



General Intelligence and
Security Service
*Ministry of the Interior and
Kingdom Relations*

Annual Report 2010





Louis Einthoven, the first head of the National Security Service (Binnenlandse Veiligheidsdienst, BVD), the predecessor of today's General Intelligence and Security Service (Algemene Inlichtingen- en Veiligheidsdienst, AIVD), was responsible for the service's motto and shield. He believed that citizens in a democracy such as ours must play an active role in society, and not just passively drift along on the waves of history.

The motto he chose was ***Per undas adversas***: against the current. Living fish swim against the current; only the dead ones are carried along. This saying symbolises the service's mentality: it is an active organisation, working against the current if necessary, watching out for threats to national security.

Foreword

In 2010, more than in previous years, the greatest risks and threats to the national security of the Netherlands were exogenous. That is, they came from beyond our national borders. These dangers are rooted in, for instance, global geopolitical and economic developments, the clandestine strategic intentions of foreign powers and the activities of transnational jihadist terror networks. It has also been observed that the risks and threats are becoming more diffuse: they can appear with unexpected speed, arise in unexpected quarters and manifest themselves in unexpected ways. One example is provided by the recent unrest in North Africa and the Middle East, which is relevant to the Netherlands in a number of ways. Such developments require constant alertness on the part of the AIVD, as well as a new focus and different ways of working.

In 2010, therefore, the service shifted its focus somewhat, from endogenous risks and threats to exogenous ones. For example, we acted to strengthen our information position and operational effectiveness in and with respect to the international arena. Among other things, this was done by improving technological skills and IT systems. The change in focus has also had consequences for the manner in which the AIVD supplies information to its partners. This activity is now increasingly oriented towards those partners which can play a role in preventing or reducing the exogenous threat.

In this light, 2010 can be characterised as a year of transition. The reorganisation initiated in mid-2009 was completed during the year under review, the service's focus has been changed and new ways of working have been introduced. As a result, the AIVD is now well-prepared and equipped to meet the challenges facing us in the years to come.

Gerard Bouman
Head of the General Intelligence and Security Service



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AIVD objectives in 2010

In 2009 the AIVD's formalized the strategic objectives for the coming years. These objectives shaped and guided all the service's processes and activities in 2010. They are as follows.

The AIVD:

1. reduces risks to national security, which includes preventing terrorist attacks;
2. recognises developments relevant to its areas of activity at an early stage;
3. encourages its partners to take appropriate action.

In its annual plan for 2010, the AIVD states that it intends to deploy its – not unlimited – capacity to address issues that really matter in the light of changes to the threat level and the needs expressed by its partners. With this in mind, during the year the service invested substantially in investigative research and in trend analyses. Based upon the relevant trends thus identified, the service then formulated two operational objectives supplementary to the general strategic goals outlined above:

1. Given the potential repercussions associated with internationalisation of the threat posed by jihadist terrorism, the AIVD is to prioritise the development and reinforcement of its own high-quality intelligence position as regards relevant persons and organisations, abroad as well as domestically, that represents a specific or credible threat to the Netherlands or to Dutch interests elsewhere. To this end, the service will extend its intelligence positions in respect of jihadist networks in a number of high-risk areas.
2. The AIVD will also prioritise the gathering of intelligence related to a number of specific countries, as described in both the public and the confidential sections of the current Foreign Intelligence Designation Order (*Aanwijzingsbesluit Inlichtingen Buitenlandtaak*). These are nations in respect of which it has been determined, in consultation with key partners, that such intelligence is essential in shaping Dutch foreign policy. The purpose of this activity is to help enable the government to make a substantive assessment of developments related to and the threat emanating from the countries concerned.

The service has been able to intensify its focus upon these two operational objectives by reducing its efforts related to phenomena of decreasing significance, such as domestic jihadist terrorism and certain aspects of radicalism and political extremism (see chapters 1 and 2).

The AIVD's strategic objectives form the basis for its planning, implementation and accountability cycle. This annual report provides a public account of the service's activities in 2010, which in turn were based upon the annual plan for that year. That was drawn up in consultation with the service's stakeholders, discussed in the Council for National Security and formally adopted by the Minister of the Interior and Kingdom Relations¹.

¹ Letter to the House of Representatives of the States-General, 2009-2010 session, 30 977 no. 30, dd. 2 February 2010.



1 Terrorism

Due to its violent and disruptive nature, terrorism is one of the AIVD's key areas of special interest. As far as jihadist terrorism is concerned, the shift – first observed in 2009 – away from a “home-grown” (endogenous) threat towards an external (exogenous) one continued last year. Consequently, the AIVD intensified its investigation of that threat in 2010.

1.1 The threat from jihadist terrorism

During the year 2010, the AIVD gave priority to the timely detection of threats posed to the Netherlands and to Dutch interests abroad by international jihadist terror groups and networks. One specific point addressed was the prompt identification of individuals leaving the country to take part in the jihad elsewhere in the world or returning from it. To this end, the service continued to improve its information position in respect of transnational networks and international jihadist web forums. The means whereby this was done included more intensive interception of messaging traffic and greater co-operation with international partners.

The jihadist threat to Europe emanates from several parts of the world, among them Yemen, Somalia and North Africa, but the principal source of danger is the Afghanistan-Pakistan border region. And the likelihood of a terrorist attack directed from that area further increased during the course of 2010. However, the Netherlands did not feature prominently in international jihadist propaganda as a prospective target last year. Moreover, the number of Dutch citizens who have participated in or trained for the jihad in these conflict zones is relatively small by comparison with some other European countries. On the other hand, there are definitely Dutch links with the transnational networks involved, both physically and through international web forums. There is also a potential threat to the Netherlands associated with jihadists returning to other European countries. This has led the AIVD to conclude that the chance of our nation experiencing “exogenous” terrorist attacks has increased in the past year, although this threat is not as great as that to some neighbouring countries.

The picture is complicated by the fact that acts of terrorism can also be committed by individuals operating more or less alone. For example, the bombing of a Stockholm shopping street on 11 December 2010 was carried out by a single perpetrator. This demonstrates that the threat comes not only from networks, but also from individuals or isolated

cells inspired by the jihadist message. The principal medium through which this is disseminated is the Internet.

The Internet

The so-called “jihadist Internet” plays a major role in the current threat to the Western world. Its function is not confined to the distribution of propaganda, but also encompasses networking, the recruitment of fighters, the facilitation of their participation in the jihad and the planning of terrorist attacks. Any jihadist network includes both physical and virtual components, which complement and reinforce one another. Nor are such networks – or the threat they pose – hindered by national borders. The Internet has enabled jihadists in the West and their counterparts in actual conflict zones to forge ever closer alliances.

The intensity of such relationships is illustrated by one particular facilitating network, which brought together jihadists from the Middle East, Africa, South-East Asia and Europe, and was also very active on the Internet. As well as disseminating propaganda, this network actively expedited travel to conflict zones and discussed terrorist attacks. Last year, however, members were arrested in a number of countries on suspicion of participating in or recruiting for the jihad, or plotting attacks in Europe. Several of these arrests were made in Belgium, and three people were also held in Amsterdam at the request of the Belgian authorities.

Afghanistan and Pakistan

The principal source of the exogenous jihadist threat to Europe is the Afghanistan-Pakistan border region. This is the base for various networks which either attack Western interests locally or aspire to striking in the West itself. In pursuing this ambition, they are able to draw upon the services of a not inconsiderable number of European jihadists. These individuals have trained in the region, or even gained combat experience there, as well as drawing extra inspiration for their mission. Although they are in contact with operational leaders in the region, after their return to Europe they are capable of carrying out terrorist attacks without being directed by leaders or planners back in Afghanistan or Pakistan. They are also in a position to act as new “hubs” for transnational jihadist networks.

The tangible danger to Europe as a whole from these jihadist networks increased during the final months of 2010. Various signals were received indicating that they were determined to launch attacks in this part of the world. The arrests made in Sweden and Denmark on 29 December were a response to that threat. Several of those held had spent time in the region before returning to Europe to plan an act of terrorism against the Danish newspaper *Jyllands-Posten*.

The freedom of movement available to jihadists with Western passports, in particular, is a key aspect of the threat they pose to Europe. And key to identifying them. First they have to be trained, for which they need to travel to a country with training camps. After that they must return to their home country to carry out attacks. Again, this involves travel. Even if they are sent to a third country for that purpose, rather than their own, they have to be able to move freely.

For this reason, monitoring travel movements is an important investigative tool for the AIVD. This means that the ability to check passenger data would strengthen the service's effectiveness in performing its statutory task. Research is currently under way to determine how best the AIVD can process those details relevant to the fight against terrorism, and the promotion of national security in the broader sense of the term.

Yemen

In Yemen, Al-Qaeda in the Arabian Peninsula (AQAP) has adopted an increasingly international agenda. One example of this is the failed plot of October 2010, when an attempt was made to air freight two packages containing bombs from Yemen to addresses in the United States. Moreover, the group's propaganda has begun targeting jihadists in the West. This effort is epitomised by the online magazine *Inspire*, an English-language publication which – among other things – seeks to encourage Western-based sympathisers to carry out acts of terrorism autonomously. The well-known jihadist preacher Anwar al-Awlaki, who has inspired the perpetrators of several terrorist attacks in recent years, plays a major role in AQAP's propaganda strategy. This, combined with its attempted attacks, has increased the group's appeal to Western jihadists.

Somalia

Western interests in Somalia, which include Dutch humanitarian activities in East Africa as well as Dutch and allied interests in the coastal region, were identified in 2010 as potential targets by the Somali jihadist organisation Al-Shabaab. Inspired by Al-Qaeda, sections of this group aspire to attack international targets. So far, however, these ambitions have resulted only in acts of terrorism within the region – most notably in Kenya and Uganda – and not in the West. Still, there remains a risk that Somalis trained or inspired by Al-Shabaab but acting independently could strike farther afield, as in the case of the failed attack of 1 January 2010 on the Danish cartoonist Kurt Westergaard. Meanwhile, Somalia continues to exert an appeal to jihadists all over the world. In 2010 the AIVD detected no attempts by persons based in the Netherlands to join that struggle, but a Dutch Somali travelling from the United Kingdom was arrested in Kenya whilst trying to reach Somalia. That individual was extradited back to the UK. The AIVD works closely with foreign partner services in efforts to hinder such journeys.

In December 2010 the AIVD learnt that Al-Shabaab might be planning an imminent attack in the Netherlands. Having been investigating this potential threat for some time, the service received information from multiple sources concerning persons possibly involved in the plot. Although the target was unknown, the threat was deemed serious enough that relevant partners were informed and an official report was issued.

North Africa

Al-Qaeda in the Islamic Maghreb (AQIM) focused originally upon the jihadist struggle in Algeria, but since affiliating with core Al-Qaeda has broadened its horizons to include Western targets throughout the Sahel region. As well as "conventional" terrorist attacks, one of AQIM's principal current activities is the kidnapping of Westerners. There is thus a genuine risk that Dutch citizens in the region might be abducted. The group's leaders still hope to attack the West directly at some point, but for the time being this is not one of their main priorities.

Propaganda, much of it disseminated online, is an important factor in the overall picture of the threat posed by jihadist terrorism. The image created is one of a global front against the enemies of Islam. This seeks not only to inspire and mobilise the jihadists' core support base, but also serves as a constant reminder to the Western public of an omnipresent threat. The relationship between this propaganda and actual acts of terrorism is complex, though. Sometimes there is a direct link between an attack and a subsequent claim of responsibility by a terrorist organisation, but it is also quite common for such claims to be made falsely. The same applies to many of the specific threats made on the Internet against particular countries or individuals: in most cases there is no actual terrorist plot behind the invective, and it is often doubtful whether the "poster" is even part of a jihadist network. One example of this is provided by a recent anonymous posting on the jihadist web forum *Al-Falaja*, calling upon Al-Qaeda in the Islamic Maghreb to free Mohammed Bouyeri, the murderer of filmmaker Theo van Gogh. This did not directly increase the risk of abduction for Dutch citizens, but it could have been used by AQIM for propaganda purposes had one of them fallen into the group's hands.

Local networks in the Netherlands

The threat posed by local jihadist networks has been low for some time, and remains so. The main reasons for this are a lack of leadership and cohesion within the groups themselves, as well growing opposition to them within the Muslim community. Individuals seeking to take part in the jihad seem to want to do so outside the Netherlands, in places like Afghanistan. Thanks in part to the Internet, though, there remains a risk that jihadists in the Netherlands might connect with transnational networks and so find their way to a training camp in one of the struggle's conflict zones.

1.2 Non-jihadist terrorism

PKK

The AIVD continues to investigate the activities of the Kurdistan Workers' Party (*Partiya Karkerên Kurdistan, PKK*), a listed terrorist organisation, in the Netherlands. In its pursuit of more political and cultural rights for Kurds in south-eastern Turkey, the group is engaged in armed struggle with the Turkish army in that region and in northern Iraq. It has carried out attacks which have claimed civilian victims.

The AIVD has established that the PKK is involved in financing and facilitation activities in the Netherlands. Based upon these findings, seven local authorities and a number of other partners, among them the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst, IND*) and Customs, have been notified about the activities in question. The service's purpose in doing this is to help develop resilience within such bodies in the face of PKK influence.

