other criminal offenses that the terrorist attack may have incurred<sup>37</sup>.

The aim of the law is to focus on prevention rather than consequence<sup>38</sup>. Therefore, the majority of newly granted security powers were conceived with that in mind. Police officers now possess preventive arrest powers that are in fact arbitrary as it relies on the officer’s assessment of the urgency of the situation. In any case, the suspect is to be brought before a judge within 24 hours of his/her arrest but must nonetheless provide DNA samples to be stored in a databank<sup>39</sup>. The “last resort” motive used to intercept communications is no longer necessary if used for counter-terrorism purposes, and the validity of the authorization is extended from 60 days to a year in order “to grant law enforcement agencies sufficient time to gather information”<sup>40</sup>. Furthermore, any individual subject to surveillance by the authorities will only be informed three years after the fact, compared to the previously stipulated one year.

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<sup>36</sup> [www.justice.gc.ca/en/anti\\_terr/context.html](http://www.justice.gc.ca/en/anti_terr/context.html)

<sup>37</sup> [http://www.justice-canada.org/fr/news/nr/2001/doc\\_27787.html](http://www.justice-canada.org/fr/news/nr/2001/doc_27787.html)

<sup>38</sup> [www.justice.gc.ca/en/anti\\_terr/context.html](http://www.justice.gc.ca/en/anti_terr/context.html)

<sup>39</sup> [http://www.justice-canada.org/fr/news/nr/2001/doc\\_27787.html](http://www.justice-canada.org/fr/news/nr/2001/doc_27787.html)

<sup>40</sup> [www.justice-canada.org/fr/news/nr/2001/doc\\_27787.html](http://www.justice-canada.org/fr/news/nr/2001/doc_27787.html)

It is important to bear in mind that this anti-terror law is an amalgam of different preexisting measures included in different laws registered in the criminal code and that in many ways, it is an upgrade perhaps designed to respond to political pressure rather than a pro-active security measure, especially when analyzed in light of the prevailing attitude up to 9/11. Furthermore, these measures are indeed equivalent to those in countries who have had to deal with terrorism whether domestically or internationally, measures who have sustained high levels of criticism, even more so under the scope of the “War on Terror”. These are impressively strong measures that do not appear to be in line, as we will see later on, with the country’s historical approach towards human rights.

### 3. Dutch Experience with Terrorism

Although an astounding 76 incidents<sup>41</sup> have been registered since 1968, most of them are rooted, like Canada, in national issues exported to the Netherlands. The presence of the International Court of Justice at The Hague has attracted its share of terrorist acts, but the country’s reputation for sheltering dissidents has inadvertently provided neutral ground for targeted assassination.

In the Dutch case however, it is possible to state that there is a pre and post-9/11 in terms of terrorist incidents, although the MO has yet to actually differ. The notable exception is the attack perpetrated by the *Actiefront Nationistisch Nederland*, a racially motivated terrorist group who bombed an immigration office in 1992, an attack that did not make victims<sup>42</sup>. It remains to be determined however whether the attacks of September 11 2001 were triggers for the increase in incidents or if they are merely another step in the prevailing immigration/integration debate, as we will examine later on.

Of the seven registered terrorist events, three stand out and provide insight as to the mood prevailing in the Netherlands. Indeed the targeted assassinations by extremists

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<sup>41</sup> MIPT (2008). *Country Profile Canada; Netherlands*. [www.tkb.org/Country.jsp?countryCd=CA](http://www.tkb.org/Country.jsp?countryCd=CA)

<sup>42</sup> MIPT (2008). *Country Profile Canada; Netherlands*. [www.tkb.org/Country.jsp?countryCd=CA](http://www.tkb.org/Country.jsp?countryCd=CA)

of Dutch MP Pym Fortuyn on May 6 2002, of film director Theo van Gogh on November 8 2004 and the ensuing response by petrol bomb on a Mosque four days later quickly propelled the issue of terrorism and security to the front line of Dutch politics.

Despite the primacy given to the van Gogh, the Pym Fortuyn case may actually prove itself to be the trigger for the majority of the post 9/11 enacted counter-terrorism measures. Indeed, Fortuyn, the leader of the right-wing *Lijst Pym Fortuyn* party had stated in an interview given to *The Economist* that immigration policy towards Muslim countries had to be stopped because Muslims will “erode the country’s tolerance for homosexuals”<sup>43</sup>. The murder was committed by an animal activist, Volkert van der Graaf, who said the act was necessary in order to protect immigrants and other vulnerable social groups<sup>44</sup>. The incident’s value increases when put in light of Fortuyn’s recent electoral successes, the momentum of which would have granted him the position of Prime Minister should elections have been held at that time<sup>45</sup>. Because it was initially presumed that the attack had been carried out by a “foreign” activist, the uproar that followed the incident was mostly directed foreigners, against the Muslim community in particular<sup>46</sup>. This evidently fueled even more the already volatile debate on the Netherlands’ multicultural approach, one that would peak with van Gogh’s assassination.

Film director Theo van Gogh was murdered while riding his bicycle in Amsterdam by a Muslim activist affiliated to the Hofstad Group, Mohammed Bouyeri. After the initial shot, he was repeatedly stabbed and his throat was slit open. The sheer brutality of the murder and the fact that it was in broad daylight added to the shock. Beyond this, the letter “pinned” on van Gogh’s body raised major concerns because it clearly stated that this was in response to the filmmaker’s controversial film *Submission*, which was written and narrated by Dutch MP Ayaan Hirsi Ali, and in which the condition

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<sup>43</sup> MIPT (2008). *Incident Profile – May 6, 2002, Netherlands*. [www.tkb.org/Incident.jsp?incID=10676](http://www.tkb.org/Incident.jsp?incID=10676)

<sup>44</sup> MIPT (2008). *Incident Profile – May 6, 2002, Netherlands*. [www.tkb.org/Incident.jsp?incID=10676](http://www.tkb.org/Incident.jsp?incID=10676)

<sup>45</sup> CRIME LIBRARY (2007). *The Murder of Theo van Gogh*. [www.crimelibrary.com/notorious\\_murders/famous/theo\\_van\\_gogh/index.html](http://www.crimelibrary.com/notorious_murders/famous/theo_van_gogh/index.html)

<sup>46</sup> CRIME LIBRARY (2007). *The Murder of Theo van Gogh*. [www.crimelibrary.com/notorious\\_murders/famous/theo\\_van\\_gogh/index.html](http://www.crimelibrary.com/notorious_murders/famous/theo_van_gogh/index.html)

of the Muslim women living in the Netherlands was denounced. The letter also issued a death threat against Hirsi Ali and stated that any offence against Islam will be punished.

This attack made it obvious that the Netherlands had numerous extremist hotbeds that were now ready and willing to use violence in order to state their views. It also sparked retaliatory movements against Muslims, an example of which is the attempted bombing on November 8 2004 of a Mosque in Eindhoven, attack that only caused material damages. The incident is believed to be a direct retaliation to van Gogh's murder<sup>47</sup>.

Linked to the previous case, though not terrorist incidents are the issues of former *People's Party for Freedom and Democracy* (VVD) MP Ayaan Hirsi Ali and current leader of the *Party for Freedom* (PVV), Geert Wilders. Due to the openly declared death threats on their person by extremist groups, their cases have mobilized numerous Dutch security elements and maintained the high volatility of the terrorism and integration questions. These cases must be included here, in particular when taking into account the terrorist MO history in the Netherlands and the fact that both Hirsi Ali and Wilders are extremely controversial political figures that are not afraid to add fuel to the fire, in particular when talking about Islam and Muslim groups. Wilders' latest *coup d'éclat*<sup>48</sup>, prompted the Dutch government to raise the terror alert to the highest level and ask its nationals living abroad to register at the embassies<sup>49</sup>, fearing an uproar similar to the one that followed the Danish publications of the Muhammad caricatures.

In spite of the terrorist attacks potential shown in its recent history, the Netherlands' experience with terrorism is also limited, with most of them being what could be described as "export" terrorism, the country being simply the violence theater of foreign issues. Therefore, not unlike Canada, the country's main concern with terrorism

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<sup>47</sup> MIPT (2008). *Incident Profile – May 6, 2002, Netherlands*. [www.tkb.org/Incident.jsp?incID=10676](http://www.tkb.org/Incident.jsp?incID=10676)

<sup>48</sup> To say that Hirsi Ali and Wilders like to stir the pot is an understatement. Ayaan Hirsi Ali denounced the prophet Muhammad as a pervert and Geert Wilders' film *Fitna*, on the verge of its premiere during the redaction this article, shows the Koran being torn and demonstrates the book as being an "inspiration for intolerance, murder and terror" (BBC News, 28/02/2008).

