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

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**NOTE VERBALE**

The Permanent Representation of the Kingdom of the Netherlands to the Organization for Security and Co-operation in Europe presents its compliments to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre, and has the honour to provide the Netherlands response to the questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2016. The response also includes information on Women, Peace and Security (Annex II).

The Permanent Representation of the Kingdom of the Netherlands to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 19 May 2016



To:

Permanent Missions and Delegations to the OSCE  
OSCE Conflict Prevention Centre

# QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

## INPUT BY THE NETHERLANDS

### Section I: Inter-State elements

#### 1. Account of measures to prevent and combat terrorism

- 1.1 To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?

See Annex

- 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

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

- 1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The National Coordinator for Counterterrorism and Security (NCTV) plays a central role in preventing and combating terrorism. He/she coordinates the efforts of the responsible ministries (mainly Interior and Kingdom Relations and Security & Justice). Within the Netherlands, the Ministry of Defence and the Armed Forces have a supporting role in this area.

Combating terrorism is one of the main tasks of the National Investigation Unit of the National Police Force (NP). This Unit provides the Dutch police force with high-quality technical, legal and strategic support related to combating organized crime and terrorism. Based on the Police Act, the Royal Netherlands Marechaussee has a number of civil police tasks to prevent and combat terrorism. Civil authorities have the possibility to request support from the armed forces as a structural partner for military assistance in the event of a terrorist threat or attack.

On request from civilian authorities and if needed, the Netherlands Defence Forces can support civil authorities with specific tasks, such as providing intelligence, protection and security, and/or with specific military capabilities. The Royal Netherlands Marechaussee and the Defence Intelligence and Security Service play a prominent role in this area.

The Royal Netherlands Marechaussee has permanent responsibility for security and protection of specific civilian infrastructure and persons (including royal palaces and residences, official residence of the prime minister), for airport security and civil aviation security. In the event of an increased terrorist threat level, civil authorities can request assistance and reinforcement from the Royal Netherlands Marechaussee units for additional protection of infrastructure and persons, if necessary with the help of the RNLM Special Assistance Unit (BE) and the Special Security Missions Brigade (BSB).

In the field of civil aviation security, the Royal Netherlands Marechaussee is responsible for so-called 'high-risk security'. This involves internal armed surveillance of check-in counters, security filters, terminal buildings and external armed surveillance on the platform and perimeter. It also includes taking anti-terrorism measures and providing adequate response capability for incidents and security breaches.

Regular safety and security procedures regarding boarding passengers, crew and cargo and the admittance of airport personnel remain within the responsibility of the airport operator. Airport operators have outsourced these tasks to civilian security companies. By law, the Commander of the Royal Netherlands Marechaussee is tasked with supervising and examining (by spot-checking) the security companies' performance.

The Netherlands' organisation to combat terrorism includes the Special Interventions Team, Explosive Ordnance Disposal (EOD) and the Air Marshals' Program. A combined (police/military) Special Intervention Service and an Intervention Unit Marines are permanently on standby for combating terrorism, dealing with hostage situations, combating organised crime, etc. Additionally, the Royal Netherlands Air Force (RNLAf) provides two aircraft on Quick Reaction Alert (QRA), to respond to 'renegade' situations (the use of civilian aircraft to commit terrorist acts), under the authority of the Ministry of Security and Justice. As of 2017, the QRA task will be conducted together with the Belgian Air Force according to alternating schedule.

All EOD support to civilian authorities is provided by the armed forces. Deployment of the armed forces to counterterrorism operations within the Netherlands always takes place under the direction of the civilian authorities. The National Coordinator for Counterterrorism and Security advises on the use of military units in support of security forces in the event of a terrorist threat.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

— Financing of terrorism;

The Netherlands converts all relevant UN resolutions and EU regulations on financing of terrorism into national rules and regulations, and implements them accordingly. For example, financing of terrorism is criminalized and implemented in the Netherlands' Penal Code, with more than 10 implementing and intelligence agencies involved in combatting financing of terrorism. Also, the Customs Department actively checks on the passengers carrying money and valuables (liquid assets) worth € 10,000 or more across the border. Another example is that assets of internationally listed terrorists and terrorist organizations are being frozen.

— Border controls;

In the context of border control, the Royal Netherlands Marechaussee helps fight terrorism, by, amongst other things, providing information relevant to other organizations such as the AIVD (the General Intelligence and Security Service of the Netherlands) or the NCTV (National Coordinator for Counterterrorism and Security).

The Royal Netherlands Marechaussee monitors the borders of the Netherlands and checks for persons who are identified as "undesirable aliens". The Royal Netherlands Marechaussee is only authorised to act on the basis of information provided by the organizations mentioned above. The Royal Netherlands Marechaussee may also, at the request of the AIVD and NCTV, perform certain information-gathering activities and pass this information on to the AIVD.