In February and March 2010, a series of operations intended to disrupt PKK activities was carried out across Western Europe. A total of twenty people were arrested in Italy and France on 26 February, on suspicion of recruiting young ethnic Kurds for the PKK. A few days later, on 4 March, searches were conducted at 28 addresses in Belgium. Fifteen people were taken into custody during this exercise, whilst international arrest warrants were issued for another fourteen individuals. The AIVD supported the operation by sharing relevant information with the Belgian authorities. In response to the events in Belgium, at least 5,000 Kurds demonstrated in Brussels. The AIVD observed that PKK sympathisers from the Netherlands attended this protest.

DHKP/C

The Revolutionary People's Liberation Party/Front (*Devrimci Halk Kurtulus Partisi/Cephesi, DHKP/C*) is a Marxist-Leninist terror group seeking the establishment of a socialist state in Turkey. It considers violence a legitimate means of achieving that end. In the Netherlands it has members and sympathisers who are active within social and cultural organisations. AIVD investigations related to this group focus upon its activities in support of terrorism in Turkey. In 2010 these resulted in three DHKP/C members operating in Amsterdam being declared undesirable aliens by the IND and removed from the country.

1.3 Activities and results

During the year under review, the AIVD ensured that its partners possessed a current, accurate and reliable picture of the terrorist threat to the Netherlands. Thanks to this, they were able to develop and implement appropriate measures with a view to countering or reducing that threat and its repercussions. With the help of such tools as the National Intelligence Overview (*Nationale Inlichtingen Beeld, NIB*), which was compiled four times during the course of the year in partnership with the Military Intelligence and Security Service (*Militaire Inlichtingen- en Veiligheidsdienst, MIVD*), those partners were provided with tailor-made intelligence products more frequently and more promptly than ever before. In addition, more Brief Information Reports (*Korte Informatie Rapportages, KIR's*) were issued in 2010, and more individual briefings were given. And compared to previous years, the flow of information from the AIVD to the Ministry of Foreign Affairs increased.

In an effort to further enhance the effectiveness of its work, the AIVD also took action to improve its collaborative relationship with police Regional Intelligence Units (*Regionale Inlichtingen Diensten, RID's*). This focused specifically upon monitoring work and investigative research.

CT Infobox

A partnership of the AIVD, the MIVD, the IND, the National Police Services Agency (KLPD), the Fiscal Information and Investigation Service (FIOD), the Royal Military Constabulary (KMar), the Public Prosecution Service (OM), the Netherlands Financial Intelligence Unit (FIU-NL) and National Co-ordinator for Counterterrorism (NCTb), the Counterterrorism Infobox (CT Infobox) brings together the information held by these agencies about individuals and networks involved in terrorist activities. This data is then compared and analysed using a multidisciplinary approach – that is, drawing upon the expertise of multiple organisations. Because all the information is held in one place, relationships between apparently disparate details can be identified and it is possible to use quick scans to tell whether material of interest to one of more of the participating agencies is present in the database. This is the system's greatest advantage. The CT Infobox is hosted by the AIVD.

A 2010 evaluation of the antiterrorism measures in the Netherlands² concluded that the CT Infobox is an important and useful tool in fostering collaboration between the parties involved. At the same time, however, the evaluation report pointed out that – although it does have a part to play – the value of this system should not be overestimated in cases involving an acute or very acute terrorist threat. In other words, the primary role of the CT Infobox lies in the routine phases of terrorism investigation.

² *Antiterrorismemaatregelen in Nederland in het eerste decennium van de 21e eeuw* (Antiterrorism measures in the Netherlands in the first decade of the 21st century), submitted to the House of Representatives of the States-General on 28 January 2011.

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2 Radicalism and extremism

During the past year, the main focus of AIVD investigations into radicalism has been Islamist ideologies and movements making organised and large-scale use of various tactics – both democratic and undemocratic – to such an extent that they threaten or undermine the democratic legal order in the Netherlands. Section 2.1 describes the most important developments in this area, whilst 2.2 and 2.3 in turn look briefly at Moluccan activism and at processes of deradicalisation and disengagement.

Political and related extremism entails deliberate violation of the law – sometimes including acts of violence – by groups and individuals seeking to undermine the democratic decision-making process. This goes beyond the disruption of public order, since it is about upsetting and endangering the democratic legal order³. Section 2.4 reviews developments in this area during the year 2010.

2.1 Radical Islamic movements

In investigating trends in radicalisation in the Netherlands, the AIVD pays particular attention to radical and ultra-orthodox Islamic movements that constitute a potential threat to the Dutch democratic legal order. These include non-violent movements which, by means of their message, reach and activities, can contribute over time to social polarisation, intolerant isolationism and anti-integration trends. The service also examines whether these movements may form a breeding ground for extremism and jihadism. They include the Muslim Brotherhood, Tablighi Jamaat, Hizb ut-Tahrir and the Salafist movement.

The Muslim Brotherhood

The Muslim Brotherhood has its origins in Egypt, but is now more international in scope and has political aspirations in many parts of the Middle East. However, its European arm, which was established in the 1960s, has adopted a more independent and apolitical course. Its principal aim is to “re-Islamise” the Muslim community in Europe so that religious observance serves as the guiding force in all aspects of life. Accordingly, the Brotherhood concentrates upon spreading its religious ideology and broadening its sphere of influence. Its members in the Netherlands present themselves as moderates striving actively to improve the position of Muslims in this country. The small group of Dutch

members consists of vocal and highly educated individuals, but at present they lack the influence needed to achieve the position they aim for. Nonetheless, the AIVD considers it possible that their extremely orthodox interpretation of Islam could clash with the principles of the democratic legal order.

Parliament has been promised written details of the findings of the current AIVD investigation into the Muslim Brotherhood⁴.

Tablighi Jamaat

Tablighi Jamaat (literally: Society for Spreading Faith) is an Islamic missionary movement with tens of millions of followers worldwide. Its ideology is ultra-orthodox and hence very much at odds with Western values. The organisation operates an international network of missionaries and mosques. It is active in the Netherlands, too, with several hundred supporters. Most are of Moroccan or Pakistani origin.

In the opinion of the AIVD, Tablighi Jamaat as a movement poses little threat to this country. Its Dutch arm rejects the use of violence in the name of Islam and the risk that it will foster social isolationism or polarisation is small. Its relatively few followers in the Netherlands lack resources and focus exclusively upon “re-educating” fellow Muslims. Moreover, there is widespread resistance to its activities in the wider Dutch Muslim community. As a result, its ultra-orthodox message has largely fallen on deaf ears.

Hizb ut-Tahrir

The international political movement Hizb ut-Tahrir (literally: Party of Liberation) believes that the Koran and the hadith (the recorded sayings and deeds of the Prophet) provide a blueprint for an alternative form of government, which is essentially incompatible with democracy. The ultimate goal of Hizb ut-Tahrir is to establish an Islamic state under Sharia law. Its ideology also has anti-Western, anti-Zionist and anti-integration elements.

⁴ This undertaking was made by the Minister of the Interior on 20 May 2010, during a debate on the forthcoming National Islamic Congress in Amsterdam (House of Representatives of the States-General, 2009-2010 session, 29 614 no. 25).

³ See the Glossary for definitions of “activism” and “extremism”.

In the Netherlands, this organisation has always remained within the bounds of the law and democratically acceptable activity. It attempts to attract well-educated Muslims by using a modern style of Islamic reasoning. Last year, for example, it argued that participating in elections – be it active or passively – is un-Islamic. From the response this generated in the media and on the Internet, it is clear that that idea is firmly rejected by many individual Dutch Muslims and by umbrella organisations like the Union of Moroccan Mosques in the Netherlands (*Unie van Marokkaanse Moskeorganisaties in Nederland, UMMON*) and the Contact Body of Muslims and the Government (*Contactorgaan Moslims en Overheid, CMO*). This demonstrates that there is considerable resistance to the Hizb ut-Tahrir message within the community.

Salafism

In 2009 the AIVD issued a public report entitled *Resilience and Resistance*, which discussed current trends and developments associated with Salafism in the Netherlands. One key change was that the four large Salafist centres here were no longer serving as a breeding ground for jihadist terrorism. Indeed, leading figures within the movement had openly condemned the ideology of jihad. Moreover, a section of the Dutch Muslim community had begun speaking out more frequently, both locally and nationally, against the anti-integration and intolerant isolationist message of Salafism. This increased resilience has caused the growth of the Salafist movement in our country to stagnate. Nothing in 2010 has given cause to revise this assessment. During the past year, AIVD representatives have visited a number of mayors to provide them with more information about the findings detailed in the 2009 report.

2.2 Moluccan activism

The principal focus of Moluccan activism in 2010 was the planned state visit to the Netherlands by President Yudhoyono of Indonesia, which was scheduled for October. In response, the government in exile of the Republic of the South Moluccas (*Republik Maluku Selatan, RMS*) initiated legal proceedings in an effort to compel the Dutch authorities to arrest Yudhoyono upon his arrival in this country, on the grounds that he was involved in the violation of human rights in the Moluccas. As a direct result of this move, the president cancelled his visit. The AIVD provided both the police and the Ministry of Foreign Affairs with information relevant to the planned visit.

2.3 Deradicalisation and disengagement

In the context of the fight against terrorism, deradicalisation provides a means of eliminating potential risks and threats – particularly that of violence – at an early stage. In 2010, therefore, the AIVD produced a research report examining those factors which play a part in deradicalising jihadists in the Netherlands. One key conclusion of this study is that a distinction needs to be drawn between deradicalisation and disengagement. The difference lays in the fact that, whilst disengagement entails the abandonment of radical action, it does nothing to change the subject's underlying values – in this case, jihadist ideology. Deradicalisation, on the other hand, modifies thinking as well as behaviour. In the Netherlands, the former is much more common. In the longer term, though, it is reasonable to assume that disengagement will usually lead eventually to some degree of deradicalisation as well.

When it comes to dealing with jihadists, the AIVD believes that both disengagement and deradicalisation need to be pursued. With this in mind, the service has submitted recommendations to relevant partners – the National Co-ordinator for Counterterrorism (*Nationaal Coördinator Terrorismedebestrijding, NCTb*) and the Ministry of the Interior – for consideration within the context of the Polarisation and Radicalisation Action Plan (*Actieplan Polarisatie en Radicalisering*).

2.4 Extremism

In 2010 the AIVD investigated various groups, organisations, fluid networks and individual extremists at both ends of the political spectrum, as well as activists interested in specific issues such as animal rights and asylum policy. From the earliest possible moment, the service is in frequent contact with the police, local authorities and the potential targets of extremist activities, so that they can take the appropriate precautions.

Right-wing extremism and the extreme right⁵

In November 2010 the AIVD released a report entitled “Right-wing Extremism and the extreme right in the Netherlands” (*Afkalvend front, blijvend beladen, Extreemrechts en recht-extremisme in Nederland*) about the threat posed to the democratic legal order in the Netherlands by the extreme right and right-wing extremists. This concluded that the risk from these quarters is currently limited, but that it remains important to continue monitoring and interpreting its

⁵ See the Glossary for definitions of “extreme” and “extremism”.

nature, seriousness and magnitude in order to maintain a realistic picture of the danger it represents.

The extreme right, as defined by the AIVD, is no longer a factor of any great significance in the Netherlands. The service views this current as the remnants of the so-called “Centrum” movement of the 1990s, which sought to pursue a xenophobic and nationalist ideology through legal means. In the case of right-wing extremism, the current picture is one of fragmentation, with a number of parallel currents that seem mutually exclusive at the ideological level. But because contacts within this broad movement are mainly social in nature, adherents of the different currents do still come together on a regular basis to attend demonstrations, commemorations and “educational” gatherings.

As well as being organisationally fragmented, right-wing extremism has only a small support base. And those with antidemocratic ambitions usually confine themselves to verbal expression of their ideal view of the world. Only a few actually attempt to achieve this by undemocratic means. Consequently, the threat to the democratic legal order from right-wing extremism is small. The AIVD believes that, as long as the dynamic which has resulted in the current situation persists, there will be no significant change to the threat posed over the next few years. Indeed, it might even decline. On the other hand, were a leader broadly acceptable to the entire movement to emerge, it could overcome the obstacles it faces and engender a more serious threat to the democratic order.

Animal rights extremism

The AIVD has observed a decline in the activities of animal rights activists and extremists, in terms of both number and intensity. Most actions in 2010 were peaceful in nature. In particular, the Coalition Against Animal Testing (*Anti Dierproeven Coalitie, ADC*) continued in the direction it cautiously adopted in 2009 by organising less violent protests against animal suffering. This has made the ADC a more activist organisation, rather than an extremist one.

Stop Huntingdon Animal Cruelty Netherlands (*SHAC Nederland*), which can be regarded as an autonomous group of “active” sympathisers of the organisation Respect for Animals (*Respect voor Dieren, RvD*), carried out a number of actions in 2010: unannounced noise protests at and disruptions of meetings held by pharmaceutical companies which maintain business contacts with the British animal-testing firm Huntingdon Life Sciences (HLS).