<sup>49</sup> BURKE, Jason (2008). Violence Fear over Islam. *The Observer*, January 20, 2008. <http://observer.guardian.co.uk/print/0,,332142146-119093,00.html>

appears to be its potential as a breeding ground for extremism and political violence more than the actual violence. Nonetheless, the successful attacks on Fortuyn and van Gogh as well as the death threats on Hirsi Ali and Wilders give rise to a different tendency, one that is not exclusive to religious fundamentalism.

#### 4. The Dutch Counter-Terrorism Profile

As a national policy, the Dutch public position on counter-terrorism is focused on prevention, in an attempt to cure the disease rather than the symptoms. This is done by implementing measures that raise community awareness, a sense of belonging to the state, enhance economical and educational integration and facilitates intercultural dialogue<sup>50</sup>. It also includes censorship measures to prevent the dissemination of illegal material and heinous propaganda<sup>51</sup>. Although, this policy is coherent with the country's dialogue-focused approach, it does not deprive the Netherlands of a very strong, repressive anti-terror policy.

Following the country's ratification of the Council of the European Union's *Council Framework Decision of June 13 2002 on Combating Terrorism*, a measure that requires members to enforce stronger sanctions in cases pertaining to terrorism<sup>52</sup>, the Netherlands have enacted eight different anti-terror laws, the most notable of which is the August 2004 *Crimes of Terrorism Act*, the country's first actual anti-terror law that includes the majority of measures taken to fight terrorism.

The CTA stipulates that the charge of intent of terrorism when "committing a previously punishable offense" is perceived as a terrorist crime and is liable to heavier penalties<sup>53</sup>. Furthermore, the act states that membership of a terrorist organization – or its legitimate front, the recruitment of members for "jihad"<sup>54</sup> – this law clearly targeted at

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<sup>50</sup> CODEXTER (2006). *Profiles on Counter-Terrorist Capacity: Netherlands*. P.3 [www.coe.int/gmt](http://www.coe.int/gmt)

<sup>51</sup> CODEXTER (2006). *Profiles on Counter-Terrorist Capacity: Netherlands*. P.3 [www.coe.int/gmt](http://www.coe.int/gmt)

<sup>52</sup> COUNCIL OF THE EUROPEAN UNION (2002). Council Framework Decision of June 13 2002 on Combating Terrorism (2002/475/JHA), §5, §9. *Official Journal of the European Communities*, pp. 5-6.

<sup>53</sup> CODEXTER (2006). *Profiles on Counter-Terrorist Capacity: Netherlands*. P.1 [www.coe.int/gmt](http://www.coe.int/gmt)

<sup>54</sup> <http://www.icj.org/IMG/DutchupdateJune.pdf>

the Muslim community – are criminal offences and interestingly, that the elaboration of terrorists plots, or series of plots, is defined as a separate criminal offense<sup>55</sup>. The latter is interesting because it actually makes a difference between a terrorist group planning one attack and a more developed group that could be seen as “serial” terrorists, a difference that does not prevail in the case of murderers and serial killers, where the charges and sentences are added up rather than defined as a “bad and worse” situation.

But if those measures are inspired from its multilateral obligations, the ensuing seven acts actually grant the Netherlands elite status when assessing responses to the terrorism issue. Indeed, the *Authority to Demand Data Act* of January 1 2006 grants law enforcement personnel the authority to obtain personal data from third parties in order to pursue a criminal investigation<sup>56</sup>, a measure comparable to the one contained in the US *Patriot Act* requiring libraries to give authorities reader information for profiling.

This law is combined to the *Expansion of Competencies in Criminal Investigations and Prosecution of Terrorist Crimes Act*, a very aggressive law granting judicial and judiciary personnel a myriad of powers that sometimes dwarf those of their Western colleagues. This law states that instigating surveillance and data collection for a criminal investigation no longer requires a “reasonable doubt” but merely the *indication* of terrorist activities<sup>57</sup>. This approach is only comparable to the one used *de facto* by French anti-terror judges, and is nowhere to be found in American, British, Canadian, German or Spanish counter-terrorism laws, all of which require reasonable doubt in order to proceed. In other words, you need not be a suspect to be subject to those investigative measures, the latter being of course applied *in extensio* to anyone in contact with the target.

The law also provides prosecutors the power to authorize preventive searches, including “stop and search” powers, again based on indications rather than actual

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<sup>55</sup> CODEXTER (2006). *Profiles on Counter-Terrorist Capacity: Netherlands*. P.1 [www.coe.int/gmt](http://www.coe.int/gmt)

<sup>56</sup> Idem CODEXTER (2006). *Profiles on Counter-Terrorist Capacity: Netherlands*. P.1 [www.coe.int/gmt](http://www.coe.int/gmt)

<sup>57</sup> <http://www.icj.org/IMG/DutchupdateJune.pdf>

suspicion<sup>58</sup>. In comparison, the United Kingdom is only now discussing giving law enforcement personnel arbitrary “stop and search” powers, capacity granted until now only to the personnel – including military – based in Northern Ireland, a region still technically under a state of exception.

In line with preventive policy, a terrorist suspect may be detained for 90 days and, should the investigation reveal “serious grounds” for preventive detention, the detention period may be extended upwards to two years, without charge<sup>59</sup>. Again, this policy is comparable to French detention policy with presumed terrorists and prevailing immigration laws in the UK and the United States.

However, a suspected terrorist may cross-examine the evidence against him, although state security is still taken into account, a measure included in the *Protected Witnesses Act*<sup>60</sup>. This is a striking difference with the Canadian security certificate appeals procedure or with the one currently in place at Guantanamo Bay when dealing with “Enemy Combatants”, and of course, more respectful of the basic right to confront one’s accuser.

There are two other legal texts worth mentioning when assessing counter-terrorism measures in the Netherlands: The *National Security Administrative Measures Act* and the *Penalization of Glorifying Serious Crimes* bill. The act, valid until 1 January 2012, is a measure similar to the UK’s control orders, as seen above, whereas terrorism suspects may be barred access to key or vital locations (airports for example) and/or must report regularly to the police, should the Interior minister issue such an order<sup>61</sup>. This “control order” is renewable on a quarterly basis, under the same conditions as the detention period. The bill on the other hand, is still under review but preliminary information shows that it will target any “partisan” support granted to terrorism, from

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<sup>58</sup> <http://www.iej.org/IMG/DutchupdateJune.pdf>

<sup>59</sup> <http://www.iej.org/IMG/DutchupdateJune.pdf>

<sup>60</sup> CODEXTER (2006). *Profiles on Counter-Terrorist Capacity: Netherlands*. [www.coe.int/gmt](http://www.coe.int/gmt)

<sup>61</sup> [http://www.minbzk.nl/bzk2006uk/subjects/public-safety/press\\_releases/105006/counter-terrorism-at](http://www.minbzk.nl/bzk2006uk/subjects/public-safety/press_releases/105006/counter-terrorism-at)

graffiti to speeches<sup>62</sup>. As we have previously seen, this is not unlike §129 prevailing in the German *Strafgesetzbuch* or §57 of the British *Terrorism Act 2000*.

Considering the country's history, these measures appear without a doubt to be excessive, if not typical of a country that is confronted with the issue on a regular basis like France, Spain or the UK, or at the very least of a major power, whose prominence is often matched by equal threats. Because the threat is increasing in the Netherlands, these measures appear as an appropriate response to terrorism. But in light of the country's terrorism history, combined to the fact that the classic *Modus Operandi* is still the prevailing method and that there were no specific anti-terror laws prior to 2004 – three years after 9/11, two after Fortuyn's death – once again raises suspicion about the measures being more a political commodity than an actual necessity, or at the very least about their proportionality.

The issue of proportionality is perhaps the biggest question because the counter-terror measures enacted by Canada and the Netherlands are a massive contrast to what had historically been their stance on the issue, both in terms of security and public policy. These are two countries with little or no experience with terrorism, who did not judge necessary to enact specific anti-terror measures prior to 2001 despite having an officially combined total of more than 110 terrorist incidents, and suddenly – perhaps as sudden as the attacks themselves – enact measures that rival anything voted by the legislative bodies of their major allies. The contrast is so sharp that it raises the question as to whether or not the elements for such a drastic – and practically unopposed turnaround – were already in place long before terrorism became the main concern to public safety.

