



Permanent Representation of the Kingdom
of the Netherlands to the Organisation for
Security and Co-operation in Europe (OSCE)

NOTE VERBALE

OVSE/0060-08

The Permanent Representation of the Kingdom of the Netherlands to the Organisation for Security and Co-operation in Europe presents its compliments to all Permanent Representations to the OSCE and to the Conflict Prevention Centre and, in accordance with the decision 4/03 of the Forum for Security Co-operation, has the honour to transmit herewith the reply of the Kingdom of the Netherlands to the Questionnaire on the Code of Conduct on Political-Military aspects of Security.

The Permanent Representation of the Kingdom of the Netherlands to the Organisation for Security and Co-operation in Europe avails itself of this opportunity to renew to all Permanent Representations to the OSCE and to the Conflict Prevention Centre the assurance of its highest consideration

Vienna, April 15 2008,



To: All Permanent Representations to the OSCE
The Conflict Prevention Centre
The Secretariat

2008 INFORMATION EXCHANGE BY THE KINGDOM OF THE NETHERLANDS ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

Participating States will supply relevant information (including documents where appropriate) on the following items:

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end (Paragraph 6):

See also the Common EU response to question 1 distributed by Luxembourg.

- (a) *List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;*
See Annex
- (b) *Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;*
See annex
- (c) *National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above;*

The Ministry of Interior Affairs and the Ministry of Justice report on progress made to Parliament on a regular basis.

- (d) *Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups);*

The Ministry of Interior Affairs and the Ministry of Justice report on progress made to Parliament on a regular basis.

- (e) *Roles and missions of armed and security forces in preventing and combating terrorism;*
 - In cases where terrorist activities threaten or have already violated the integrity of national or Alliance territory, the armed forces can be called upon. The provision of Dutch troops on the basis of Article 5 of the North Atlantic Treaty and Article 51 of the United Nations Charter in response to the terrorist attacks on the United States is a case in point. Other measures, such as those related to the security and protection of Dutch territory, can also be seen in the context of this mission.
 - The promotion of the international rule of law and stability has an important place in the fight against and the prevention of terrorism. So-called failed states and rogue countries can serve as refuges and bases of operations for terrorist organisations. The crisis-management capabilities of the Dutch armed forces can make an important contribution to the promotion of stability in weak or foundering states.
 - A number of different parts of the Defence organisation carry out specific activities in support of civilian authorities in the area of fighting terrorism. This applies particularly to the Royal Constabulary, the Special Support units and the Military Intelligence Service. On the basis of the Police Act and the Disasters and Major Accidents Act, civil authorities are able to call upon Defence as a structural partner for military support in case of a terrorist attack.

2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of

- (a) *the military posture;*

Determining priorities in national defence planning requires a common understanding of the relationship between ambitions, tasks, capabilities and means. In order to improve this understanding a methodology has been developed, that reflects jointness and NATO and EU priorities. This

methodology is the leading principle for the national planning system, called the Policy-Plan-Budget Cycle.

An important feature of the planning process is the orientation on operational capabilities throughout the planning period. Three interrelated, but essentially different elements can be distinguished:

The Policy Directive, which gives the main (political) directives for the Defence Plan (10 year scope), which is the main input for the annual budget proposal (5 year scope).

A strategic outlook is laid down in the Military Strategic Vision of the Chief of Defence and is in itself not a part of the Policy-Plan-Budget Cycle. It contains possible futures in relation to the armed forces' profile, organisation, needs and performance. This Strategic Vision will usually cover a period of 20 years and is based on surveys of developments in all areas relevant to the armed forces. The Military Strategic Vision will be under regular review, depending on relevant developments.

(b) *defence expenditures;*

The Policy Directive gives clear political and policy inputs for the Defence Plan and sets the agenda for a new cycle in the planning process. The Defence Plan presents a more detailed picture of the first five years of the plan and a broader view of the developments for the next 10 years. This Plan explains the relationship between the policy, the planned expenditures and capability development versus activities, personnel and equipment. This document serves as the basis for the annual budget plan, exemplifying what is to be achieved in the next five years. The Chief of Defence, as the corporate planner, formulates this integrated proposal to be submitted to the Minister of Defence.

(Paragraphs 13, 22)

3. *Description of*

(a) *constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;*

The Constitution states that the Government has the supreme authority over the armed forces. Its security and defence policy is subject to parliamentary control. The Netherlands does not have paramilitary, internal security or intelligence forces.

(b) *constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;*

The Minister of Defence is politically responsible to Parliament for the implementation of the outlined policy priorities and the operational objectives set. The Parliament has the competence for allocating funds for the annual budget of the Ministry of Defence and the armed forces.

The organisational structure of the police is laid down in the Police law of 1993. It divides the responsibility for the regionally organised police and its actions between the Minister of Justice and the Minister of Internal Affairs. Although the Netherlands has no intelligence force as such, the Minister of Internal Affairs has at his disposal a General Intelligence and Security Service (AIVD), which investigates threats to the security of State. Its findings are reported on a confidential basis to a private Parliamentary Commission consisting of the leaders of all the political parties represented in Parliament.