The AIVD notes that the international dimension to animal rights activism and extremism is as strong as ever. The primary nexus of this movement is Europe and North America, with the Internet being used to establish contacts, exchange information and announce actions. Inflammatory

texts are distributed through online forums, which are also where extremists publish details of companies they consider “guilty”. In our view, this form of activism is likely to continue unabated.

Government measures to prevent and combat animal rights extremism have contributed to the decline in such activities. Internationally, the AIVD has entered into agreements to increase co-operation to counter this form of extremism where possible and opportune. The service will continue to monitor developments and to inform interested parties about them as and when necessary.

Violent opposition to Dutch asylum and immigration policy

As well as seeing new publications revealing details of companies and institutions involved in implementing Dutch asylum policy, the past year was again characterised by “hard actions” such as arson and criminal damage. Moreover, the AIVD has observed more frequent participation by Dutch opponents of this policy in activities abroad, most notably in Belgium. The service will continue to investigate both asylum-related extremism in the Netherlands and Dutch involvement in actions in other countries.

Meanwhile, in order to increase their resilience in the face of this threat, in 2010 the AIVD supplied various potential targets – both private companies and public organisations – with information and advice.

Anti-fascism

In February 2010 the AIVD wrote to all mayors in the Netherlands with details of the methods used by the group Anti-Fascist Action (*Antifascistische Actie, AFA*). This left-wing extremist organisation seeks confrontations with what it regards as the extreme right at party meetings and street demonstrations. It also attempts to prevent such gatherings by approaching local authorities in an improper manner or under false pretences. AFA again deployed this tactic during the run-up to the local elections of March 2010. By explaining how it does so, the AIVD assisted mayors and their officials in developing an appropriate response.

In many cases posing as an anti-discrimination organisation, AFA regularly contacts local authorities in an effort to deny what it views as “extreme right” groups the opportunity to hold meetings or demonstrations. When they learn of such an event, the anti-fascists approach councils and venues to warn them of the “material damage” it is likely to cause. As a rule, though, such damage is actually the product of the AFA counterdemonstrations.

The service continues to monitor the activities of Dutch anti-fascist groups, particularly those of an extremist nature.

Meanwhile, it was noted last year that various left-wing action groups have intensified their mutual co-operation. In practice, what this means is that the dividing lines between radical organisations committed to anti-fascism, anti-globalisation, environmental issues, animal rights and – to a lesser extent – opposing asylum and immigration policy have blurred somewhat. The AIVD is investigating whether this remains an ongoing trend in 2011.

2.5 Activities and results

During the year 2010, the AIVD ensured that its partners possessed a current, accurate and reliable picture of the threat to the democratic legal order emanating from adherents of radical or extremist movements and their ideologies. As a result, those partners were able to take action as and when appropriate. For example, both public administrative bodies and private companies were provided with information and advice concerning radicalisation. From the positive responses received, it appears that the service's decision to offer more tailor-made products in this field is highly appreciated.

The AIVD sought to enhance the effectiveness of its work last year through the systematic prioritisation of investigations, improved co-operation with both police Regional Intelligence Units (*Regionale Inlichtingen Diensten, RID's*) and international partner services and greater "academic outreach" – that is, forging links with the scientific research community.



3 Clandestine intelligence activities by foreign powers

Certain foreign governments attempt to gather sensitive political, military, technological, scientific and economic information in the Netherlands, to influence Dutch political and official decision-making or to target migrant communities here in a clandestine manner, outside the usual diplomatic and political channels. In so doing, they use a variety of methods. In many cases, their foreign intelligence services are involved. These activities can cause significant damage to national security and harm national sovereignty. The AIVD therefore works to recognise, to prevent and to help counter them.

3.1 Forms of clandestine activity and interference

Espionage targeting science and technology

In 2010 the AIVD actively warned companies, universities and other institutions about the risks associated with espionage activities by foreign powers. In the past year it has been established that intelligence officers have been showing an interest in Dutch companies and senior academics active in the field of high technology. And the AIVD has identified a specific threat emanating from China, including one particular instance in which sensitive data from a firm involved in the development of advanced technology was being channelled there. The company concerned was alerted to this, so that it could take appropriate remedial measures.

Chinese espionage in the Netherlands takes a variety of forms. The country's intelligence services are particularly interested in the ethnic Chinese communities here, in economic information – advances in high technology, for example – and in scientific research. As well as “classic” methods, such as the use of agents and informants on the ground, they also make use of digital espionage emanating from within China itself. One prime focus of their intelligence apparatus is the activities of Chinese ethnic minorities in the Netherlands, especially those groups seeking greater independence from Beijing. Politically active Uyghurs, for example, experience clandestine interference by the Chinese government. They are put under pressure to cease their activities, with relatives or friends still in China sometimes being used as a means of coercion.

Migrants targeted by foreign intelligence services

The AIVD saw no decline in activities targeting various migrant communities in the Netherlands in 2010. These sometimes took the form of open attempts to exert influence, whilst in other cases there were clandestine efforts to monitor or influence these communities. Examples include close surveillance of opposition political activities and operations designed to frustrate the work of politically active individuals. In order to prevent the rights of persons resident in the Netherlands being compromised, wherever possible the service notifies those concerned and relevant partners of such activities.

Attempts to influence public officials and the media

The AIVD is aware that, as well as using open diplomatic means, some foreign governments are deploying their intelligence services in an attempt to influence the Dutch political and governmental decision-making process in a clandestine manner. In most cases, such efforts involve intelligence officers using cover stories or identities. It is also possible that foreign services may be using orchestrated propaganda in the media, typically either to cast opponents of their government in a bad light, to prevent negative reporting of their country and its interests or to generate positive coverage.

In 2010 the AIVD observed a concerted effort by the intelligence service of Iran to imbue Dutch politicians and public officials with a negative view of Iranian opposition movements. The Iranians collected information about opposition figures and used a variety of means – among them websites, press conferences, congresses, books and magazines – to accuse their movements of violent crimes, human rights abuses and so on. Where possible, the AIVD informed those being targeted to make them aware of the true nature of this improper and covert campaign.

The threat from digital espionage remains high

The risk of digital attacks targeting electronic networks in the Netherlands is still high. Indeed, they continue to happen. Moreover, it has become apparent that the tools designed to detect them are not always effective.

The AIVD distinguishes between two main types of attack, each with its own purpose. The first of these is digital espionage, the aim of which is to steal confidential information. The other is digital disruption, which is undertaken with a view to throwing the electronic infrastructure of an organisation – or even an entire nation – into confusion. In military terms, this second type is also referred to as “cyberwarfare”. Both forms may be used with either criminal intent or by states. And they may be focused, targeting specific users, or unfocused. This latter form includes the distribution of computer viruses, which can randomly affect anyone who has failed to take adequate security precautions. Digital attacks are relatively easy and cheap to carry out, whilst at the same time being difficult to trace, so the risks to the perpetrators are minimal.

The AIVD expects the number of digital attacks to increase. It is therefore essential that vital systems in the Netherlands be properly protected against them, to prevent both espionage and large-scale system failure.

The AIVD states, however, that potential targets are not always fully aware of the value of the information they possess. Moreover, they tend to overestimate the security of the electronic devices they use in their day-to-day work, such as laptops and smartphones. Transmitting sensitive information over the phone or by e-mail always entails a risk, not least because such communications may be routed through hubs located abroad. Also, e-mails sent from mobile equipment like laptops and smartphones are sometimes stored temporarily on servers in third countries. Foreign intelligence services are only too happy to exploit this kind of vulnerability.

When digital attacks are identified, the AIVD will inform the relevant parties if it is opportune to do so. In addition, the service is playing its part in the development of a national cybersecurity strategy.

Russia's intelligence activities are intensive and ongoing, in the Netherlands as much as anywhere else in the world. The Russians suffered a major and public setback last year, when an espionage network made up of so-called "illegals" – elite intelligence officers operating for an extended period under false identities and with a non-traditional form of cover, in this case mostly unassuming private companies – was uncovered in the United States. Other Russian operations also made it into the public eye, but a considerable number of those identified received no publicity.

The AIVD has observed various forms of activity by the Russian intelligence services in the Netherlands. One common tactic is the cultivation and recruitment of potential sources. This involves the use of a "mutual friend" to make contact with an employee of an organisation of interest, such as NATO, the EU, a government ministry – Foreign Affairs, Defence or Economic Affairs, Agriculture and Innovation – an intelligence or investigative service, a university or an innovative company in a sector like defence or energy.

Once the intelligence officer has made contact with their target, a typical approach is to let it be known that – alongside their official duties – they run a small business of their own as a sideline. Their boss must not know about this, of course, so the contact should keep quiet about it. After a while they are given a unique mobile telephone number on which to reach the intelligence officer to arrange meetings in different public places. At first the officer only asks for information that already is in the public domain, supposedly for his own business. Later he starts offering money, the source's "share" in the money the firm is making. Eventually, though, the victim – now compromised by the payments – is expected to provide confidential information as well, such as details of future research, projects, business deals and contracts.

3.2 Activities and results

To better assess the threat posed to the Netherlands by the clandestine intelligence activities of foreign powers, and make recommendations on how to reduce it, in 2009 the AIVD and the Ministry of the Interior's Directorate-General for Security conducted a joint investigation of the espionage-related risks in the fields of economic well-being, scientific potential, public administration and vital infrastructure. The findings of this study were submitted to the House of Representatives in April 2010 in the form of an Analysis of Vulnerability of Espionage (*Kwetsbaarheidsanalyse spionage, KWAS*). The principal conclusion drawn in this document is that awareness of espionage in the sectors covered tends to be low. Institutions and businesses do not always realise that they possess information or know-how of value to foreign intelligence services. The main reason for this is that they focus upon achieving results of high quality rather than upon protecting information from unexpected threats. Overall, knowledge of espionage is limited.

In response, in 2010 the AIVD initiated a programme to improve awareness of the risks at several dozen companies, government bodies, research institutes and universities in the Netherlands, and to encourage them to take precautionary measures. As part of the programme, numerous presentations on exposure to espionage have been given and a number of publications released: *Espionage in the Netherlands*, *Espionage when travelling abroad* and *Digital espionage*. For specialists, the AIVD has also compiled a guide to the KWAS. This can be used to conduct an audit of the organisation's critical interests and the vulnerabilities associated with them. Finally, programme participants have been reminded that suspected cases of hostile or covert activity by foreign countries can be reported to the service.

In attempting to counter such clandestine intelligence activities, the AIVD also worked closely with its international partner services in 2010. For example, information was exchanged about individuals involved in covert intelligence-gathering, under diplomatic cover or otherwise.



4 Security promotion

One of the AIVD's tasks is to encourage bodies responsible for matters of national security to take adequate measures to ensure that relevant interests are protected. It does this by using its specific knowledge and expertise to supply threat-related information to those organisations identified as vulnerable as a result of operational investigations. This is referred to as the service's "Task C" (see Appendix). The AIVD also contributes to the national Safety and Security System (*Stelsel Bewaken en Beveiligen*) by reporting, analysing and assessing threats and by compiling risk analyses concerning the people, property and services making up the so-called national security domain. This is known as "Task E".

4.1 Safety and Security System

The basic principle underlying the Safety and Security System is that individuals, companies, organisations and institutions are primarily responsible for their own safety. However, the national government also shares in that responsibility in the case of the select group of people, premises and services making up the so-called national security domain. In either the national interest or that of international relations, these must be able to function safely, securely and without interruption or disruption. Along with the Military Intelligence and Security Service (*Militaire Inlichtingen- en Veiligheidsdienst, MIVD*) and the National Police Services Agency (*Korps Landelijke Politiediensten, KLPD*), the AIVD provides the National Co-ordinator for Counterterrorism (*Nationaal Coördinator Terrorismebestrijding, NCTb*) with information detailing both known and conceivable threats to a particular person, property or service.

Events of national importance

Following an evaluation of the failed attack by a lone individual on members of the Royal Family on Queen's Day 2009, it was recommended that the partners in the Safety and Security System pay particular attention to a number of recurring "events of national importance": Queen's Day, Remembrance Day, Veterans' Day, Budget Day and national elections. In response, the AIVD has compiled exhaustive threat analyses for each of these events. It has also made a significant contribution to new "guidelines for the safety and security of national events" (*Handreiking Nationale evenementen Bewaken & Beveiligen*).

Threats against individuals in the national security domain

AIVD activities prior to the general election of 9 June 2010 included a review of known and conceivable threats to leaders of the participating political parties. Once the new government had taken office after the election, the service conducted threat assessments for all its ministers.

Threats continue to be made against individuals in the national security domain. Many of these emanate from young people who use the accessible forum of the Internet to express their anger or frustration with some public figure in aggressive "street language". In most cases, they have no serious intention of actually following up their threat. Nonetheless, such abuse can impede subjects in the exercise of their public functions and infringe their privacy. Threats of a specifically jihadist nature are not that common at present, due in large part to a lack of interest in individuals in the national security domain among jihadists living in the Netherlands. A significant proportion of the threats of this kind now come from persons acting alone.