— Travel document security;

No specific measures on travel document security are taken. In general every 5 years a new passport model is issued, in order to prevent document forgery. Besides that, the passport issuing authorities must check the identity of every applicant of a travel document. Due to new legislation, valid since March 2014, passports are valid for 10 years (before 5 years only). Passports of potential foreign fighters can be withdrawn or withheld. In addition legislation is under consideration to forbid travel outside the Schengen area for potential foreign fighters.

Jihadists are known to make use of other people's passports, thereby complicating the identification process. Evidence of this was uncovered during the raid in Verviers, where a passport belonging to a Dutch national was found. The fraudulent use of other people's passports or ID cards for travel purposes is nothing new. The loss of identity documents should always be reported to the authorities so that this information can be included in the databases that are consulted at the border. But of course, missing documents will not be reported if their loss is the product of criminal intent. Passports are sometimes misused by people known to the criminal justice authorities in order to remain under the radar.

Maintaining sound verification practices for identity documents is the best way of preventing people from travelling under a false identity with a valid travel document. Such official checks, which occur not only at the border, but also during police inspections and at municipal offices that issue passports, are a prerequisite for identifying misuse. In exercising its border control duties the Royal Netherlands Marechaussee is responsible for confirming travelers' identities. An important aspect of this is spotting forged and falsified documents. They also consult systems to determine if a given document has been flagged as stolen, revoked or missing. Furthermore, special attention is being given to recognizing 'lookalike fraud', whereby an individual makes use of a genuine document belonging to someone else. In this way the Dutch authorities do their utmost to make it difficult for people to travel under another identity.

— Container and supply chain security;

In accordance with the *'Accord européen relatif au transport international de marchandises Dangereuses par Route'* (ADR) the Netherlands has adopted legislation to ensure the secure transport of dangerous goods. Transporters that are allowed to transport dangerous goods are obliged to take the necessary precautions against misuse and theft. Inspections are carried out to ensure compliance with all relevant regulations.

Activities of NL related to cargo aviation security are described in European legislation on cargo aviation security (EU-Regulation nr. 300/2008). Recently new legislation came into force with a focus on improving the security status of cargo coming from third countries. NL is currently implementing the new obligations.

— Security of radioactive sources;

The Netherlands has national legislation with security requirements for radioactive sources. International cargo at main ports is checked for radiation. The Netherlands participates in the WCO Global Shield programme on explosives precursors and will implement EU regulation 98/2013 on the marketing and use of explosives precursors (including customs checks) in 2015.

The security of radioactive sources is regulated in Chapter 6 of the Implementation Act. This Chapter is put into operation in April 2013.

This Implementation Act determines which radioactive materials and sources must have additional security measures in addition to the regular / normal security measures.

In the autumn of 2015, this Chapter 6 will be evaluated and expanded.

In addition, the accessibility of data regarding radioactive sources over the internet will be reviewed and evaluated with respect to public access of sensitive information.

— Use of the Internet and other information networks for terrorist purposes;

The AIVD attempts to counter the threat generated by online terrorism by studying virtual and physical terrorist activities. In view of the transnational nature of online terrorism, the AIVD works together closely with foreign intelligence and security services.

Specifically on online jihadist content the comprehensive action programme to combat jihadism' contains the following measures:

- a) Combatting the dissemination of radicalizing, hatred-inciting and violent jihadist content.
- b) A citizen's hotline: concerned citizens can report jihadist (terrorist, hatred inciting and violence-glorifying) content on the internet and social media.
- c) Producers and distributors of online jihadist propaganda and the digital platforms that they abuse, are identified.
- d) This information is actively shared with the institutions who are authorized to act and also with relevant service providers (including internet services).
- e) A specialist team at the National Police combats online jihadist content. This team informs the Public Prosecution Service about possible punishable statements. If the application of the voluntary code of conduct does not lead to removal, an order under criminal law could follow. In the draft bill on Computer Criminality III it is proposed to improve this procedure further (Notice and Take Down).
- f) This team consults with internet companies about effective banning and refers content to them so that they can test the content against their own conditions and terms of use (Notice and Take Action).
- g) Internet companies that continue (after being warned) to facilitate 'listed' terrorist organizations through the spreading of jihadist content, risk sanctions. This depends on either the basis of an amendment of EU Regulation 2580/2001 in combination with the National Sanction Regulation Terrorism 2002, or on the basis of future national regulations.
- h) The specialist team monitors independently, but works in close cooperation with the online citizen's hotline.
- i) A current list of online jihadist (social media) websites is published. This list can be used by communities, professionals and parents to warn their environment.