### **III. Lands of Asylum, Dialogue and Peace: The Socio-political Profiles of Canada and the Netherlands**

When discussing the status of Canada and the Netherlands, it's almost superfluous to say that these countries are privileged. Both are in the top ten when it comes to human

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<sup>62</sup> [http://www.minbzk.nl/bzk2006uk/subjects/public-safety/press\\_releases/105006/counter-terrorism-at](http://www.minbzk.nl/bzk2006uk/subjects/public-safety/press_releases/105006/counter-terrorism-at)

development, quality of life, respect for human rights and public safety, with Canada being also a member of the G8. Yet both countries also enjoy a low profile international status that appears to shield them from the feeling of resentment incurred by major powers from less privileged populations, particularly the under privileged ones. This situation allows them to be praised rather than denounced and more importantly, gives them excellent soft-power credentials. This is one of the reasons why their drastic change in security policies does not seem to fit the profile, a profile that is historically focused on acceptance, respect, stability and the provision of solace to the needy.

## **1. Canada's Approach Towards Immigration and Human Rights**

In the post-war years, while in need of a defining identity, especially considering the mighty shadow cast by its neighbor, Canadian policies became defined by their capacity for dialogue and respect of differences, on both domestic and international levels. It was former Prime Minister Lester B. Pearson – the country's lone Nobel Peace Prize recipient – who initiated and implemented the United Nations "Blue Helmet" structure, a pledge to peace that has since been often restated. His successors would build on this by implementing open immigration policies, making multiculturalism a state policy and reasserting the primacy of human rights. Hence, asserting cultural differences in beliefs, values, lifestyles, languages and opinions are seen as a way of life from which social policies are an extension rather than its instigator.

### **a. Tapestry of Cultures: Homogeneity through Heterogeneity**

According to the 2006 census, Canada has 6,2 million immigrants living on its territory, more than fifteen percent of the registered population<sup>63</sup>, the bulk of which comes from Europe and South-East Asia. Over the past decade, the immigrant population has increased by 240,000 on average per year<sup>64</sup>.

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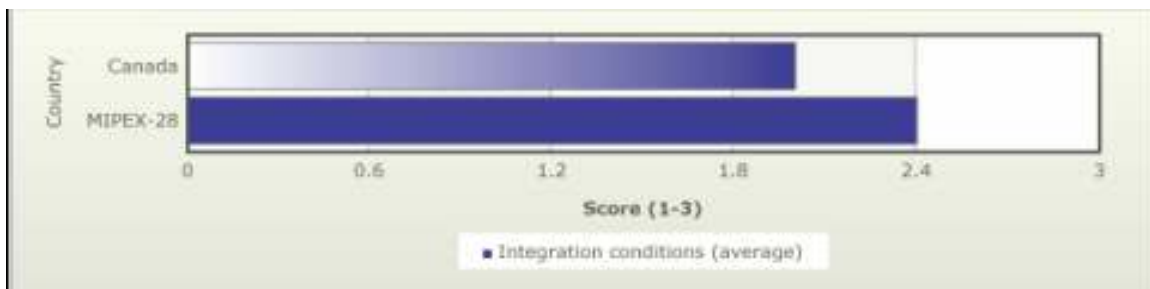
<sup>63</sup> STATISTICS CANADA (2007). *Immigrant Population by Place of Birth, by Province and Territory*. <http://www40.statcan.ca/l01/cst01/demo34a.htm>.

<sup>64</sup> CITIZENSHIP AND IMMIGRATION CANADA (2007). *Facts and Figures: Immigration Overview, Permanent and Temporary residents*. P.11. <http://www.cic.gc.ca/francais/pdf/pub/faits2006.pdf>

This high influx of immigrants is in part due to the country’s multicultural policy. This social policy has evolved in the past 40 years around the notion of maintaining cohesive differences, allowing one to maintain his/her cultural distinction, a form of multiculturalism that prevails in the British and Dutch states. In 1969, the *Official Languages Act* formally recognized the country’s English and French roots, in effect making multiculturalism the official state policy. This policy would later be constitutionally reinforced with §27 of the Canadian *Charter of Rights and Freedoms* that was incorporated into the constitution in 1982. Article 27 states that “This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians”<sup>65</sup>. The «preservation and enhancement of the multicultural heritage» as come to define the country’s identity as an open, liberal society, a country where differences harmoniously coexist.

But principle and reality collide here once again. In terms of long-term integration, Canada obtained a “2” on the latest MIPEX rating, meaning that the country’s actual integration process is only “half-way to best practice”, surprisingly putting it *below average* when compared to the average of Western countries (Table 1)<sup>66</sup>:

**Table 1: MIPEX Rating, Canada, Western Average**



<sup>65</sup> DEPARTMENT OF JUSTICE CANADA (1982). *Charter of Rights and Freedoms*. <http://laws.justice.gc.ca/en/Charter/index.html>

<sup>66</sup> The ratings are (1) Unfavourable; (2) Half-Way to Best Practice and (3) Best Practice. BRITISH COUNCIL (2008). *Migrant Integration Policy Index*. <http://www.integrationindex.eu/mapscharts/>

This is the other side of the integration policy and it provides partial insight as to the observed shift in immigration and security policies. One of the non-quantifiable aspects of Canada's current socio-political situation is the emerging ethnic tension that has slowly evolved into a major social debate on identity, immigration and tolerance, not unlike the ones prevailing in Germany, the Netherlands and the UK.

One of the first incidents hinting to actual ethnic tension occurred in 1995 as former Québec Prime Minister Jacques Parizeau, following the narrow referendum defeat of his pro-independence coalition in October 1995, blamed “money and the ethnic vote” for the loss, sparking anger from minorities and an intense debate on the *Québécois* identity. Later, the *Kirpan* case, exacerbated these tensions as a Sikh pupil was granted the right by the Supreme Court of Canada to carry his religious artifact, a Kirpan – in essence a ceremonial Sikh knife – to school despite strong protests and security concerns. The basis of the ruling was made on the constitutionally protected right of religious expression, including the right to carry “potentially” threatening ceremonial objects.

But the current tolerance issue became full blown in late 2006 as Montreal's Hassidic Jew community requested that a fitness studio opposite a Hebraic school shade its windows because the pupils were distracted by the studio's customers, who were working out, the women in particular. Although the issue was rapidly and respectfully resolved, the question surrounding the accommodation of particular cultural requests, the limits of *Reasonable Accommodation*, as the debate is now referred to, still polarizes political parties, regions and communities. In fact, the issue reached a ridiculous degree of morbidity in February 2007 with the *Hérouxville Norms*, in which a rural Québec village voted a Code of Conduct that states that “we consider abnormal to kill women through public lapidating or by burning them alive, to burn them with acid or to excise them”<sup>67</sup>. Following the uproar it created, the latter was stricken from the text.

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<sup>67</sup> MUNICIPALITÉ DE HÉROUXVILLE (2007). *Normes de Vie*. P.3.  
<http://municipalite.herouxville.qc.ca/normes.pdf>

The political responses to this issue have been the creation of a national commission, the *Bouchard-Taylor Commission on Reasonable Accommodation*, which spent the last months of 2007 gathering popular and professional opinions on the issue, and the *Parti Québécois*' request for a debate on *Québécois* identity, values and the need to promote these to immigrants and in schools in order to better integrate them into the population. This idea is not unlike the "British Values" class that are to be taught to British high school students starting in Autumn 2008.

Sadly, the Hérouxville issue was to be followed up by the Georgina controversy. Georgina is an Ontario village whose citizens "played a game" called *Nipper Tipping* with Asian immigrants. The "game" consists of tossing Asian fishermen into the lakes where they fish, a game citizens say has been going on for years. But the complaints against the citizens' racist attitudes have skyrocketed of late and brought the local behavior under media scrutiny, which, like in Québec, prompted the creation of a commission to look into the matter<sup>68</sup>.

In light of these cases, it is safe to say that Canada is indeed experiencing a change when it comes to its traditional social-political attitudes, a shift in expression and not in perception. Indeed, it is hard to deny that the xenophobia and stigmatization of ethnic groups has always been present, but the fact that more and more cases are brought to light in which people claim to do the right thing in asserting their tolerance level, or where the governments justifies ethnic profiling, does represent a change in attitude and behavior towards minorities. Incidentally, its political instrumentalisation is used to justify current approaches towards security and human rights.