(c) *roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;*

The Dutch armed forces have three principal missions:

- the defence of national and allied territory, including the Netherlands Antilles and Aruba;
- promoting the international rule of law and stability;
- supporting and assisting civilian authorities in maintaining law and order, providing disaster relief and humanitarian aid, on a national as well as an international scale.

The Netherlands aims to have smaller but high-quality and fully deployable armed forces. The means with which the Defence organisation intends to carry out its missions are based on the current international security situation and inspired by the nature of the desired military action. In this respect the knowledge and experience that have been gained during crisis management operations play an important role. There are - and will be – large investments in new equipment, whereby quality takes preference over quantity. Together, the navy, army and air force already form flexible, combat-ready armed forces, which can be deployed all over the world.

(d) *public access to information related to the armed forces;*

The Government informs the public in an active way on matters related to the armed forces, using all possible means for this purpose, for instance websites (<http://www.mindef.nl/>), audio-visual materials, briefings and publications. Besides this active way, there is ample opportunity for the press and the public to put forward questions related to the armed forces. They can also request an inspection of any non-classified defence document. The public access to information related to the armed forces is based on the Netherlands Act on Public Access to the Government information of 31 October 1991.

(Paragraphs 20, 21, 22)

4. *Stationing of armed forces on the territory of another participating States in accordance with their freely negotiated agreements as well as in accordance with international law;*

The Netherlands is a party to *the Agreement by the Parties to the North Atlantic Treaty Organisation on the Status of their Forces (1951)* and the supplements thereto.

(Paragraph 14)

5. *Description of*

(a) *procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;*

The Netherlands has suspended military conscription in 1997 and the legislation has been changed accordingly. However, if the military necessity were to arise, conscription can be resumed and reservists can be drafted. On a voluntary basis reservists can be deployed in peace support operations.

(b) *exemptions or alternatives to compulsory military service, if applicable;*

Since the Netherlands has suspended military conscription, offering alternatives to compulsory military service is no longer applicable.

(c) *legal and administrative procedures protecting the rights of all forces personnel;*

The military disciplinary rules are almost entirely shaped after civil law and do not infringe upon the civil rights of the military personnel. Only during military operations in times of war or in peace support operations, these civil rights can be limited. The Inspector General for the armed forces serves as Ombudsman for all personnel.

(Paragraphs 27, 28, 33)

6. *Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations;*

International humanitarian law is instructed to all military personnel, as well as other relevant international conventions and commitments, for instance those within the framework of the United Nations or the North Atlantic Treaty Organisation. Particular attention to this subject is given in the Soldiers and Officers Handbooks.

Further, the principal rules of international humanitarian law are summarised on easy-to-carry personal instruction cards distributed to each individual soldier.

(Paragraphs 29, 30)

7. *Any other information.*

None.

ANNEX

to Question 1 of the Information exchange on the Code of Conduct on politico-military aspects of security

1(a): List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party

- 1) Convention on Offences and Certain Other Acts Committed on Board Aircraft
14 September 1963, Tokyo (entry into force for the Netherlands: 12 February 1970)
- 2) Convention for the Suppression of Unlawful Seizure of Aircraft
16 December 1970, The Hague (entry into force for the Netherlands: 26 September 1973)
- 3) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
23 September 1971 (entry into force for the Netherlands: 26 September 1973)
- 4) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 14 December 1973, New York (entry into force for the Netherlands: 5 January 1989)
- 5) International Convention against the Taking of Hostages, 17 December 1979, New York
(entry into force for the Netherlands: 5 January 1989)
- 6) Convention on the Physical Protection of Nuclear Materials, 3 March 1980, Vienna
(entry into force for the Netherlands: 6 October 1991)
- 7) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 23 September 1971, Montreal, 24 February 1988, Montreal
(entry into force for the Netherlands: 10 August 1995)
- 8) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 10 March 1988, Rome (entry into force for the Netherlands: 3 June 1992)
- 9) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf, 10 March 1988, Rome (entry into force for the Netherlands: 3 June 1992)
- 10) Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1 March 1991, Montreal
(entry into force for the Netherlands: 3 July 1998)
- 11) International Convention for the Suppression of Terrorist Bombings, 15 December 1997, New York (entry into force for the Netherlands: 9 March 2002)
- 12) International Convention for the Suppression of the Financing of Terrorism, 9 December 1999, New York
(entry into force for the Netherlands: 10 April 2003)

1 (b): Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

- 1 European Convention on the Suppression of Terrorism, 27 January 1977, Strasbourg
(entry into force for the Netherlands: 19 July 1985)
- 2 Agreement concerning the application of the European Convention on the Suppression of Terrorism among the member States of the European Community, 4 December 1979, Dublin (accepted by the Netherlands, treaty not yet entered into force)