— Legal co-operation including extradition;

The Netherlands are party to various bilateral and multilateral treaties, including UN conventions. These treaties have all been implemented in national legislation and can serve as a legal basis for extradition and mutual legal assistance. For terrorism, the relevant treaties are the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombings. If a foreign request for assistance is based on one of these treaties, the Netherlands can render legal assistance in broad terms. Extradition is also possible on the basis of these treaties. These treaties are actually used for legal cooperation in criminal matters between the Netherlands and other countries.

— Safe havens and shelter to terrorists and terrorist organizations.

There are no safe havens to terrorists in the Netherlands as has been demonstrated by the recent Terrorist Threat Assessment for the Netherlands. Our national counterterrorism policies as laid down in the National CT-strategy and the recent ‘comprehensive action programme to combat jihadism’ do prevent the rise of safe havens to terrorists.

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with 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. The Netherlands is also party to a number of treaties with Germany and Belgium.

Belgian-Dutch naval cooperation has a common operational HQ in Den Helder, Netherlands. Both navies make use of each other's facilities in the Netherlands and in Belgium for educational and logistic purposes. Around 30 Dutch Navy personnel are stationed in Belgium for maintenance and operational support of the MCM (Mine Countermeasures) vessels in Zeebrugge and to support the Belgian-Netherlands Naval Mine Warfare School in Oostende, Belgium. About 30 Belgian Navy personnel are stationed in Den Helder for maintenance and operational support of the M-frigates in Den Helder and for manning the common operational HQ. In 2014, the Benelux established a common Benelux Arms Control Agency (BACA) in Peutie, Belgium. 4 Dutch military personnel are stationed at that location. A Benelux Para Training Centre was established in Schaffen, Belgium, in the same year. Two Dutch officers are stationed there.

The Headquarters of 1(German/Netherlands) Corps was established in 1995 and is located in Munster, Germany; it is one of the NATO High Readiness Forces (Land) Headquarters. Most of the positions (some 440) are divided equally between Germany and the Netherlands; some 70 positions are reserved for military personnel from other NATO and EU member states. Furthermore NL military personnel are stationed in Geilenkirchen (43), Ramstein (39) and Munster (20).

In September 2008, a Strategic Airlift Capability (SAC) was established, which membership now comprises NATO member states including the Netherlands and two Partnerships for Peace (PfP) nations. The operational organization of SAC is the Heavy Airlift Wing (HAW), stationed at Pápa Air Base in Hungary. The HAW operates three C-17 aircraft. The Netherlands contributes 21 military personnel to this multinational consortium.

302 Squadron of the Royal Netherlands Air Force (RNLAf) is based in Fort Hood (TX), USA. It operates 8 AH-64D Apache attack helicopters and 4 CH-47F Chinook transport helicopters. 302 Squadron employs 23 RNLAf and RNLA personnel and 36 American personnel. 302 Squadron facilitates joint Air Assault training for Royal Netherlands Army AASL infantry and Royal Netherlands Air Force helicopter crews in order to prepare for future combat deployments. In addition, 302 Squadron is responsible for conducting Initial Mission Qualification Training (IMQT) for both Apache and Chinook helicopter crews.

A Netherlands Detachment of the Royal Netherlands Air Force (RNLAf) is based at Tucson Air National Guard Base, (AZ), USA. It operates 10 F-16 MLU fighter aircraft, maintained by the Arizona Air National Guard. The Netherlands Detachment Tucson Arizona (NDTA) employs 13 RNLAf personnel and is part of the 148th FS with an additional 4 US Instructor Pilots. NDTA facilitates F-16 type conversion for new F-16 pilots, F-16 transition for foreign exchange pilots and Dutch pilots which are no longer current on the F-16. In addition it also facilitates the F-16 Instructor Pilot Course and provides currency training to Dutch fighter pilots to remain at a minimum operational level.

The Netherlands 323/TESS Operational Test and Evaluation squadron (323 OT&E) of the Royal Netherlands Air Force (RNLAf) is based at Edwards Air Force Base (CA), USA. It operates 2 F-35 fighters as integral part of the Joint Operational Test Team (JOTT), directed by the Director Operational Test and Evaluation, and consists of participants of the United States, United Kingdom and Australia (the latter as an observer). The Netherlands OT&E squadron currently employs 42 RNLAf personnel and American civilian support personnel. The Netherlands OT&E squadron tests and validates the F-35 and concepts of operations, logistics and support plans in an operational environment. In addition it also facilitates the development and evaluation of national plans. Participation in the OT&E gives the Royal Netherlands Air Force an early insight in possible operational capabilities of the F-35 and 5th generation fighters. The OT&E squadron lays the foundation for future co-operation between participating countries in the operational, support and training areas.