#### **b. Human Rights as a National Policy**

Parallel to its strong promotion of diversity and the respect of differences, Canada constitutionally incorporated the necessary legal instruments to ensure that the adequate

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<sup>68</sup> HACHEY, ISABELLE (2007). Le Hérouxville de l'Ontario, *La Presse*, 25/11/2007.  
<http://www.cyberpresse.ca/article/20071125/CPACTUALITES/711250526/5686/CPARTS01>

protections were in place to ensure the application and equality of the rights and freedoms of its residents. Although some provinces previously enacted Rights and Freedoms charters, Alberta in 1973 and Québec in 1977, Canada created in 1982 its own Bill of Rights, the *Canadian Charter of Rights and Freedoms*.

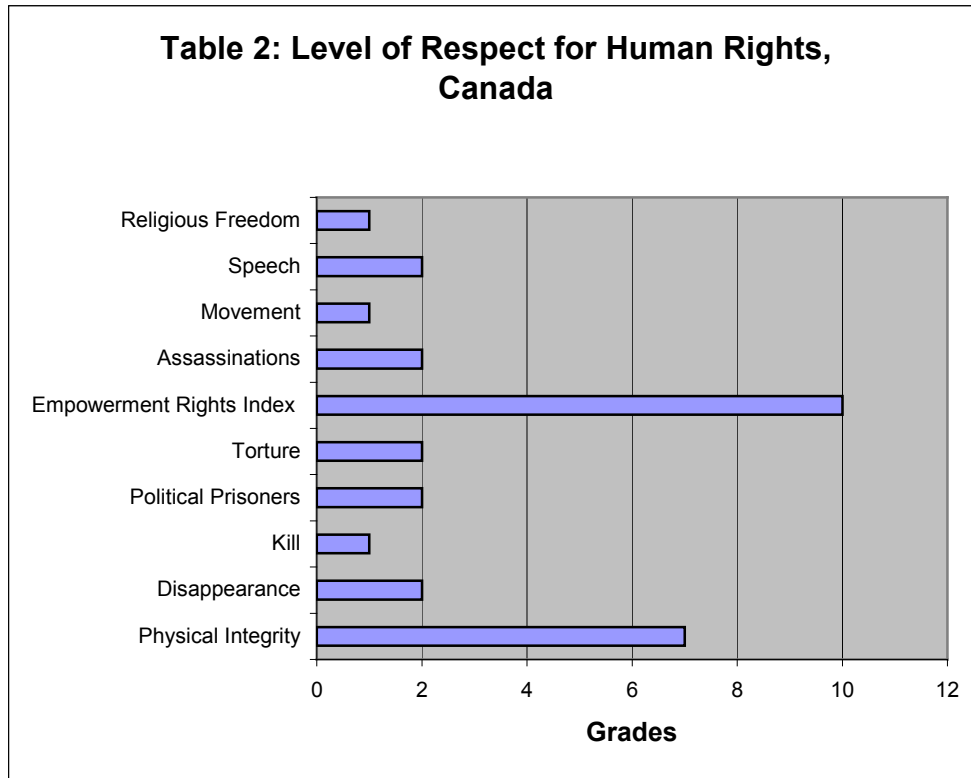
In unique fashion, the charter grants everyone four fundamental rights, none of which are the right to life or physical integrity: 1) freedom of conscience and religion; 2) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; 3) freedom of peaceful assembly; and 4) freedom of association. The right to life, physical integrity and security are “Legal Rights” which, as we will see, appears to be an important technicality in the methods used by law enforcement agencies. Although the fundamental rights list is short, the charter provides excellent protection for its inscribed rights and freedoms, as they are constitutional rights, thus making them basic for all. Citizenship however, is an issue for most of them.

A first look at official studies confirms the country’s high-respect for human rights and the charter’s enforcement. Amnesty International’s annual report on human rights as little devoted to the Canadian case while Human Rights Watch’s report does not even mention the country in its 2007 and 2008 reports. Statistically, the analysis provided by the *Cingranelli-Richards (CIRI) Human Rights Data Project*<sup>69</sup> grants Canada a perfect 10 when it comes to its *Empowerment Rights Index*, an additive index comprised of the Freedom of Movement, Freedom of Speech, Workers’ Rights, Political Participation, and Freedom of Religion indicators (Table 2)<sup>70</sup>:

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<sup>69</sup> In this study, there are four possible perfect scores: 10 for the *Empowerment Rights Index*; 8 for the *Physical Integrity Index*; 1 for the *Movement and Religious Freedom* Indexes; and 2 for the remaining indexes.

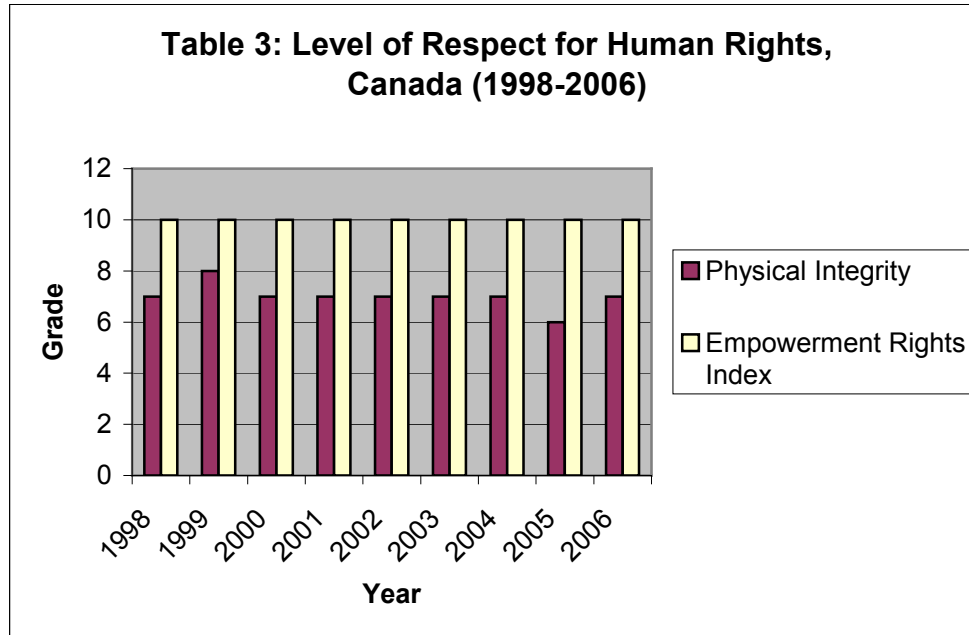
<sup>70</sup> CINGRANELLI, DAVID L. RICHARDS, DAVID L (2007). *The Cingranelli-Richards Human Rights Dataset Version 2007.11.29*. <http://www.humanrightsdata.org>



What is intriguing however, is the fact that Canada did not obtain a perfect score in the *Physical Integrity* index, another additive index comprised this time of the Torture, Extrajudicial Killing, Political Imprisonment, and Disappearance indicators. The “7” obtained suggests that the country has an issue with the abuse of legitimate violence, a score that is definitely surprising in a country with a very low crime rate (7,513/100,000)<sup>71</sup>. Incredibly, this represents an improvement with 2005 but remains constant with data recorded since 1998 (Table 3)<sup>72</sup>. In recent years however, numerous “accidental deaths or killings” have occurred, especially with individuals in police detention. This may explain the score, which in the Canadian context and policy, may be deemed as a weak score and perhaps where the “Legal Rights” aspect of the charter comes in to play.

<sup>71</sup> STATISTICS CANADA (2007). Crime Statistics. *The Daily*. <http://www.statcan.ca/Daily/English/070718/d070718b.htm>

<sup>72</sup> CINGRANELLI, DAVID L. RICHARDS, DAVID L (2007). *The Cingranelli-Richards Human Rights Dataset Version 2007.11.29*. <http://www.humanrightsdata.org>