Threats from lone individuals

The AIVD and its partners in the Safety and Security System find that this phenomenon is demanding more and more of their attention. Those responsible tend to have undergone a personal process, not involving any third party, which has resulted in them posing a threat that they express in the form of violent conduct or language. In July 2010 the NCTb submitted a report on this group, *Individuele bedreigers van publieke personen in Nederland* (Threats by lone individuals to public figures in the Netherlands), to the House of Representatives. The AIVD made a significant contribution to this document.

In response to the report, the then Minister of Justice wrote to the House to state the need for national co-ordination of psychiatric care and threat management processes. This has resulted in the establishment of a two-year pilot project, under which the KLPD has formed a small but dedicated team including representatives from several partner organisations, among them the AIVD. Their aim is to find out whether appropriate psychiatric care and assistance – in some cases combined with judicial punishment – can reduce the risk posed by lone individuals and so make it more manageable.

International organisations

As host nation, the Netherlands is responsible for the security and the unhindered functioning of the many international organisations based on its territory. Any failure in this respect can be regarded as entailing a violation of the international legal order. For this reason, a number of these bodies are covered by the Safety and Security System.

The AIVD plays its part in protecting international organisations by informing relevant parties about any known or conceivable threats against them. These may be physical in nature – for example, potential violence by supporters or opponents of a defendant at one of the international tribunals – but they could equally take the form of intelligence risks. After all, many of the organisations concerned deal with matters that may be material to or affect the interests of foreign powers.

The bodies requiring the greatest effort by the AIVD in 2010 were the International Criminal Court (ICC), the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Special Tribunal for Lebanon (STL). Considerable capacity was devoted to the latter, in particular, due to the need to consider the security implications of political developments in Lebanon.

2010 World Cup

In run-up to the 2010 football World Cup in South Africa, the AIVD reviewed potential risks to the tournament in conjunction with the NCTb, the KLPD, the National Crisis Centre (*Nationaal CrisisCentrum, NCC*) and the Ministry of Foreign Affairs. In the light of Dutch participation in the event and attendance by persons in the national security domain, a threat analysis focusing upon jihadist terrorism and other dangers was compiled. In addition, indications that Dutch and Danish supporters in South Africa might be targeted by the group Al-Qaeda in Iraq were investigated and interpreted.

4.2 Counterterrorism Alert System and vital sectors

Vital sectors

The AIVD provides the vital sectors⁶ with information concerning a variety of threats, from clandestine activities by foreign powers to extremism. Threat-related products, advice, publications and awareness sessions enable public bodies and private companies to take appropriate measures to reduce their vulnerability. The AIVD is steadily improving its response to the needs of these organisations, by sharing specific information with those affected directly and in good time.

In 2010 the AIVD conducted a critical review of the role it should be playing in respect of each of the vital sectors, what the sector itself should be doing and what part the police Regional Intelligence Units (*Regionale Inlichtingen Diensten, RID's*) have to play in protecting relevant organisations in their own areas. The guiding criteria in this exercise are the importance of the particular sector and the level and nature of the threats to it. The resulting reorientation and reprioritisation of AIVD activities will be completed in 2011.

Counterterrorism Alert System

The purpose of the Counterterrorism Alert System (*Alertingssysteem Terrorismebestrijding, ATb*) is to provide key public services, in particular those associated with vital infrastructure, with advance warning of an identified or conceivable terrorist threat so they can prepare themselves accordingly. As part of this system, in 2010 the AIVD produced several threat analyses. These made it apparent that the jihadist threat to most of the sectors concerned is currently low. One exception is civil aviation, in which there have been several international incidents with a connection to the Netherlands. The same applies to public land transport, although to a lesser extent.

Civil aviation

Prompted by the constitutional reform of 2010, the AIVD has compiled a threat analysis for civil aviation in the so-called “BES islands” – Bonaire, St Eustatius and Saba – in the Dutch Caribbean. This identified a number of risk factors and vulnerabilities.

⁶ See the Glossary for a definition.

4.3 CBRNE Threat Assessment

The AIVD has recently issued a “CBRNE⁷ Threat Assessment” (*CBRNE dreigingsappreciatie 2010*). In addition, the mayors of several districts containing nuclear facilities were briefed in person by service representatives on the security situation. All stated that they would appreciate further such initiatives in the future, a request with which the AIVD will be happy to comply. A number of directors and security officers at organisations within the relevant industries also received similar briefings. Through efforts of this kind, focusing upon such issues as the significance of international CBRNE-related incidents, the service hopes to provide those concerned with the insights they need to respond effectively.

4.4 Activities and results

During 2010 the AIVD helped to raise security awareness at organisations, both public and private, in a number of priority sectors. Specifically, it has made sure that relevant parties in the vital sectors, international organisations (“Task C”) and the Safety and Security System (“Task E”) possess current, accurate and reliable information about the threats they face, so that they can take appropriate action. To this end, the service has offered advice, security products, publications and awareness sessions. For example, more than a hundred “resilience-raising” presentations were given for a variety of audiences.

Measures to enhance the effectiveness of threat-related information have included improving the quality of the products supplied in this respect. To promote security in the context of the Safety and Security System, the AIVD has focused upon the preparation of extensive in-depth analyses covering key topics. It is hoped that they will provide the service’s partners with sufficient perspective to act effectively on these issues. Moreover, there has been no reduction in the output of short-term products which are comparatively limited in scope but provide enough insight for action in the immediate future. Topics and priorities for these are selected in consultation with the NCTb organisation, in particular its Safety and Security Department and Civil Aviation Security Department. The principal subjects of such products in 2010 were threats to national politicians, civil aviation, international organisations and the Royal Family.

4.5 National Communications Security Agency (NBV)

Leaks of sensitive information – which includes but is by no means limited to state secrets – can harm the interests of the Dutch state. Because of this, its integrity needs to be carefully protected. A special unit of the AIVD, the National Communications Security Agency (*Nationaal Bureau voor Verbindingsbeveiliging, NBV*), promotes the protection of such information by providing relevant advice, assessing security products and supporting their implementation. The AIVD is also empowered to develop products of its own if nothing suitable for a particular security requirement is currently available in the commercial market.

Risk management

In protecting national security, it is vital that sensitive information and vital processes be shielded from IT-related threats. The AIVD applies risk-management techniques to ensure that government ministries take the right preventive measures. This approach focuses upon the identification and assessment of risks so that they can be managed effectively. By assessing both the nature of the threat itself and the interests associated with the vital processes or sensitive information at risk, it is possible to make a properly informed choice as to what measures should be put in place.

In 2010 the AIVD developed a new risk-management methodology and applied it to a number of ministerial organisations. They included the Social Intelligence and Investigation Service (*Sociale Inlichtingen- en Opsporingsdienst, SIOD*), a unit of the Ministry of Social Affairs and Employment. The new methodology considers both the threat level and the likely impact of any incident upon the affected management processes and system architecture. Its application reveals the current resilience status of the system’s most crucial security components, as well as how resilient they should be, so that a well-considered decision can be made concerning improvements and acceptable residual risks.

Basic safeguards for Ministerial Restricted information

“Ministerial Restricted” (*Departementaal Vertrouwelijk*) is the lowest category in the Dutch information classification system. It is applied to material which, were it to be disclosed to unauthorised persons, would be detrimental to interests of one or more government ministries. In 2010 the AIVD contributed to improving the basic safeguards for this kind of information by commissioning and evaluating secure communications tools at the Ministerial Restricted level. In pursuing this activity, the service maintains contacts with all ministries.

⁷ CBRNE stands for “chemical, biological, radiological, nuclear and explosive”.

The AIVD is currently studying the design of a workstation on which information with different levels of classification can be processed safely. It is also evaluating open source products for secure communication at Ministerial Restricted level, as well as studying tools and other means for the early identification of digital attacks and looking at the development and assessment of secure telephony solutions.

In October the service organised a “customer day” to provide information about its information security products and services. Attended by representatives from approximately twenty different government agencies, this event provided considerable insight into the needs, questions and ideas of various ministries.

Secure mobile telephony

Mobile telephony traffic has become more vulnerable to interception in recent years. The necessary software is now widely available, and the hardware is cheaper than ever before. In response to this trend, in 2010 the AIVD both studied existing products designed to safeguard mobile communications and considered commissioning new products.

As part of this effort, a “secure telephony quick scan” was carried out. Designed to provide ministries with reliable information about the solutions available, this covered the security features and user-friendliness of five products. More recently, an evaluation of several products for the Ministerial Restricted level was initiated.

The Sectra Tiger, a device that enables secure telephony up to “Secret” (*Geheim*) level has been used in the Netherlands since 2006. In an effort to facilitate this level of communications security across a wider area, the AIVD brought this system to the attention of NATO and the EU. Since the Sectra Tiger can effectively safeguard calls up to “EU Secret” level, the European Council subsequently decided to purchase several hundred units.

Galileo components evaluation

The Netherlands is a participant in the Galileo programme to develop a European global navigation satellite system similar to the US government’s Global Positioning System (GPS). The AIVD is responsible for overseeing the approval of various Galileo security components. The first evaluation of a Dutch-built component to be co-ordinated by the service has now been completed. This was achieved thanks to good collaboration with the firms and institutions involved.

Cybersecurity

The AIVD is in a unique information position with regard to specific threats emanating from the online electronic domain, such as “cyberespionage”, “cyberterrorism”, “cyberextremism” and “cyberactivism”. Digital espionage attacks launched by foreign powers against Dutch companies and government agencies are becoming more and more common. In response, and in collaboration with partner companies and universities, the AIVD is studying ways and means to identify such efforts at an early stage. The service also advises potential targets on how to improve their resilience to these attacks. And in 2010 it contributed towards the development of a national cybersecurity strategy, providing know-how in order to help build a complete and shared picture of current “cyberthreats”. In addition, the service played its part in the Cyberconflict scenario developed by the Ministry of the Interior’s Directorate-General for Security and the national Cyberstorm exercise.



5 Proliferation of weapons of mass destruction

The proliferation of weapons of mass destruction (WMD) represents a threat to international security. Various international treaties seek to combat the further spread of nuclear weapons and their delivery systems, the performance of nuclear tests and the proliferation of chemical and biological weapons. A number of export regulations are also in force. The Netherlands is party to these treaties and restrictions, and places significant value on compliance with them by all signatory nations and by Dutch companies and organisations.

Despite their international obligations, various nations are suspected of developing WMD or their means of delivery. To a greater or lesser extent, these suspicions are fuelled by both the actions of the states concerned and reports by international regulatory organisations. The countries of greatest concern in this respect are Iran, North Korea and Syria.

5.1 Joint Counterproliferation Unit (UCP)

The AIVD has been working closely on proliferation issues with the Military Intelligence and Security Service (*Militaire Inlichtingen- en Veiligheidsdienst, MIVD*) since 2008, when the two organisations established a joint Counterproliferation Unit (*Unit Contraproliferatie, UCP*). Staff from both organisations work together at a single location and share each other's data, information and contacts. This structure has proven increasingly effective in developing know-how and in extending counterproliferation opportunities.

The UCP has both an intelligence task and a security task. The former entails informing the government about developments in WMD programmes and delivery systems in countries of concern. The latter is concerned with countering procurement activities by or on behalf of those countries in and through the Netherlands.

Nuclear weapons and delivery systems

Thanks to their conduct and their lack of openness, Iran, Syria and North Korea continue to cause concern internationally. For example, they still refuse to provide satisfactory answers to the inquiries from the International Atomic Energy Agency (IAEA) about their nuclear activities.

For the AIVD, the MIVD and the wider international community, Iran remains a particular cause of disquiet because it is committed to mastering the entire nuclear fuel cycle, from the mining of uranium ore through its enrichment using locally built ultracentrifuges to the generation of atomic energy. The IAEA still cannot rule out the possibility that the country's nuclear programme is not purely civilian in nature. Indeed, the agency made a notable declaration in February 2010: that Iran appears to have been involved in activities possibly related to the development of nuclear weapons after 2004. This statement was remarkable not least because no mention was made of any new facts upon which it was based.

Iran has also had an active space programme for some years now. This includes efforts to develop rockets for the launch of satellites. Whilst the programme seems peaceful in intent, much of the experience and knowledge gained could easily be applied to the development of ballistic missiles. Moreover, the space programme has made substantial progress in recent years.

North Korea makes no secret of its nuclear ambitions. Late in 2010 the country showed a group of American visitors a previously unknown facility containing what appeared to be functioning ultracentrifuges for uranium enrichment. At about the same time it was reported in the media that North Korea was apparently preparing a site for a nuclear test explosion to be held some time in 2011.

The AIVD and the MIVD keep the relevant government ministries – primarily Foreign Affairs, General Affairs (the Prime Minister's department), Defence and Economics Affairs – abreast of developments in the above-mentioned countries and their implications for the overall picture as regards nuclear proliferation.

Iran's nuclear programme has now achieved 20 per cent uranium enrichment. Whilst this still is a low-level product unsuitable for use in a nuclear weapon, its development is providing Iranian scientists with invaluable experience of the processes involved. Moreover, in 2010 as in previous years, the country test launched a number of ballistic missiles.