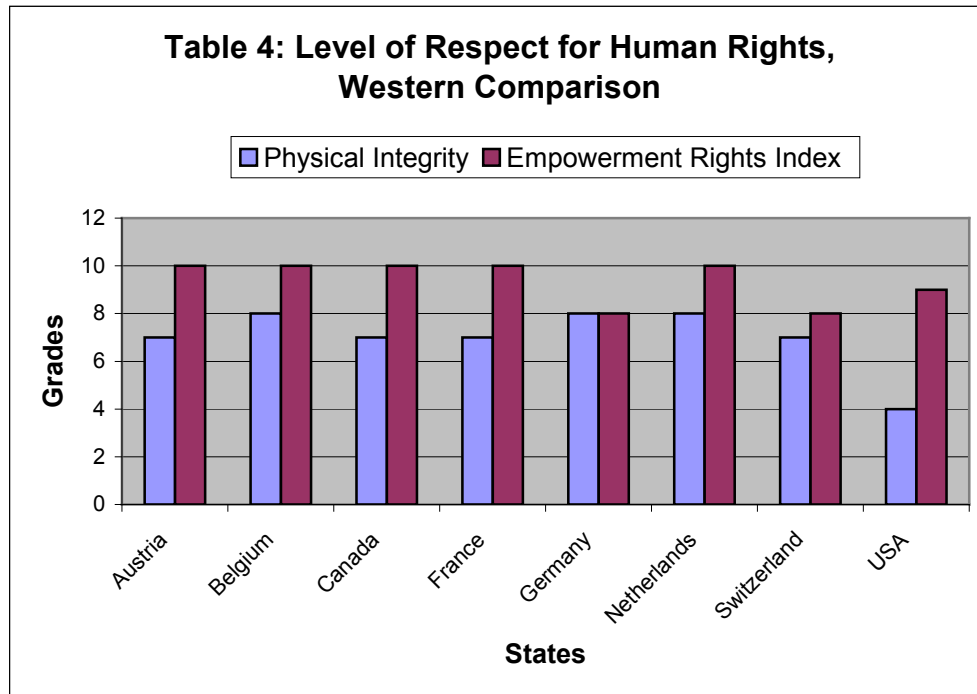
But despite this troublesome blemish on its record, Canada has a perfect score when it comes to enforcing and respecting human rights. This in fact, is in line with other intermediate power countries such as the Netherlands, Belgium or Austria (Table 4)<sup>73</sup>.

Furthermore, Canada is one of only nine States where safeguards against surveillance are still adequate but nonetheless weakened<sup>74</sup>. Despite the top-tier position, this represents a fall in the rankings as it was in 2006 one of only two countries where human rights standards were continuously upheld, the other being Germany, who also stumbled in the 2007 rankings<sup>75</sup>. This decrease in terms of privacy protection for Canadians is consistent with the increase in the enactment and application of post-9/11 security measures.

<sup>73</sup> CINGRANELLI, DAVID L. RICHARDS, DAVID L (2007). *The Cingranelli-Richards Human Rights Dataset Version 2007.11.29*. <http://www.humanrightsdata.org>

<sup>74</sup> PRIVACY INTERNATIONAL (2008). *National Privacy Ranking 2007 - Leading Surveillance Societies Around the World*. [www.privacyinternational.org](http://www.privacyinternational.org)

<sup>75</sup> PRIVACY INTERNATIONAL (2007). *National Privacy Ranking 2006 - Leading Surveillance Societies Around the World*. [www.privacyinternational.org](http://www.privacyinternational.org)



Two cases however struck a major blow to the country's human rights reputation: The cases of Maher Arar, Canada's contribution to the US *Extraordinary Renditions Program*, and the Afghan prisoner transfer scandal. Mr. Arar was arrested as a terrorist suspect in New York during a stopover and sent to Syria where he spent a year in jail, regularly submitted to torture. He had been arrested and detained based on erroneous information obtained by the Royal Canadian Mounted Police (RCMP) and sent to US authorities<sup>76</sup>. Though the error was later recognized and Maher Arar financially compensated, he remains blacklisted in the United States, despite removal requests by the Canadian government. As for the Afghan prisoner case, a report revealed that the individuals captured by Canadian troops in Afghanistan were turned over to Afghan authorities despite knowing that the prisoners would be tortured, thus raising major questions about the country's actual commitment to human rights.

It is perhaps too soon to appropriately evaluate the full impact of the counter-terror/security measures that were enacted after 2001 on the actual respect for human

<sup>76</sup> CANADIAN PRESS (2008). *Affaire Arar: le Canada et les États-Unis sont dans l'impasse. Le Devoir.* [www.ledevoir.com/2008/02/04/174615.html?sendurl=t](http://www.ledevoir.com/2008/02/04/174615.html?sendurl=t)

rights in Canadian society, but the increase in application of the measures and the constant focus on security (the most recent budget grants 630 million to improving security structures, both judicial and judiciary, despite having the lowest crime rate in 32 years)<sup>77</sup> will no doubt add to current woes and concerns.

## **2. The Dutch Approach Towards Immigration and Human Rights**

The Netherlands has an international reputation as a highly liberal society where difference appears to be accepted rather than tolerated. It has been for centuries a refuge for people persecuted for their beliefs, ideas and opinions. Four hundred years ago, Spinoza, the Huguenots and the victims of the Inquisition all found refuge there while today, its refugees and politicians in exile that find shelter in its borders. It is a society where drugs, homosexuality and prostitution, though not encouraged, are nonetheless not morally condemned, and where freedom of speech is essential. Its civil law provides a wide array of tools for citizens to ensure the safety of their rights and the respect of their open values. The country has long been a reference for open-mindedness, acceptance and its respect for human rights, a role that many see as the go-to model in the post-Maastricht Europe.

### **a. The Beacon for the Multicultural Model**

For decades, Great Britain and the Netherlands have been praised for their multicultural model of integration, the latter perhaps even more so due to more open immigration policies. This has made it one of Europe's most multiethnic countries, with an immigrant population of 3,170,406, which represents nearly a fifth of the total population at 19,4 percent<sup>78</sup>.

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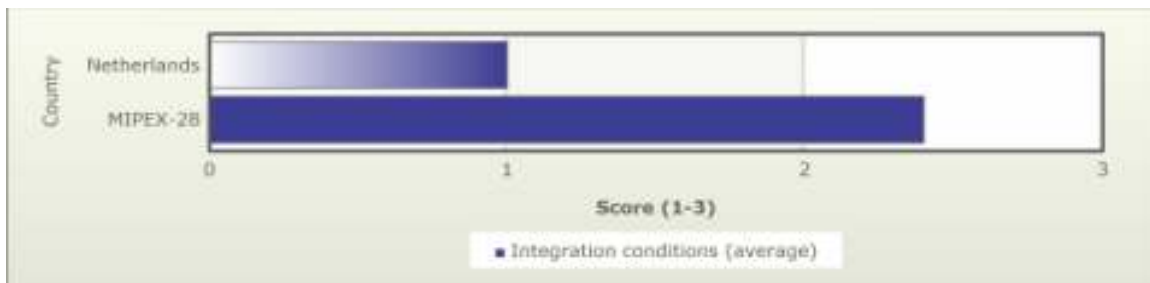
<sup>77</sup>CASTONGUAY, Alec (2008). La loi, l'ordre et la sécurité restent des priorités conservatrices. *Le Devoir*. [www.ledevoir.com/2008/02/27/177974.html](http://www.ledevoir.com/2008/02/27/177974.html)

<sup>78</sup> CENTRAL BUREAU OF STATISTICS (2008). *Population by Origin and Generation*. <http://statline.cbs.nl/StatWeb/Table.asp?STB=G1&LA=en&DM=SLEN&PA=37325eng&D1=a&D2=0-2,127,133,198,216&D3=0&D4=0&D5=0&D6=a,!0-5&HDR=T&LYR=G4:0,G3:0,G2:0,G5:5>

In fact, the multicultural “be and let be” mentality was so strong that in 1994, barely 25 percent of the immigrant population had working knowledge of the Dutch language<sup>79</sup>, statistic that revealed strong flaws in the integration policies. A sad consequence of this “multi-culti” approach was a “ghettoizing” of ethnic groups leading to an extremely heterogeneous society rather than achieving adequate levels of cohesion and homogeneity. Under the circumstances, it is easy to see that the Dutch multicultural society, in many ways similar to the British approach, was one of pure tolerance rather than acceptance, making it extremely vulnerable to triggers of frustration that would not take time to appear and raises doubts as to the actual efficiency of the integration model.

In fact, according to the MIPEX standard of integration, the Netherlands is amongst the worst in terms of long-term integration, with a grade of 1 on a scale of 3, with the Western average being at 2,4 (Table 5), a sharp decrease compared to 2004 as the country obtained a perfect 3<sup>80</sup>:

**Table 5: MIPEX Rating, The Netherlands, And Western Average**

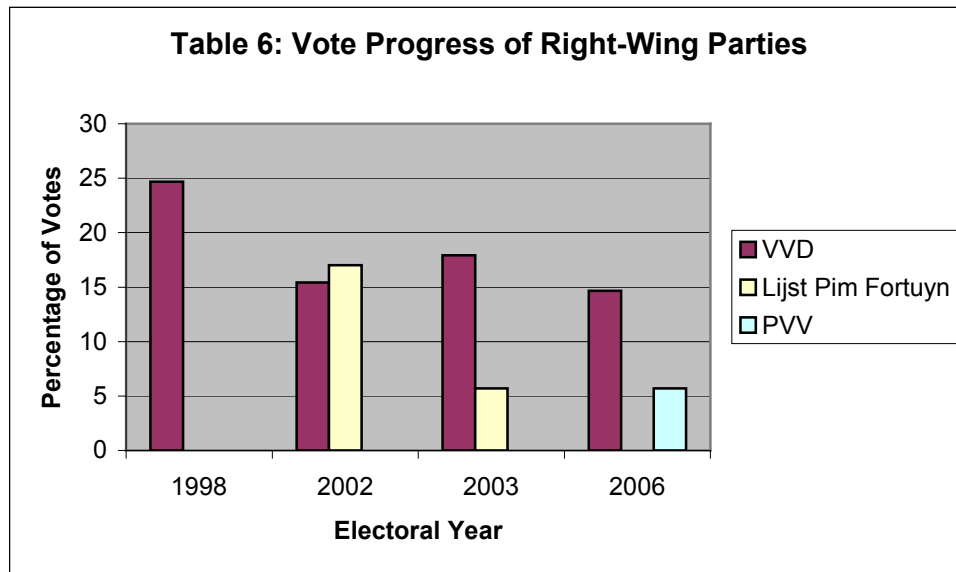


And this perhaps set the table for the activation of triggers, which seemed to be activated in the late 1990s, early 2000s, the impact of which could be observed in the emergence of right-wing political movement and parties who obtained increasing support with each election. The previously discussed case of Theo van Gogh’s murder in 2004 is considered by many to be the main trigger of the change in attitude and policy concerning immigrants and integration in the Netherlands. But it is our belief that it was actually

<sup>79</sup> RIOUX, Christian (2007). *Speak White! Le Devoir*. [www.ledevoir.com/2007/11/17/164798.html](http://www.ledevoir.com/2007/11/17/164798.html)

<sup>80</sup> BRITISH COUNCIL (2008). *Migrant Integration Policy Index*. <http://www.integrationindex.eu/mapscharts/>

more a symptom than an actual trigger, although the incident's value must not to be diminished. The progress of the VVD (Fortuyn and Wilders are former members), the *Lijst Pym Fortuyn* and *Freedom* parties occurred before van Gogh's death and so, his death may have been simply the consolidation of an already present tendency, as we can see in the progress of the support given to right-wing parties since 1998 (Table 6):



The peak to the tendency appears to be 2002 but this is misleading. Fortuyn was assassinated shortly prior to 2002 elections, which in effect leads to a substantial “What if” question, and Wilders’ *Freedom* party was created in 2005, having less than a year to prepare since surprise elections were held in 2006.

And then there is are also the above mentioned cases of Ayaan Hirsi Ali and Geert Wilders’ *Fitna*, that attract enormous levels of attention – notably for its security threat – thus keeping the integration issue white hot. In fact, their positions, and actions have attracted as much support has criticism, further dividing Dutch society, division confirmed by the findings of the MIPEX group concerning public perception of integration in the Netherlands, where “a large majority believes ethnic discrimination is

fairly widespread and 76.7 percent, the most out of the EU-27, believe that it got worse between 2001 and 2006”<sup>81</sup>.

This very real shift in attitude towards immigration and immigrants plays a major role in enhancing security priorities. The murders of Pym Fortuyn and Theo van Gogh as well as the death threats against Ayaan Hirsi Ali and Geert Wilders, threats that go beyond the domestic circle, are symbiotic with the integration issue, thus creating a genuine vicious cycle of influence and reinforcement, leading to the very strong if not draconian counter-terrorism measures seen above. But does this actually translate into human rights abuse?

#### **b. Human Rights approach and policy in the Netherlands**

Although the Netherlands does not have a *Bill of Rights* or a *Charter of Rights and Freedoms*, the first chapter of the constitution is devoted to the fundamental rights one is entitled to in the country. The most relevant articles for our analysis are the first, sixth, seventh and eleventh articles because they are the ones most affected by the measures enacted since 2004.

Article 1 refers to the right to equality, Article 6 to religious freedom while Articles 7 and 9 deal with freedom of speech and right to privacy respectively. Finally, Article 11 refers to a person’s right to inviolability<sup>82</sup>. These are fundamental rights to be enjoyed by everyone, regardless of citizenship.

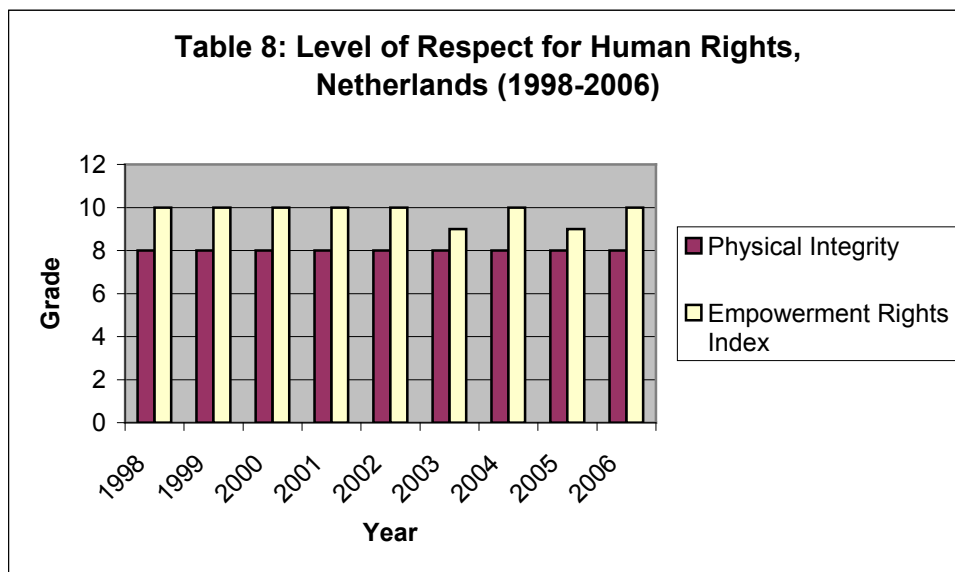
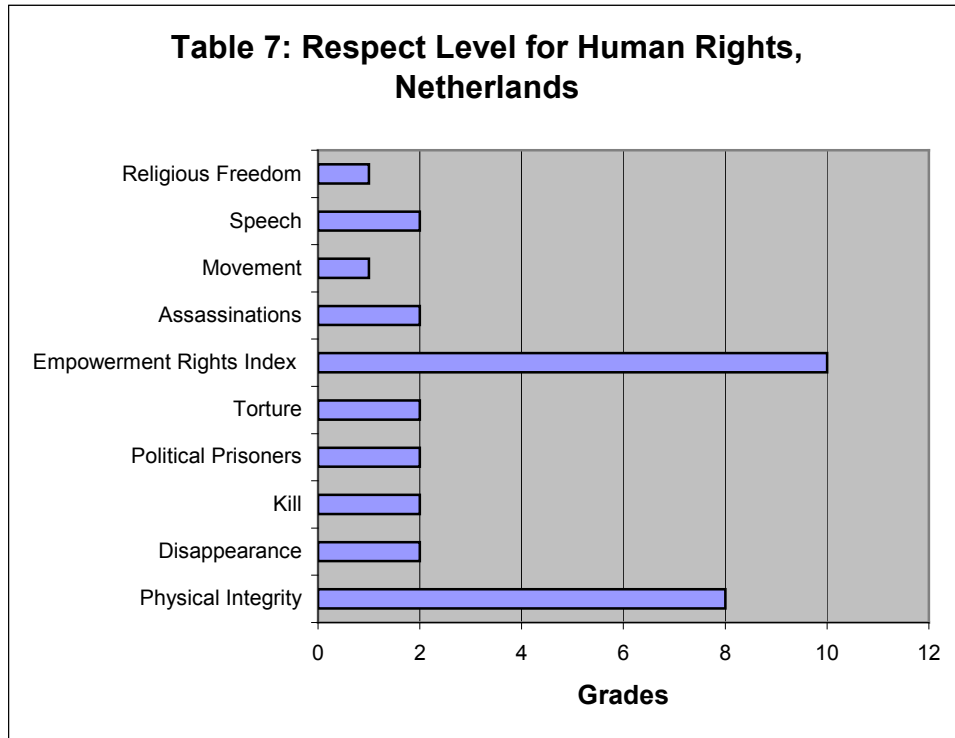
As in the Canadian context, these rights seem to generally be enforced and respected by Dutch law enforcement personnel. However, if physical integrity is not an issue, the infringement of fundamental freedoms is as the CIRI index shows. Despite granting a perfect 10 in 2006, CIRI granted a “9” for both 2003 and 2005, a sharp

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<sup>81</sup> BRITISH COUNCIL (2008). *Migrant Integration Policy Index – Netherlands, Public Perceptions*. <http://www.integrationindex.eu/integrationindex/2478.html>

<sup>82</sup> MINISTRY OF THE INTERIOR AND KINGDOM RELATIONS, NETHERLANDS (2002). *The Constitution of the Kingdom of the Netherlands*. P.3 [www.minbzk.nl](http://www.minbzk.nl)

contrast with its preceding scores (Table 7 and 8)<sup>83</sup>, but coherent with the implementation and application of tougher security measures and immigration policies after 2001.