North Korea also seems to have its own uranium enrichment programme. Moreover, North Korea is suspected to be preparing a new test explosion. And at a major military parade last autumn the country showed a variety of medium-range ballistic missiles.

Syria still refuses to answer certain IAEA questions. It is known to have an active missile programme.

Chemical and biological weapons

The rapid industrial and scientific development of the above mentioned countries of concern means that their chemical and biological know-how, not to mention the associated infrastructure, is also advancing. And it is difficult to ascertain with any certainty whether their research and production activities in these fields are purely peaceful in intent. Consequently, the AIVD and MIVD continue to monitor developments.

Procurement of know-how and equipment

As part of their security task, the AIVD and MIVD investigate the open or clandestine procurement of relevant know-how, equipment, materials and natural resources by or on behalf of countries of concern in or through the Netherlands. In 2010, information provided by the two services assisted the Ministry of Economic Affairs, Agriculture and Innovation in imposing a so-called "catch-all order" under which individual companies are required to obtain an export licence for the supply of specific goods to certain customers. In addition, a number of businesses and educational and research institutions were alerted with a view to raising their awareness of attempts at procurement.

In their efforts to counter proliferation-related activities, the AIVD and MIVD regularly examine suspicious activities by individual businesspeople and small trading companies. Many of these investigations are prompted by reports from public officials, whilst others are suggested by partner services abroad. In carrying them out, the services work closely with the Ministry of Economic Affairs, Agriculture and Innovation and with enforcement agencies such as Customs and the Fiscal Information and Investigation Service (*Fiscale inlichtingen- en opsporingsdienst, FIOD*). As and when necessary, policy-making bodies and other investigative agencies are notified of the outcome.

Export controls

The AIVD and MIVD play an important supporting role in the enforcement of Dutch export control regulations in respect of strategic and dual-use goods. Applications for licences to supply such items to countries of concern are almost always referred to the two services for their consideration.

This process involves checking what is known about the buyer and the end user, as well as any intermediaries involved. The services also look at whether the know-how and goods in question could be useful in the development of WMDs or delivery systems. The AIVD and MIVD submit their findings to the Ministry of Economic Affairs, Agriculture and Innovation, where they are combined with information from other sources, internal and external, to assist in making a final decision on the licence application.

The stricter sanctions imposed upon Iran during the year under review have resulted in an intensification of efforts to prevent that country procuring know-how, technology, materials and resources. As well as conventional trade, there is now also a focus upon the admission of students to certain postgraduate courses.

5.2 Activities and results

The AIVD and MIVD issued approximately fifty proliferation-related intelligence reports and special briefings during 2010. Most of these were addressed to the Prime Minister and the ministers of Foreign Affairs, Defence and Economic Affairs, Agriculture and Innovation. Thanks to the strengthening of their autonomous intelligence position with respect to the countries of concern, as well as intensive co-operation with partner services abroad, the two services were able to provide the Dutch government with intelligence material they had verified and validated themselves.

In addition, two official reports were submitted to the Public Prosecution Service and one to the Ministry of Economic Affairs, Agriculture and Innovation. To raise awareness of proliferation issues and promote security, about fifty companies and institutions were visited.

In respect of export controls, the AIVD and MIVD supplied the Ministry of Economic Affairs, Agriculture and Innovation with information on 95 separate occasions. This material concerned buyers, end users, intermediaries and the potential uses of items for export.

Thanks to innovative joint operations and the analytical exchange of information, the UCP acted as a valuable partner to certain foreign services during 2010.



6 Foreign intelligence

The AIVD's so-called "Task D" is "to conduct investigations in respect of other countries, concerning matters designated by the Prime Minister in consultation with the Minister of the Interior and Kingdom Relations and the Minister of Defence".

It is the Prime Minister, in his capacity as Minister of General Affairs and jointly with the ministers of the Interior, Defence and Foreign Affairs, who defines the intelligence needs of the Dutch government. These are then set out in a so-called Designation Order (*Aanwijzingsbesluit*), the current version of which is effective between 2008 and 2012. The four-year term is needed to enable the intelligence services to build and maintain an effective position over a longer period.

The Designation Order guides the work of the AIVD in two respects.

- a. Gathering intelligence concerning the political intentions of governments, institutions or individuals in named countries or regions.
- b. The timely identification and notification of developments abroad which may pose a potential threat to Dutch national security, as well as an adequate response to them.

The intelligence gathered as part of this task assists the Dutch government in determining its foreign policy, since it includes information which may be difficult or impossible to obtain through diplomatic and other channels. The purpose of such activities is to discover the true intentions of foreign governments, groups and individuals based upon material collected or obtained – and verified and validated – by the Dutch intelligence services themselves. To this end, the AIVD focuses upon both the domestic and foreign policies of other states. Intensive co-ordination with the Ministry of Foreign Affairs ensures that the service's activities do not overlap with those of the Dutch diplomatic corps. Ideally, their results should complement those obtained by the ministry through its own channels.

In 2010 the AIVD adjusted the organisation of its foreign intelligence activities to bring them into line with its strategic ambitions. Carried out in close consultation with the Ministry of Foreign Affairs, this realignment was designed to provide the best possible support for the main priority areas in Dutch foreign policy.

As well as gathering material by its own efforts, the AIVD is also to some extent reliant upon collaboration with domestic and foreign partner services to build its overall intelligence position. Increasingly, therefore, the service is participating in joint projects which are demonstrably enhancing that position. As well as national "clients", the AIVD also reports to international bodies such as NATO and Sitcen, the EU Joint Situation Centre.

Most of the Designation Order issued by the Prime Minister is classified. Since detailed public reporting of the resulting investigative activities would reveal too much information about its contents and subject matter, this chapter contains only general material concerning foreign intelligence. The parliamentary Intelligence and Security Services Committee (*Commissie voor de Inlichtingen- en Veiligheidsdiensten, CIVD*) is informed in detail, but in confidence, about how the AIVD acts upon the Designation Order.

6.1 Regional developments

The Middle East, Iran and Turkey

The Israeli-Palestinian peace process has been at a standstill for some time now. Despite numerous efforts to restart negotiations, progress still seems a long way off. Persistent internal divisions and the de facto administrative split between the West Bank and the Gaza Strip have not helped the Palestinians. At present, neither side has much confidence that a lasting peace can be achieved in the short term. For its part, Israel sees no immediate need to change its existing position on key issues.

The political tension in Lebanon was fuelled in 2010 by reports that members of Hezbollah were to be indicted by the Netherlands-based Special Tribunal for Lebanon (STL), which was established to prosecute those responsible for the assassination of former Prime Minister Rafiq Hariri. Even before any indictments were actually issued, Hezbollah launched a political and media campaign questioning the independence of the UN-mandated tribunal and discrediting potential evidence.

Frustration has been increasing throughout the Middle East, particularly among younger men. Despite achieving a higher standard of education, they have little prospect of finding work. This has been one of the main causes of the recent unrest in the region, and could provide a fertile breeding ground for extremism.

After suppressing mass demonstrations in 2009 and early 2010, the Iranian regime has firmly re-established its authority. Despite this, its internal power struggles continues. Since the departure of the last US troops from Iraq, Teheran's influence in the region has increased. Through its foreign policy, Iran seems to want to demonstrate that it is an important player on the regional stage and a force to be reckoned with. In addition, it has been trying to overcome its international isolation by strengthening diplomatic ties with Venezuela and with African nations such as Eritrea and Sudan. Coming on top of those already imposed by the UN and the US, the new sanctions introduced by the EU in 2010 have dealt a further blow to the Iranian economy. The country has been trying to circumvent them in a variety of ways.

Turkey is seeking to drive greater regional economic integration, its primary goal being to create bigger markets for its own products. This effort has been accompanied by an increase in the country's interest and influence in the region. Meanwhile, Turkey has also been attempting to improve its ties with Iran in order to join forces in a common struggle against the Kurds.

Asia

China sees itself more and more as a superpower, at the global as well as the regional level. This is quite apparent in the way in which the country is pursuing its political interests, engaging in activities all over world to satisfy its demand for energy, raw materials, technology and food-stuffs. Its attitude in this respect has become far more assertive in recent years, not least because economic growth is vital to the maintenance of internal stability. Moreover, Peking regards such issues as Tibet, Xinjiang, Taiwan and calls for democratic reform as threatening that stability. In 2010 the Chinese exerted considerable diplomatic pressure upon other countries to see things from their point of view.

The situation in Kashmir can best be described as "stable instability". The 2008 terrorist attacks in Mumbai plunged relations between India and Pakistan to a new low from which they have yet to recover fully.

Russian Federation

Russia's role as an important supplier of raw materials and energy is changing. It still has huge oil and gas reserves, whereas those in the Middle East are likely to start depleting significantly within a few decades, but despite a modest recent recovery in the market for these fuels, the Russian Federation lacks the financial resources needed to invest and innovate in the energy sector.

Sochi, the host city of the 2014 Winter Olympics, is situated very close to the north Caucasus, the most unstable part of the Russian Federation. Because of that, the AIVD will be closely monitoring developments in this region over the next few years.

Africa

Africa is a diverse continent which has seen both encouraging and concerning developments during the past year. On the positive side, greater foreign investment in infrastructure projects – much of it from China – is fuelling steady economic growth. There has also been progress in healthcare and education. On the other hand, certain political and social developments are more disquieting. That these concerns are justified is borne out by recent unrest in the region. Widespread corruption, ethnic tensions and institutional failure continue to undermine the functioning of the state, worsen the position of women, limit the protection of political and human rights and foster general insecurity in a considerable number of countries. One symptom of the poor security situation is the increasing prevalence of kidnappings, with Westerners among the victims. In Nigeria, holding people for ransom seems to have become a flourishing industry. For terrorist organisations like Al-Qaeda in the Islamic Maghreb (AQIM), too, abduction has become a major source of income.

Latin America and the Caribbean

In 2010 a new government took office in the former Dutch colony of Surinam. This was a coalition of the parties led by former military dictator Desi Bouterse, his one-time arch-rival Ronnie Brunswijk and the ex-speaker of the country's parliament, Paul Somohardjo. Bouterse was subsequently elected national president. This turn of events resulted in a cooling of relations between the Dutch and Surinamese governments.

After several years of considerable tension, relations between Colombia and Venezuela have improved somewhat. However, the rapprochement is likely to remain a fragile one for as long as the underlying causes of the problems between the two countries remain. They include Colombia's close ties with the United States, which have been repeatedly condemned by Venezuelan president Hugo Chávez.

In 2010 Chávez described the relationship between the Netherlands and the islands of Aruba and Curaçao as a “colonial remnant”. He also made reference to a special economic and historical relationship between his country and the islands, although without going so far as to make any direct territorial claim. After that, he went on to accuse both the Netherlands and the United States of harbouring aggressive intentions towards Venezuela.

6.2 Activities and results

In formulating its foreign policy, the Dutch government was able to make use of intelligence gathered by the AIVD in 2010. In all, the service submitted about 400 reports based upon investigations conducted as part of its foreign intelligence task. These ranged from intelligence briefings to more extensive analyses, official reports, memoranda to ministers and reports to the EU.

Increasingly, the AIVD is tailoring its products to suit the government’s foreign policy calendar. And in addition to written material, the service is providing more and more personal briefings and presentations intended primarily to enhance the amount of information available to ministers and senior civil servants.

Also in 2010, the AIVD and MIVD established a joint Caribbean Regional Team (*Team Caribisch Gebied, TCG*). This is based on AIVD premises but headed by an MIVD employee, with the deputy head drawn from the AIVD – an arrangement similar to that devised for the successful joint Counterproliferation Unit (*Unit Contraprolieratie, UCP*), which investigates weapons of mass destruction and their delivery systems. Like the UCP, the TCG operates as a single unit working for both services, thus avoiding the duplication of activities and improving overall effectiveness.

Where possible, the AIVD and MIVD collaborate with the Curaçao Security Service and the Aruba Security Service.



7 Positions involving confidentiality and security screening

Across Dutch society, a variety of posts have been identified in which abuse of the position has the potential to harm national security to a greater or lesser extent. These are found in such areas as the civil service, the police force, civil aviation and the High Councils of State. Others are in the commercial sector – at companies active in the nuclear industry for example. Acting in consultation with the Minister of the Interior, the relevant government minister may designate such a post as a “position involving confidentiality” as defined in the Security Screening Act (*Wet Veiligheidsonderzoeken, Wvo*).

The security screening process intrudes upon a candidate’s privacy. Defining a particular function as a “position involving confidentiality” must therefore be considered only as a last resort, after all other possible physical and organisational security precautions have been taken.

A person cannot take up a position involving confidentiality until the AIVD has granted them a Security Clearance (*Verklaring van Geen Bezwaar, VGB*). This takes the form of a statement declaring that – based upon the screening process they have undergone – there is no objection on national security grounds to the subject filling the post in question. The scope of the screening is directly related to the sensitivity of the position. There are three standard levels (A, B and C), with Category A – reserved for functions of the highest sensitivity – being the most rigorous and Category C the least.