<sup>83</sup> CINGRANELLI, DAVID L. RICHARDS, DAVID L (2007). *The Cingranelli-Richards Human Rights Dataset Version 2007.11.29*. <http://www.humanrightsdata.org>

In terms of privacy, the Netherlands is deemed to be a state with “systemic failure to uphold safeguards” according to Privacy International’s ratings, a label that has not changed in 2006 and 2007<sup>84</sup>. In this case, this appears to follow suit with the infringement indicated by the “Empowerment Rights Index”, where freedom of speech for example may be limited by surveillance.

Hence, it is possible to state that the current tendency in the Netherlands is to infringe on human rights, an approach once again in contrast with its historically favored position. Ethnic profiling is acknowledged openly, the security is seen as due to foreigners who abuse of the over accommodating Dutch society, and civil policies are hindered. Exactly the type of approach earning the Americans and Britons sharp worldwide criticism.

#### **IV. The Impact of International Influence on Policy Change**

The issue here is not “did international relations have an influence on policy change” but rather to what extent it did affect it. The attacks of September 11 2001 were termed to be an attack on Western civilization and the United States instantly stated that the response had to be international, response provided through UN resolutions 1368 and 1373, documents that sanctioned the invasion of Afghanistan. But beyond the first show of solidarity following the tragedy, how much bilateral and multilateral pressure was exerted on Canada and the Netherlands for them to change their approach towards security and toughen their stance on immigration? There are obviously numerous factors to consider but we will particularly focus on the security discourse and the policies that may have influenced the change in policy.

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<sup>84</sup> PRIVACY INTERNATIONAL (2007). *National Privacy Ranking 2006/2007 - Leading Surveillance Societies Around the World*. [www.privacyinternational.org](http://www.privacyinternational.org)

## 1. Neighboring Pressure: US Pressure on Canada after 9/11

In the aftermath of the terror attacks, the situation of the American-Canadian border quickly became a security issue. The border's length, combined with the cordial relationship between the two countries and the NAFTA border permissions made circulation easy between the two states. Therefore, surveillance had to be increased and tighter controls at the main crossing points had to be implemented. But American policy makers also had an issue with Canada's own borders, namely its customs and immigration policies, deemed by many too open and unsafe.

Such statements were nearly impossible to argue. The Ahmed Ressam case had occurred twenty months earlier and quickly resurfaced. He had obtained easy entrance into Canada, received official citizenship documents under an alias and the warnings and requests from foreign security agencies had been dismissed. Had it not been for the vigilance of the American customs agents in Seattle, Ressam's plot to blow up LAX would have been successful. September 11 exposed US vulnerabilities and the policies of its northern neighbor were one of them.

American pressure on its partners to enhance security officially became state policy with the publication of the 2002 *National Strategy for Homeland Security* that states

“Internationally, the United States will seek to screen and verify the security of goods and identities of people before they can harm [*sic*] to the international transportation system and well before they reach our shores and land borders. [...] The United States will work with other countries and international organizations to improve the quality of travel documents and their issuance to minimize their misuse by smugglers and terrorist organizations. We will also assist other countries, as appropriate, to improve their border controls and their coordination with us”<sup>85</sup>.

This policy is not new. In fact, it is inscribed within the historical American position on security where the safety of the nation lies outside its borders, a position commonly defined as the Monroe doctrine.

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<sup>85</sup> DEPARTMENT OF HOMELAND SECURITY (2002). *National Strategy for Homeland Security*. Washington: USG printing, p.22

But what are some of the consequences for Canada? The implementation in 2004 of the first *National Security Program* and the creation of the *Department of Public Safety and Emergency Preparedness* whose goal was to upgrade security measures and personnel in government buildings and in each one of the country's points of entry<sup>86</sup>. This measure includes a background security check for every employee, something that was not done prior to 2004, with the exception of law enforcement agencies. In terms of law enforcement, the *Integrated Border Enforcement Teams*, a joint Canada/US program, was created to increase the chances of capturing the illegal flow of individuals between the two states, focusing in particular drug dealers, illegal immigrants and terrorists<sup>87</sup> while financially, 930 million dollars have been invested in the program, with an extra 145 million planned in the 2008 budget<sup>88</sup>.

But what is more revealing about the program is its three core interests, most notably "Ensuring Canada is not a base for threats to our allies"<sup>89</sup>. We specified earlier that Canada's main problem with terrorism is not the terrorism itself but rather its capacity as a breeding ground for terrorists, its position as a hub to prepare attacks. This "core interest" not only responds to that problem but is also a clear indication of the pressure exerted by the United States.

US influence does have its limits however. If Canada did not hesitate to contribute troops to *Operation Enduring Freedom*, as part of its commitment to NATO and to resolutions 1368 and 1373, it categorically refused take part in the invasion of Iraq despite strong pressure from its southern neighbour.

Security policy influence is essentially limited to the United States as the one coming from other states appears to be only incidental, limited to providing references or

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<sup>86</sup> RADIO-CANADA (2008). *Scrutés à la loupe*. [www.radio-canada.ca/nouvelles/National/2008/01/20/001-securite-ports.shtml](http://www.radio-canada.ca/nouvelles/National/2008/01/20/001-securite-ports.shtml)

<sup>87</sup> CANADIAN PRESS (2008). *Nouveau rapport federal – Les douaniers canadiens et américains ont les mains liées*. [www.ledevoir.com/2008/02/11/175661.html](http://www.ledevoir.com/2008/02/11/175661.html)

<sup>88</sup> CASTONGUAY, Alec (2008). La loi, l'ordre et la sécurité restent des priorités conservatrices. *Le Devoir*. [www.ledevoir.com/2008/02/27/177974.html](http://www.ledevoir.com/2008/02/27/177974.html)

<sup>89</sup> PUBLIC SAFETY CANADA (2004). *Securing an Open Society: Canada's National Security Policy*. <http://www.publicsafety.gc.ca/pol/ns/secpol04-eng.aspx>

benchmarks but not much more. An example of this is the slow implementation of biometrical travel documents, with the US leading the way, but they are more and more required by other Western countries such as Germany or the UK, which creates secondary pressure to implement such programs and devices. Another example that non-US influence is limited is that the passenger data exchange between the European Union and the United States excludes Canada because the information obtained by the Americans is shared in various bilateral data mining programs.

When taking in the spectacular circumstances of 9/11, it is difficult to imagine that the Canadian government would not have enhanced some of its security measures had the American government not asked for it. However, the extent of the measures as well as the urgency of their implementation is undoubtedly the result of outside pressure, consequently affecting domestic attitudes and priorities.

## **2. Impact of International Influence on the Dutch Security Policies**

If external influence on Canadian behavior and policies essentially has a single source, the international influence on the Netherlands to change their security policies and attitudes is two-fold: Bilaterally, in its relationship with the United States and multilaterally, in its relationships with its European Union partners. If the influence of the first is limited, the one exerted by the latter is undeniable and has a pivotal role the shift occurring in the Netherlands.

### **a. The Impact of US Post-9/11 Policy on the Netherlands**

We have previously mentioned that the United States historical approach towards security was to export its measures and the Netherlands is a key area of concern for the Americans. Indeed, the country's strategic maritime value has prompted the US government to make the improvement of security in the Dutch seaports a national security priority. The 2002 *National Strategy for Homeland Security* stipulates that

“The United States will place inspectors at foreign seaports to screen U.S.-bound sea containers before they are shipped to America, initially focusing on the top 20 “mega” ports (including Rotterdam, Antwerp, and Le Havre), because roughly 68 percent of the 5.7 million sea containers entering the United States annually arrive from these seaports.”<sup>90</sup>

To what extent the Dutch customs infrastructure was modified by this initiative remains to be determined, but it does allow speculation as to its impact on other border security elements such as visas and passports as well as the registration and tracking of transport equipment and material.