7.1 Positions involving confidentiality

The total number of designated positions involving confidentiality in 2010 was 76,129 (full-time equivalent). After a downward trend in recent years, the number of such positions in civil aviation rose slightly last year, possibly as a result of the industry’s economic recovery. The majority of procedures in this sector involve individuals who are required to undergo a so-called “background screening” in accordance with EU directives, because they have access to the designated Security Restricted Areas (SRA’s) in and around airports. The actual workforce in these areas fluctuates from day to day, so the number of active clearances represents only a “snapshot” of the actual situation. The figure given in table 1 refers to the number of persons registered for security screening.

After falling in the previous year, the number of positions involving confidentiality in the police services stabilised in 2010. This indicates that the revised designation guidelines for this sector have had their intended effect.

In implementing the policy in place for the designation of positions involving confidentiality, the AIVD first makes sure that the employer has complied with its responsibility to take all possible alternative security precautions. The screening of individuals, after all, is intended primarily to minimise any residual risks to national security.

Sector	2009	2010
Civil aviation	29,061	31,433
Defence contractors	20,800	20,800
Police (categories A and P)	16,479	16,705
Central government	5,193	5,296
Vital sectors	1,547	1,547
Royal Household	345	348
Total	73,425	76,129

Table 1. Number of positions involving confidentiality.

7.2 Security screenings: numbers and completion times

In all, the AIVD initiated 8,999 security screenings in 2010. The table below breaks these down by category.

Category	2009	2010
A	1,765	1,479
B	3,994	3,723
BL (through KMar)	3,481	3,194
P (through police)	105	59
C	436	511
KH (levels A & B)	15	33
Total	9,796	8,999

Table 2. Requests for security screenings accepted by the AIVD, including procedures referred by mandated organisations. (KH: Royal Household; P: Police; BL: Civil Aviation.)

In addition, 940 requests for NATO and EU clearances were received and another 950 for administrative checks on behalf of foreign partners services and the MIVD.

The AIVD has mandated a number of other organisations to conduct certain screening procedures on its behalf. For example, Category P screenings for the police force are carried out by the police itself. The Royal and Diplomatic Protection (*Dienst Koninklijke en Diplomatieke Beveiliging, DKDB*), part of the National Police Services Agency (*Korps Landelijke Politiediensten, KLPD*), conducts those in Category KH (Royal Household). And the Royal Military Constabulary (*Koninklijke Marechaussee, KMar*) is responsible for screenings in the civil aviation sector (Category BL). The mandates governing these arrangements include working agreements for special situations. As a general rule, for example, cases where relevant judicial records come to light or requiring administrative checks by international partner services are referred back

to the AIVD for further consideration. When this happens, the service also assumes responsibility for issuing – or refusing – the VGB. On average, this applies to some 10-12 per cent of mandated screenings.

Mandated screenings	2009	2010
Category BL (by KMar)	29,061	31,433
Category P (by police)	2,661	2,310
Category KH (by DKDB)	15	39
Total	31,737	33,782

Table 3. Total number of mandated screening procedures.

Average completion times

Table 4 shows the number of Category A screening procedures for the central government, for other national institutions such as the High Councils of State and for the police which were completed within the statutory deadline of eight weeks. On average, this target was met in 94 per cent of cases in 2010.

Category A screenings initiated in 2010		
Applicant	Number initiated	Number completed within eight weeks
Central government	850	790 (92.9%)
Police	615	587 (95.4%)
Total	1,465	1,377 (94%)

Table 4. Completion times for Category A screening procedures in 2010: central government (including national institutions) and police. Procedures terminated prior to a final decision are not included, since they are regarded as incomplete.

Employer responsibilities

The system governed by the Wvo allocates an important role to the employers of current or prospective holders of positions involving confidentiality. When a vacancy for such a post is filled or an existing position is recategorised as “involving confidentiality”, it is up to the employer to request the screening from the AIVD, to obtain the subject’s written consent and to inform him or her of the procedure’s implications and legal status. If a VGB is withdrawn, it is also the employer’s responsibility to remove the person concerned from the position.

7.3 Refusals, objections and appeals

The security clearance procedure includes a review of the subject’s conduct during a so-called “evaluation period”. Depending upon the category, this may be anything up to ten years. If the subject has lived abroad at any time during that period, the AIVD will – if possible – request information from relevant partner services. For this purpose, formal agreements have been reached with numerous organisations abroad. Before the AIVD will consider entering into relationship of this kind, however, the service concerned must comply with a number of basic standards: respect for human rights, professionalism, reliability and democratic accountability within the constitutional structure of its own nation.

Table 5 shows the number of unsuccessful screening procedures in 2010, broken down by the grounds for refusing to issue a VGB. In more than half of these cases, the rejection was related to the subject’s judicial record. Rather fewer were caused by an inability to gather information from partner services due to the lack of a formal working relationship.

Category and grounds for refusal	Judicial record	Insufficient information	Other reasons	Total
Category A		1	4	5
Category A, police			2	2
Category P			2	2
Category B	6	4	10	20
Category B, civil aviation	265	150	4	419
Category C		1		1
Total	271	156	22	449

Table 5. Security clearance refusals in 2010.

The minister responsible bases their decision on whether or not to issue a VGB upon the facts revealed during the screening procedure. Clearance is refused only when there are insufficient guarantees that the subject will fulfil the duty of confidentiality arising out of his or her position under all circumstances, or when the screening fails to produce enough solid data to make a sound judgement on that question. If a VGB is refused, an objection and then an appeal may be lodged. Moreover, the law provides that the manner in which the AIVD conducts screenings may be reviewed by the Intelligence and Security Services Regulatory Commission (*Commissie van Toezicht betreffende de Inlichtingen- en Veiligheidsdiensten, CTIVD*).

Objections and appeals in 2010	Dismissed	Upheld	Inadmissible	Withdrawn	No decision to date	Total
Objections	19	6	5		14	44
- Judicial record	12	4	2		6	24
- Insufficient information	1	2	3		7	13
- Other	6				1	7
Appeals	10	3	1	1	7	22
Interim injunction issued				1		1
Further appeal in higher court				2	4	6

Table 6. Security clearance objections and appeals in 2010.

Six of the 44 objections lodged in 2010 were upheld, resulting in the issuance of a VGB to the applicant. Four of original applications had been refused on judicial grounds and two due to insufficient information.

7.4 Other developments

Function clustering

In performing its statutory duties under the Wvo, the AIVD finds itself operating in an increasingly complex and dynamic environment. This is due in large part to the fact that people's private and professional lives are more and more subject to change. In response, the service is attempting to apply the Wvo in a more effective and efficient way. In 2010, for example, a pilot project was launched to gain experience in so-called "function clustering". Under this system, persons who move from one position involving confidentiality to another of comparable or lesser sensitivity do not have to undergo further screening. It is hoped that this will reduce the number of initial applications, although it will increase repeat screening rates. The positive experiences produced by the pilot have resulted in a decision to implement function clustering at the Ministry of the Interior. Subject to certain conditions being met, the

system is set to be phased in at other government departments during the course of 2011. One key condition is that the organisation possesses accurate and up-to-date records of those employees holding security clearance.

Proportionality and last resort

Throughout Dutch society, there has been increasing demand in recent years that the holders of various positions be "screened" to check their integrity. In this light, it is hardly surprising that from time to time the AIVD is asked to perform this kind of procedure. In order to deflect such requests, which are beyond its remit, in 2010 the AIVD made every attempt to ensure that only those positions entailing a demonstrable risk to national security in the event of abuse are defined as "involving confidentiality". When approached by employers, the service always begins by reminding them of the principles of proportionality (the risk involved must justify an intrusive procedure) and last resort (all reasonable alternative measures must be taken

first). After all, the screening process inevitably impinges upon the subject's privacy. For this reason, designation of a function as a position involving confidentiality is the final element in the security matrix, to be considered only when all other possible physical and organisational precautions are in place. When national security is not at stake, but rather such issues as integrity, organisations have other safeguards at their disposal: a good recruitment and selection policy, the Certificate of Good Conduct (*Verklaring Omtrent het Gedrag, VOG*) and the proper supervision of staff in the workplace.

Dynamic screening in civil aviation

Pursuant to the principles of proportionality and last resort, the AIVD operates a strict and cautious policy when it comes to designating positions involving confidentiality. In response to known bottlenecks arising out the large number of security clearances required for the civil aviation industry,⁸ in 2010 the AIVD began a process to refine and improve its screening policy in this field. Together with the National Co-ordinator for Counterterrorism (*Nationale Coördinator Terrorismebestrijding, NCTb*), who designates positions involving confidentiality in civil aviation on behalf of the responsible minister, a review of the 2006 Civil Aviation Designation Order has begun.

Spring 2010, the AIVD initiated a project to introduce dynamic screening in civil aviation. Under this, the service regularly checks the database of persons holding positions involving confidentiality at airports for new judicial records. This measure is the result of a recommendation issued by the so-called Oort Commission⁹.

In 2010 alone, the Judicial Documentation System (*Judicieel Documentatie Systeem, JDS*) records of 45,447 holders of a Civil Aviation VGB were checked. In 4650 instances, new information was found – that is, data recorded in the JDS after the VGB had been issued. In the vast majority of cases, reference to the prevailing assessment framework¹⁰ determined that the new information bore no relevance to the subject's security clearance status and rescreening was therefore unnecessary. In 29 cases, however, repeat screening was deemed appropriate and was initiated during the year under review.

Police screening backlog cleared

On 30 November 2010 the AIVD organised a "theme day" for the Dutch police. The theme in question was the service's clearance of the backlog of screening procedures for incumbent police officers. The final screenings were completed earlier in November, as per previous agreements. It was in 2007, in the report on the "Safer, Faster" (*Sneller, Veiliger*) improvement programme,¹¹ that the AIVD and the police announced their intention to carry out the outstanding screenings in phases over a three-year period. In clearing the backlog, the AIVD has achieved its last remaining Safer, Faster objective.

⁸ House of Representatives of the States-General, 2008-2009 session, 30 805 nos. 12 and 13.

⁹ Appointed by the then Minister of Justice following a diamond robbery at Schiphol Airport in February 2005.

¹⁰ *Beleidsregel vertrouwensfuncties en veiligheidsonderzoeken op de burgerluchthavens* (Policy guidelines for positions involving confidentiality and security screening procedures at civil airports), statutory regulation dd. 30 January 1997, *Staatscourant* 35.

¹¹ House of Representatives of the States-General, 2006-2007 session, 30 805 no. 10.



8 Accountability and control

8.1 House of Representatives

The Minister of the Interior and Kingdom Relations is ultimately responsible for the proper functioning and effective performance of the AIVD. The service reports to the minister, who in turn is accountable to the House of Representatives of the States-General, the lower house of the Dutch parliament. The minister fulfils this obligation in public as much as possible and, where this is not possible for reasons of confidentiality, to the parliamentary Intelligence and Security Services Committee (*Commissie voor de Inlichtingen- en Veiligheidsdiensten, CIVD*).

Security and intelligence matters debated by the House of Representatives in 2010 included the proper functioning of the CIVD, poor public awareness of espionage activities by foreign powers and the AIVD's role in the award of public grants and subsidies. As far as the latter issue is concerned, it was stated that the service investigates individuals and organisations thought likely to represent a danger to national security and that, should the need arise, it may supply information to interested parties, including bodies responsible for distributing public funds. In no way is the AIVD empowered to make decisions on the allocation of grants and subsidies, nor can applications be referred to the service for its approval. That would fall outside the range of its statutory duties.

Other topics of particular interest to the House of Representatives during the year under review were so-called "travel intelligence", the AIVD's role in checking the integrity of MPs, ministers and candidates for these positions and the Suyver Commission's evaluation of counterterrorism policy.

Travel intelligence

Following the failed attack of 25 December 2009 on a flight from Amsterdam to Detroit, the House of Representatives discussed the potential use of air passenger data by the AIVD on a number of occasions in 2010. The Minister of the Interior stated that access to this kind of information could assist the service in performing its statutory duties and so make a real contribution to the protection of national security.

The AIVD has engaged with initiatives designed to modernise border checks, in particular those involving passenger data. The minister reminded the House of Representatives that the service is required to acquire

and process information in compliance with the 2002 Intelligence and Security Services Act 2002 (*Wet op de inlichtingen- en veiligheidsdiensten, Wiv 2002*). At present, studies are under way to determine how best the AIVD could handle those passenger details relevant to the fight against terrorism and to safeguarding national security in the broader sense.

Integrity checks

In the light of the 2010 general election and the subsequent formation of a new government, questions were raised in Parliament concerning the role played by the AIVD in checking the integrity of MPs, ministers and candidates for these positions.

That role is in fact very clearly defined. Since members of Parliament are elected by the people, there is no higher authority which can designate that function as a position involving confidentiality. Therefore, MPs do not and cannot undergo security screening. The primary responsibility for assuring their integrity is deemed to lie with the political parties. If a sitting or prospective MP is suspected of representing a genuine danger to the integrity of the public service, only as a last resort and after having done everything within its own power to investigate the matter may his or her party request that the Minister of the Interior instruct the AIVD to scrutinise the person in question. Once such an investigation is complete, the minister reports its findings – confined strictly to the matter in hand – to the chairperson of the party concerned. In consultation with the CIVD, it was decided in 2010 that these findings should also be submitted to the chair of the CTIVD.