The United States’ impact on Dutch security policy is not limited to the structural elements of the “War on Terror”, but also to its military facets. Although the influence of key EU states like Italy, Spain or the United Kingdom cannot be undermined, its without a doubt American pressure that led to the Dutch support of the invasion of Iraq in March 2003. What is more revealing in this case is the official position of the Dutch government on the matter. Despite the fact that both Balkenende governments supported the invasion before it started<sup>91</sup> and that it was a clear breach of international law and UN policy, the official stance is that the Dutch contribution to the invasion – 1345 strong – was done under UN auspices through Security Council Resolution 1483, sanctioned on May 22, 2003<sup>92</sup>. Technically, troops were sent on July 10, a move that would validate such an argument, but what is important here is the support prior to the resolution, an unusual stance for a country whose soft power credentials, obtained through substantial contributions to peacekeeping/peacemaking operations and mediation, allowed it to be ranked amongst the world’s top 15 most powerful nations<sup>93</sup>. Obviously, such support and contribution raises doubts about the Netherlands’ respect of international law, an odd situation for the country hosting the International Court of Justice and the International Court Tribunals.

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<sup>90</sup> DEPARTMENT OF HOMELAND SECURITY (2002). *National Strategy for Homeland Security*, p.23

<sup>91</sup> GOVERNMENTS’ POSITIONS PRE-2003 INVASION OF IRAQ (2008).

[http://en.wikipedia.org/wiki/Governments'\\_pre-war\\_positions\\_on\\_invasion\\_of\\_Iraq#Europe](http://en.wikipedia.org/wiki/Governments'_pre-war_positions_on_invasion_of_Iraq#Europe)

<sup>92</sup> NETHERLANDS (2008). *Dutch Military Mission to Iraq*.

[http://www.government.nl/Subjects/Dutch\\_military\\_mission\\_to\\_Iraq](http://www.government.nl/Subjects/Dutch_military_mission_to_Iraq)

<sup>93</sup> BOT, BERNARD (2004). *Le poids de la politique étrangère des Pays-Bas*.

[http://www.minbuza.nl/en/news/speeches\\_and\\_articles\\_ministers\\_articles\\_in\\_the\\_media/2004/07/le\\_poids\\_de\\_la\\_politique\\_etrangere\\_des\\_pays\\_bas.html#\\_ftnref1](http://www.minbuza.nl/en/news/speeches_and_articles_ministers_articles_in_the_media/2004/07/le_poids_de_la_politique_etrangere_des_pays_bas.html#_ftnref1)

## b. The European Partners' Impact on the Dutch Policy Shift

It has always been the policy of the Council of Europe and European Union to attain certain level of uniformity for certain policies, immigration and security being amongst the most prominent. It is therefore not surprising that Europe's experience with terrorism has led to the elaboration and ratification of the *European Convention on the Suppression of Terrorism* (ECST), a document that is still today the document of reference when assessing counter-terrorism cooperation between member states. It was amended in 2003 to include newly ratified international conventions dealing with terrorism, and complemented by the 2005 *Convention on the Prevention of Terrorism*. But the key document setting the parameters of national security policies is the Council of Europe's *Council Framework Decision of 13 June 2002 on Combating Terrorism*.

If the ECST is about the logistics of judicial and judiciary cooperation in order to ease and accelerate jurisdiction issues when dealing with terrorists, the *Decision* is all about establishing common measures to combat terrorism, including types of offences and penalties. In fact, the *Decision* clearly stipulates in its Article 5, paragraph 2 that

“Each Member State shall take the necessary measures to ensure that the terrorist offences referred to in Article 1(1) and offences referred to in Article 4<sup>94</sup>, inasmuch as they relate to terrorist offences, are punishable by custodial sentences heavier than those imposable under national law for such offences in the absence of special intent required pursuant to Article 1(1), save where the sentences where the sentences imposable are already the maximum possible sentences under national law.”<sup>95</sup>

It is therefore mandatory for member states to comply with the *Decision* even if their see their national policies as being adequate. Although it would be easy to blame the Council's decision for the totality of the Dutch change in attitude in terms of counter-terrorism, we must not forget that the methods enacted after 2001 are harsher than many of its European counterparts whose history with terrorism is more elaborate.

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<sup>94</sup> Article 1 deals with terrorist acts while Article 4 deals with assistance to or attempts of terrorism acts.

<sup>95</sup> COUNCIL OF THE EUROPEAN UNION (2002). Council Framework Decision of June 13 2002 on Combating Terrorism (2002/475/JHA), §5(2). *Official Journal of the European Communities*, p. 5.

The influence exerted by countries on other states is an extremely difficult element to assess because it depends on a multitude of factors ranging from economy and politics to military power and relations' history. But it is safe to say that when taking the national attitudes and methods prevailing in Canada and the Netherlands prior to the "War on Terror", whether participation is passive or not, and the dramatic shift that occurred thereafter as well as the progressive policy alignment to the one of major powers, that the latter's security agendas bear considerable responsibility in the observed Canadian and Dutch tendencies.

**V. Conclusion: Can the Canadian and Dutch Shift in Attitude and Policies be used as a Barometer for Western Behavior towards Terrorism and Human Rights?**

We have examined throughout this article the prevailing tendencies before and after 9/11 in Canada and the Netherlands in terms of terrorism, counter-terrorism, integration and human rights as well as the impact of their bilateral and multilateral relationships after the "War on Terror" was declared by President Bush in 2001. This analysis confirms our view according to which the geographic, moral and temporal extent of the apparent shift in human rights policies by Western countries after the terrorist attacks on September 11 can be measured through its occurrence in Canada and the Netherlands.

In order to come to this conclusion, we first determined that both countries had limited experience with terrorism, although their value as terrorist breeding grounds was not to be undermined. We have also determined that prior to 9/11, none of the examined states had preexisting specific anti-terror legislation, a situation that only changed after terrorism emerged as the main security preoccupation for Western Countries. Although the vast majority of the measures comprised in these laws were upgrades to existing criminal legislation, many measures equaled and went beyond some of the toughest policies that exist in major powers such as France, Germany, Great Britain or the United

States, thus raising questions about proportionality to the threat and consistency with historical policy trends.

We then assessed the change in socio-political behavior, in particular in terms of immigration, attitude towards minorities and human rights. It was determined that despite the apparent openness of the Canadian and Dutch societies, as well as the vast array of multicultural-favoring mechanisms and programs, that strong xenophobic tendencies started to appear and be felt in the early to mid-1990s, a process that was accelerated and not triggered by what happened in New York city and at the Pentagon. The political discourse both co-opted and fueled the issue and used it to justify new profiling and security policies. In turn, this new approach towards minorities and security strongly undermined the human rights policies of both countries, in terms of physical integrity, civil liberties and privacy, an emerging trend revealed in an unusual yet consistent decrease in human rights rankings compiled by various watchdogs.

Finally, it was determined that although it is by no means entirely responsible for the changes occurring in Canada and the Netherlands, the strong influence consequential to the pressure exerted by the United States and European Union in order to affect the domestic security policy of their partners is both considerable and undeniable.

In the end, what does all this indicate? Here are two countries that to this day are negligibly threatened by terrorism and therefore cannot claim – politically it remains another issue – it to be an actual threat to security, despite the fact that the issue has *de facto* increased in importance in the Netherlands in light of the Theo van Gogh, Ayaan Hirsi Ali and Geert Wilders cases. And yet, both countries have enacted very strong anti-terror measures, some of which like the security certificates and control orders, have already been deemed disrespectful of human rights in other Western states. This makes for a serious discrepancy between both countries' actual necessities and the draconian aspect of their measures.

The same two countries also have an international reputation for being lands of asylum and cultural diversity. And yet again both countries have hampered their integration programs to an extent where integration is now below the Western average and where ethnic profiling is blatant. If the tendency was slowly emerging in the mid-1990s, it gained a lot of momentum after 9/11.

As a consequence, their new behavior has led to a diminishment as well as the hindering of their respective human rights standards and the rigidity of their application, an unforeseeable situation a mere decade ago. And this is exactly the point: If states, like Canada and the Netherlands, whose historically human rights friendly and compromise focused policies are deeply rooted, not only followed suit but actually improved on the measures enacted by more prominent powers, then the observed tendency towards domestic and international human rights abuse by Western powers after 9/11 is sadly, deeply rooted. This shift in approaches not only consolidates the excessive as well as vindictive attitudes and behavior of major powers in their war against terror, but also creates a benchmark for security policies. And perhaps, in its most extreme consequence, it establishes a point of No Return for human rights concerns in the West. Therefore, if intermediate powers revert to their historical stances on the issue, this may set the tone for a change in global western policies towards security and human rights, one that would be coherent with the principles and values we cherish and promote.