Because political appointments cannot be designated as positions involving confidentiality, prospective ministers do not undergo security screening either. They are subject to a separate screening procedure, though. This is in three parts: a security check by the AIVD, a criminal records check by the judicial authorities and a financial integrity check by the Tax and Customs Administration (*Belastingdienst*). The results are made available to the Prime Minister-designate when appointing the members of the new government.

The AIVD component of the screening entails a check of the service's own records to see if they contain any relevant information, collected pursuant to its statutory duties under Article 6 of the Wiv 2002, about the prospective minister. Any material found is passed on to the Prime

Minister-designate for use, at his discretion, in his discussions with the subject.

Finally, the AIVD may investigate an MP, a minister or a candidate for one of these positions if it possesses or discovers information which gives rise to a serious suspicion that the person concerned may represent a genuine danger to the integrity of the public service.

Suyver Commission

In November 2007 the Dutch government was requested to consider how best to conduct a review of the country's counterterrorism policy. This resulted in the appointment of the so-called Suyver Commission, which published its final report in 2009. Later that year, the then ministers of Justice and the Interior confirmed their intention to implement Suyver's recommendations.

The AIVD participated intensively in the subsequent follow-up study, held in 2010. During this exercise, it was noted by various partners in the field of counterterrorism that there is now greater cohesion between the work of the intelligence services and that of relevant investigative agencies. In recent years the AIVD, the Public Prosecution Service and the police National Crime Squad (*Dienst Nationale Recherche*) have developed both an assessment framework and a consultative structure whereby individual actions during the course of counterterrorism investigations can be co-ordinated in the event of common or overlapping interests. At the heart of this system – which is derived in part from the process of consultation between the intelligence services and the Public Prosecution Service provided for in the Wiv 2002 (Article 61, clause 2) – is the national interest, to which the particular interests of the individual agencies themselves are subordinate. Whilst the practicalities of the arrangement remain complex, there is good overall co-operation between the police, the Public Prosecution Service and AIVD.

8.2 Intelligence and Security Services Committee (CIVD)

The CIVD consists of the parliamentary leaders of all parties with elected members in the House of Representatives, with the exception of any group which may have split from an established party during the current parliamentary session. Its task is to exercise Parliament's power of control over the AIVD's performance of its operational activities.

Since it deliberates on the activities of intelligence and security services, the proceedings of the CIVD are by definition secret. Because of this, the responsible minister is able to notify the committee in confidence concerning the current level of AIVD knowledge and the secret sources and methods used by the service.

Following the 2010 general election, a newly constituted CIVD met for the first time in October 2010. The AIVD used this opportunity to invite its members to familiarise themselves with the intelligence process and the complex issues it raises. Taking up this invitation, a number of CIVD members paid a working visit to the service in November 2010.

Among the topics discussed by the CIVD in 2010 were the following: the numbers of digital databases consulted by the AIVD and its use of its special powers; an overview of organisations associated with Al-Qaeda; the espionage threat assessment; explanations of the Foreign Intelligence Designation Order (*Aanwijzingsbesluit Inlichtingen Buitenlandtaak*), and the AIVD annual plan for 2010; and the quarterly National Intelligence Overview National Intelligence Overview (*Nationale Inlichtingen Beeld, NIB*) compiled jointly by the AIVD and its military counterpart, the MIVD.

8.3 Intelligence and Security Services Regulatory Commission (CTIVD)

The CTIVD is an independent body which oversees compliance with the Wiv 2002 and the Security Screening Act (Wvo 2002) by the AIVD and the MIVD.

Last year the Commission completed just one regulatory report concerning the AIVD. This was a study of the service's conduct in performing its duty of notification under the Wiv 2002. The report, together with a ministerial response, was submitted to Parliament and subsequently debated in the House of Representatives.

For more information, please refer to the CTIVD website (www.ctivd.nl), where the committee's reports and the minister's responses are published. The CTIVD also publishes its own annual report, which can be found on the website.

8.4 Council for the Intelligence and Security Services (RIV)

The now-abolished Council for National Security (*Raad voor de Nationale Veiligheid, RNV*) and its successor, the Council for the Intelligence and Security Services (*Raad voor de Inlichtingen- en Veiligheidsdiensten, RIV*), met on several occasions during 2010. Like its predecessor, the RIV serves as the Cabinet's "gateway" to government policy on issues of national security. Made up of the Prime Minister and the ministers of the Interior and Kingdom Relations, Defence, Justice and Foreign Affairs, the council discusses relevant topics in the light of the analyses produced by the intelligence and security services. The preparatory work for RIV meetings is carried out by the Netherlands Joint Intelligence Services Committee (*Comité Verenigde Inlichtingendiensten Nederland, CVIN*).

The AIVD gave intelligence presentations on a variety of subjects at RNV and RIV meetings in 2010. The new RIV also discussed the quarterly National Intelligence Overview. As well as terrorism, this draws attention to other specific topics worthy of further consideration by the Council. Finally, the RIV examined the annual plans of both the AIVD and the MIVD and their reports of activities pursuant to the Foreign Intelligence Designation Order.



9 Legislation and legal matters

9.1 Amendments to the Intelligence and Security Services Act 2002

A proposed amendment to the Intelligence and Security Services Act 2002 (*Wet op de inlichtingen- en veiligheidsdiensten, Wiv 2002*) was considered by the Senate of the States-General, the upper house of the Dutch parliament, during the year under review. This was originally tabled with a view to enhancing the services' ability to investigate and counteract terrorism and other threats to national security, as well as making a number of other changes to the prevailing legislation (Parliamentary Paper no. 30 553). However, in a letter to the speakers of both houses dated 1 November 2010, the Prime Minister indicated that the amendment was to be withdrawn (32 417, no. 47). The necessary procedures have now been set in motion.

9.2 National security and the Security Screening Act in the Dutch Caribbean

A constitutional reform of the Kingdom of the Netherlands took effect on 10 October 2010. This abolished the Netherlands Antilles as a political entity. Curaçao and St Maarten are now separate autonomous countries within the Kingdom, responsible for their own national security. To help safeguard this, each has established its own security service. Both bodies are currently being developed with AIVD assistance. The fact that their tasks, powers and organisation have a solid foundation in law is in part down to technical support received from the AIVD. Moreover, both territories have appointed independent regulators to monitor the work of their security services.

Under the reform, the so-called "BES islands" – Bonaire, St Eustatius and Saba – have become "special municipalities" of the Netherlands. This means that responsibility for their national security henceforth rests with the Dutch authorities, and that the Wiv 2002 and the Security Screening Act (*Wet Veiligheidsonderzoeken, Wvo*) apply fully on the islands. Consequently, they now fall within the remit of the AIVD and its military counterpart, the MIVD, whilst the regulatory powers of the CTIVD also extend to them.

In order to exercise its duties and responsibilities on the BES islands in a proper fashion, the AIVD has contributed to the establishment of a Regional Intelligence Units (*Regionale Inlichtingendienst, RID*) within their police force.

The AIVD has assessed the repercussions of extending the Wvo to cover the islands, and in 2011 will concentrate upon its actual application. Positions involving confidentiality are being designated in phases, by sector, so as to enable a managed programme of security screenings. The AIVD intends to complete this by the end of 2011. Much of the necessary work can be carried out at the service's headquarters in Zoetermeer, although some fieldwork on location is required.

Another relevant point is that, in order to comply with the BES Administrative Justice Act (*Wet administratieve rechtspraak, BES*), any legal proceedings arising out of the refusal or withdrawal of a Security Clearance (*Verklaring van Geen Bezwaar, VGB*) must be conducted locally. An appropriate compliance regime for both the Wvo and the Wiv 2002 on the BES islands is to be developed in 2011.

9.3 Complaints

Twenty-three formal complaints concerning alleged activities by the AIVD were received in 2010. And a total of 26 were dealt with, including five submitted in the previous year. One of these was upheld in full, with two more being partially upheld. One was deemed inadmissible because it was not sufficiently clear what alleged AIVD conduct the complainant was referring to, or on what occasion. The remaining complaints were either dismissed in line with CTIVD advice, declared inadmissible or settled promptly and satisfactorily. Finally, two of the complaints received last year remain outstanding and will be dealt with in 2011.

The National Ombudsman also received two complaints concerning the AIVD in 2010. In the first of these he found that the service had acted properly; the second is still outstanding.

9.4 Applications under the Freedom of Information Act

Under freedom of information rules, anyone is entitled to submit a request to inspect information the AIVD may hold about them. Much use was made of this right in 2010. However, a number of restrictions apply to this form of disclosure. For example, it covers only information which is not relevant to current AIVD activities. And even outdated material cannot be inspected if that would or might compromise the service's sources and methods. Moreover, a person may only inspect their own record or that of their deceased spouse, registered partner, child or parent. The procedure and conditions are described in more detail online, at www.aivd.nl.

Of the 177 freedom of information requests submitted to the AIVD last year, 62 were honoured. Of those received, 116 were for information held on the person making the application, twenty concerned deceased relatives and five related to other persons. In addition, there were 36 requests for the inspection of non-personal data under the so-called "administrative affairs" rule. These are often wide-ranging applications, and this is more than double the number – seventeen – received in the previous year.

Twenty-one applicants submitted objections following a refusal to permit inspection of records, five lodged appeals against rejected objections and one went to a second appeal in a higher court. Of the objections, four were upheld either in full or in part, whilst two were ruled inadmissible. Another was subsequently withdrawn by the objector. The courts upheld two appeals and dismissed another two. Two cases were referred to the Administrative Tribunal of the Council of State (*Raad van State*), which dismissed them both.

9.5 Notification

Article 34, clause 1, of the Wiv 2002 imposes a duty of notification upon the AIVD. Specifically, it requires that, five years after the completion of certain investigations involving its special powers, the service reviews whether the subjects can be notified that they were investigated. Since this regulation only covers enquiries regulated under the Wiv 2002, which entered into force on 29 May of that year, the duty of notification has effectively existed only since 29 May 2007, five years later. So far, the service has issued no such notifications. In a regulatory report on AIVD compliance with this duty, released on 24 February 2010 (no. 24, 2010), the CTIVD concluded that, in general, the service acts in accordance with the statutory requirements. It was also noted that in no fewer than 43 per cent of cases reviewed the AIVD would be unable to exercise its duty of notification because the subjects of the original enquiries are untraceable. In response, the AIVD has taken measures to improve its ability to locate persons it has previously investigated. For example, it now consults population registers (*Gemeentelijke basisadministratie, GBA*), RID files and Tax and Customs Administration (*Belastingdienst*) records in search of current addresses.

At the official presentation of the CTIVD report, the Minister of the Interior raised the possibility that the "active" duty of notification might be replaced by a "passive" one. This, he said, could be achieved by extending the legal right to inspect personal records held by the AIVD. That option is currently being studied in more detail.



10 Organisation, policy and management

10.1 Organisational developments

In its annual plan for 2010, the AIVD stated that the reorganisation undertaken in mid-2009 would continue to require substantial attention during the year under review – not least in terms of making the service more effective and flexible. To this end, new key result areas and internal working processes were defined, optimised and harmonised, performance indicators were introduced and efforts to make the organisation more results-driven continued.

Meanwhile, the AIVD has also continued to develop its “weigh and prioritise” system. This facilitates considered decision-making and enables better allocation-led management of people and resources in the primary process.

The service’s overall management process has been strengthened, too. What this means in practice is improved support for primary units in such areas as the availability of management information. That results in better risk control, both operational (in the intelligence process) and managerial (financial and otherwise).

Information technology, its management and its development remain vital. Efforts are under way to optimise information management across the service. The AIVD must excel in a number of areas if it is to respond effectively to the use of technology by the subjects of its investigations. This applies especially in the case of strategic operations, where international as well as domestic flows of information need to be processed. Innovative technology is required in order to meet new challenges in cryptotechnology, large-scale data analysis and cyberwarfare. The AIVD expects these challenges to continue shaping the IT agenda in the years to come.

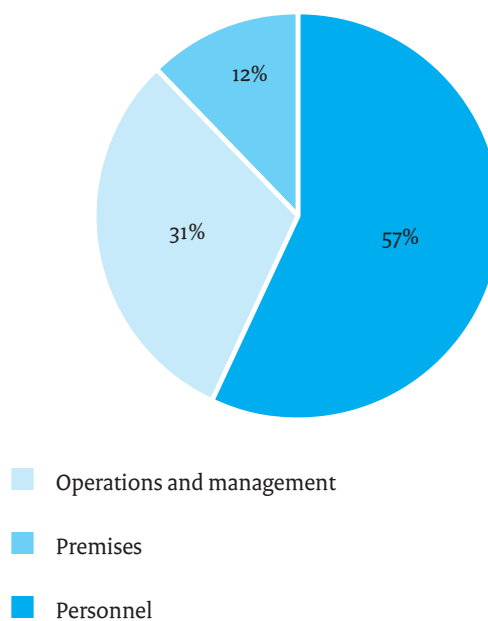
AIVD staff is expected to possess just the right mix of professionalism, experience and intuition. With that in mind, the service continued to develop its strategic HRM policy in 2010.

Naturally, the AIVD must act lawfully in carrying out the tasks assigned to the service. In order to further reinforce its internal system of regulation and control, the service has created the post of Legal Controller, charged with monitoring and promoting the legitimacy of service products and processes by subjecting them to ex post facto legal review. As such, this new position will help to prevent inadvertent violations of the law and so reduce risks.

10.2 Operations

In millions of Euros	2008	2009	2010
Expenditure	175.2	189.7	191.0
General expenditure	169.2	181.5	182.7
Confidential expenditure	6.0	8.2	8.3

AIVD expenditure in 2010.



Glossary

Activism

The general name for the phenomenon where people or groups, outside the parliamentary system but within the limits of the law, strive to improve the rights and living conditions of individuals, groups and also animals.

Al-Qaeda

In current usage, this refers collectively to both core Al-Qaeda and to networks associated with it. These are allied with one another ideologically: the leaders of local groups adopt the ideology of international jihad propounded by core Al-Qaeda and swear their allegiance to its leader, Osama bin Laden. They subsequently use the name Al-Qaeda, followed by the name of the area where they are active. Examples are Al-Qaeda in the Islamic Maghreb (AQIM) and Al-Qaeda in the Arabian Peninsula (AQAP). These groups may support the international jihad, but they also clearly have their own individual agendas. There is not necessarily any co-operation or control relationship between core Al-Qaeda and the allied networks. Because the term Al-Qaeda can refer to different groups, its use presents difficulties in practice. As a rule, then, the specific name of the organisation in question is used.

CBRNE terrorism

Actual or threatened violence against persons, property or the fabric of society by means of chemical, biological, radiological, nuclear or explosive agents, with the aim of bringing about social change, creating fear among the population or influencing the political decision-making process.

Core Al-Qaeda

The AIVD considers core Al-Qaeda as the group of international jihadists who are organised around the leaders – or their successors – of the Al-Qaeda organisation which moved from Afghanistan to the tribal areas of Pakistan in late 2001. However, this does not mean that all the associated jihadists are also located temporarily or permanently in Pakistan.

Counterterrorism Infobox (CT Infobox)

A partnership of the AIVD, the Fiscal Information and Investigation Service (FIOD), the Immigration and Naturalisation Service (IND), the National Police Services Agency (KLPD), the Royal Military Constabulary (KMar), the Military Intelligence and Security Service (MIVD) and the Public Prosecution Service (OM), with the AIVD as lead agency. Its aim is to combat terrorism by compiling and comparing information a central point. This material concerns people and networks involved in some way with terrorism, particularly Islamist violence, and the associated radicalisation. The CT Infobox advises the participating agencies and others about the desirability of releasing information, as well as on opportunities to use the criminal law, immigration law, administrative sanctions or intelligence-related measures in the fight against terrorism.

Countries of concern

Countries suspected of developing weapons of mass destruction and their delivery systems, and which pursue objectives that may pose a threat to the international legal order and to the security and interests of the Netherlands and its allies.

Delivery systems

Means of delivery necessary for the effective use of chemical, biological, radiological and nuclear (CBRN) weapons, such as ballistic missiles, cruise missiles and unmanned aircrafts.

Dual-use goods

Goods or materials which can be used for either civilian or military purposes. This term is used in the fight against further proliferation of weapons of mass destruction.

Extreme

Individuals, groups or organisations are defined as extreme when their actions extend to, but do not cross, the boundaries of what is acceptable within a democratic legal framework.

Extremism, extremist

The phenomenon whereby people and groups, when striving to improve the rights and living conditions of individuals, groups or animals, deliberately commit illegal and sometimes violent acts. Those who act in this way are called extremists.

Intolerant isolationism

A form of radicalism, on ethnic, religious, ideological or political grounds, which involves highly intolerant attitudes towards other sections of the population and so, seeks to create so-called “enclaves” for its own group. In those domains, there is no place for groups from different ethnic backgrounds or with dissenting religious, ideological or political views (exclusivism). In many cases, efforts are also made to impose the dominant group’s own laws and standards over those of the Western host nation (parallelism).

Islamism, Islamist

A radical movement within Islam which seeks to make society a reflection of what it claims is prescribed in the original sources of the faith: the Koran and the Sunnah (the sayings and practices of the Prophet). Islamism has a political agenda, which may find its expression in violent, non-violent or even democratic forms, and is related to Salafism.

Jihadism

An extremist ideology based upon the glorification of violent jihad, or holy warfare.

Jihadist network

A fluid, dynamic, vaguely delineated structure consisting of a number of radical Muslims with some form of mutual association, both individually and at a collective level in the form of cells or groups. At least temporarily, they are linked by a common purpose: the pursuit of a jihadist aim. For the AIVD, a person involved with a jihadist network is classified as a member if they play an active part in it and consciously contribute towards achieving the jihadist goal.

National security domain

See Safety and Security System.

Official report

A notification, usually in writing, to an individual or institution concerning personal or other details obtained by the AIVD that could be of interest to the recipient in discharging their responsibilities and taking relevant action.

Position involving confidentiality

A job or other appointment in which abuse of office could seriously compromise national security or other important interests of the state. This is the case when there is access to state secrets, when a lapse of integrity could endanger national security and in certain specific positions in vital sectors.

Proliferation

The spread of weapons of mass destruction (nuclear, chemical, radiological or biological) and of their delivery systems.

Radicalisation

An increasing willingness to pursue and/or support fundamental changes in society, possibly by undemocratic means which are in conflict with or could pose a threat to the democratic legal order.

Radicalism

The pursuit and/or support of fundamental changes in society that would endanger the democratic legal order, possibly by undemocratic means which are themselves in conflict with that order.

Safety and Security System

A co-operative arrangement, led by the Safety and Security Unit of the National Co-ordinator for Counterterrorism (NCTb) on behalf of the Dutch government, which bears responsibility for the security of people, property and services within the so-called “national security domain” in the Netherlands. The AIVD provides threat information concerning these subjects within the Safety and Security System framework.

Salafism

A broad ideological current which seeks a literal return to the “pure” Islam of the faith’s early period.

Security screening

An investigation of an individual in search of facts and circumstances which, on grounds of national security, may be relevant to their holding a specific position involving confidentiality.

Sensitive information

State secrets and other information, the disclosure of which to unauthorised persons might harm the interests of the Dutch state, its government ministries or its allies.

Sigint

Signals intelligence: the interception and localisation of electronic signals transmitted on radio frequencies.

Special intelligence resources

Technical and other instruments which are deployed in the exercise of a special power under the 2002 Intelligence and Security Services Act and which are usually secret in nature.

Terrorism

Ideologically motivated actual or threatened violence against persons, property or the fabric of society, with the aim of bringing about social change, creating fear among the population or influencing the political decision-making process.

Violent jihad

Armed struggle against supposed enemies of Islam, legitimised by the invocation of Islamic legal doctrine.

Vital sectors

Sectors and sections of the national infrastructure which are so crucial that their failure or serious disruption could cause major damage to Dutch society.

AIVD publications in 2010

- Afkalkend front, blijvend beladen. Extremrechts en rechts-extremisme in Nederland (November 2010). *Also published in English as The extreme right and right-wing extremism in the Netherlands.*
- Handleiding Kwetsbaarheidsonderzoek Spionage (November 2010). *Guide to the investigation of espionage risks for companies and other organisations.*
- Lokale jihadistische netwerken in Nederland. Veranderingen in het dreigingsbeeld (July 2010). *Also published in English as Local jihadist networks in the Netherlands: an evolving threat.*
- NBV Whitepaper Kopieerapparaten en Multifunctionals (June 2010). *National Communications Security Agency paper on the security of photocopiers and multifunction devices.*
- Kwetsbaarheidsanalyse Spionage (KWAS, April 2010). *Also published in English as Espionage Vulnerability Analysis report.*
- AIVD Jaarverslag 2009 (April 2010). *Also published in English as AIVD Annual Report 2009.*
- Disengagement en deradicalisering van jihadististen in Nederland (March 2010). *The disengagement and deradicalisation of jihadists in the Netherlands.*
- Spionage in Nederland. Wat is het risico? (February 2010). *Also published in English as Espionage in the Netherlands: what are the risks?*
- Spionage bij reizen naar het buitenland. Wat is het risico? (February 2010). *Also published in English as Espionage when travelling abroad: what are the risks?*
- Digitale spionage. Wat is het risico? (February 2010). *Also published in English as Digital espionage: what are the risks?*
- Notitie Activiteiten Antifascistische Actie in relatie tot lokaal bestuur (February 2010). *Briefing on activities targeting local government by the group Anti-Fascist Action.*

These and other AIVD publications can be downloaded from the AIVD website (www.aivd.nl).
Annual Reports of the AIVD can be downloaded from www.aivdkennisbank.nl.

Appendix. Mission and tasks of the AIVD

The AIVD mission explained

In performing the mission described on the previous page, the AIVD exercises four core abilities: investigation, elucidation, mobilisation and autonomous action.

The service intends to excel in all of these areas. Its ambition to be an authoritative, influential and attacking organisation, outstanding in the conduct of operational investigations, in elucidating the information it gathers, in mobilising others and in acting itself to minimise risks should the need arise. The AIVD wishes not only to alert policymakers and other relevant parties at the local, national and international level, but also to prompt them into action.

The AIVD carries out investigations in the Netherlands and abroad, in order to identify threats and risks to national security in time to respond effectively to them. It also informs and advises public administrators, policymakers and other relevant parties at the local, national and international levels. Using the information received, they can then develop and adjust policy and take other appropriate action. The service thus has both an advisory and a mobilising role: its products, including official reports, may contribute to or trigger policy action, but they can also prompt preventive measures such as heightened security or enforcement activity – arrests based upon an official report, for example. The political intelligence gathered by the AIVD helps the government in determining its position on foreign policy and in conducting international negotiations. Under certain circumstances, and when no other effective measures are available, the AIVD itself may also act to reduce a particular risk.

The tasks of the AIVD

Dutch law entrusts the AIVD with a number of defined tasks. These are described in Article 6, Clause 2, subclauses a-e of the Intelligence and Security Services Act 2002 (*Wet op de inlichtingen- en veiligheidsdiensten, Wiv 2002*). In carrying out those tasks, the service may make use of special investigative powers, which are also set out in the legislation. The Minister of the Interior and Kingdom Relations bears political responsibility for the AIVD's proper conduct of its assigned tasks.

The AIVD performs its tasks in the interests of national security. As defined in the Wiv 2002, this encompasses safeguarding the democratic legal order, the security of the Dutch nation and other important state interests. The AIVD enters the picture if any of these security interests are at stake and particularly if the risks or threats to them:

- are clandestine in nature – in other words, if they are invisible or difficult to detect by parties without the AIVD's special investigative powers;
- are prompted by undemocratic political intentions or involve an attempt to change or disrupt our society through undemocratic means;
- could have a major impact upon the national or international security interests of the Dutch state and society.

Tasks

The AIVD's legal tasks can be divided into a number of categories, which are summarised below.

- Task A: To investigate people and organisations reasonably suspected of representing a serious danger to the democratic legal order, to national security or to other important interests of the Dutch state.
- Task B: To screen candidates for so-called positions involving confidentiality, and also to issue recommendations on which positions should be designated as such.
- Task C: To promote security by interpreting information about threats and by sharing it as necessary with affected parties, and also to promote the security of information and communications.
- Task D: To conduct investigations in respect of other countries. This is also referred to as the foreign intelligence task.
- Task E: As part of the national Safety and Security System, to compile risk and threat analyses geared towards protecting people, property and services in the national security domain.

In respect of Task A, the law does not specify what particular subjects the AIVD must investigate: terrorism, extremism, underworld encroachment into legitimate activities, and so on. The service determines these itself, using risk analyses, in close consultation with the intended recipients of its advice and under the auspices of the Minister of the Interior. The analyses weigh up the national security interests of the Dutch state and society, the risks or threats to them and the present level of resilience, which includes checking whether other government agencies are already involved in identifying or attempting to reduce the threat in question.

In the case of Task D, the situation is different. The subjects for investigation here are set out in the Foreign Intelligence Designation Order (*Aanwijzingsbesluit Inlichtingen Buitenlandtaak*), which is issued by the Prime Minister in consultation with ministers in the relevant government departments. This is preceded by a process in which the end users' interests and information needs are weighed up against the threat assessments compiled by the AIVD and the Military Intelligence and Security Service (MIVD), as well as their operational abilities and the risks involved.

Task B – screening candidates for positions involving confidentiality – has its own statutory basis, the Security Screening Act (*Wet Veiligheidsonderzoeken, Wvo*). The AIVD does not designate positions involving confidentiality – that is a task for ministers in the relevant government departments and employers – but it does support and advise those ministers through a set of designation guidelines (*Leidraad aanwijzing vertrouwensfuncties*) and by means of impact analyses examining the extent to which national security could be harmed from a particular position.

A similar mechanism steers tasks C and E. Choices as to which institutions, sectors or subjects to focus upon in terms of activities to promote security are in part the AIVD's own responsibility, based upon its expertise, and in part are made jointly with government departments or agencies.



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