Various numbers of military personnel are assigned to (multinational) military staffs in different countries, in addition to the deployment of various units participating in UN and other military operations pursuant to United Nations Security Council resolutions or at the request of the host nation concerned.

### **3. Implementation of other international commitments related to the Code of Conduct**

#### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.**

The Netherlands is party to and has implemented all international Treaties and Conventions in the field of arms control, disarmament and confidence and security building measures. The Netherlands pursues greater transparency for the international imports and exports of arms and therefor values and reports to UNODA, OSCE and the UN Arms Trade Treaty.

- 3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

In the field of conventional arms control, the Netherlands is party to the UN Arms Trade Treaty, the Wassenaar Arrangement and the EU Common Position on Arms Exports 2008/944/CFSP and takes an active part in the Council Working Group COARM to promote harmonization of export controls between EU partners. The entry into force of the UN Arms Trade Treaty is an important step forward in strengthening export controls at the global level. The Netherlands supports the universalization and sound implementation of the treaty.

The Netherlands is a State Party to both the Treaty on Conventional Armed Forces in Europe (CFE Treaty) and the Treaty on Open Skies and is a participating State to the Vienna Document and other OSCE agreements on CSBMs. The Netherlands Permanent Representation to the OSCE takes actively part in the various negotiating forums within the OSCE framework.

The Netherlands has played an active role in the Nuclear Security Summit process, notably by hosting the 2014 NSS in The Hague. These meetings have enhanced awareness on a global level and have given an important impulse to nuclear security, including in the OSCE area. Furthermore, the Netherlands has been chosen as international coordinator of the Global Initiative to Combat Nuclear Terrorism (GICNT) for the period 2015-2017. In that capacity, it will host the 10th Anniversary Meeting of the GICNT in The Hague in June this year. This conference will provide an opportunity for the 86 GICNT partners to take stock of what GICNT has achieved and to articulate the way forward.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

- 1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The planning and decision-making process within the Netherlands is called the Policy-Plan-Budget cycle in which means are allocated to and within the Ministry of Defence in accordance with plans and priorities. Planning priorities in national defence planning are the result of the relationship and interaction between political and organisational ambitions, tasks, capabilities and means. In order to improve this national defence planning, a methodology has been developed that reflects a joint interaction between the services and directorates and which integrates NATO and EU priorities. This methodology is the leading principle for the national planning system.

The Policy-Plan-Budget cycle is an annual cycle with a budgetary outlook of five years based on initial political guidance at the beginning of a legislature and is yearly adapted. At the beginning of a legislature, the Dutch government produces its Policy Directive, which is the leading policy document for the Ministry of Defence and is valid for a period of four years (or the length of the legislature). The Policy Directive provides political and policy input for the Defence Plan. The Policy Directive is translated to a Defence Plan issued by the Defence Staff and represents a more detailed outline of defence plans and policy for the period of the legislature. The Defence Plan explains the relationship between policy, planned expenditures and capability development versus activities, personnel and equipment. This document serves as the basis for the annual budget plan and PPB-cycle. The Chief of Defence, as the corporate planner and allocator, formulates this integrated proposal, which is then submitted to the Minister of Defence.



- 1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

According to article 97 (1) of the Constitution of the Netherlands the armed forces of the Netherlands exist to defend and protect the interest of the Netherlands and promote the international legal order.

## **2. Existing structures and processes**

- 2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

The Constitution states that the Government has supreme authority over the armed forces. The government's security and defence forces are subject to parliamentary control. There are no paramilitary forces in the Netherlands and civilian security companies are subjected to specific legislation. All Netherlands' intelligence services, the General Intelligence and Security Service and the Military Intelligence and Security Service are also subjected to legal restraints and parliamentary control. Article 100 of the Constitution requires that parliament has to be informed about the use and deployment of defence forces in support of the international rule of law.

As of January 1, 2013, the Dutch police force was reorganized. The former twenty-five regional forces were combined with the National Police Services Agency (*Korps landelijke politiediensten*) into a single national police force comprising a national level unit and ten regional units.

The Minister of Security and Justice is responsible for the management on the maintenance of the police. The Minister of Security and Justice is furthermore accountable for his actions on the maintenance of the police and reports directly to the Dutch House of Representatives (a directly elected parliament which consists of two chambers). For democratic control and accountability it is important that the Minister of Security and Justice carries the full ministerial responsibility for the national police. This responsibility can be divided into a responsibility for the maintenance of the Police Corps and a responsibility for the judicial authority via the prosecutor.

The police is subordinate to the mayor and the chief public prosecutor. The mayor and the chief public prosecutor make local arrangements on police deployment. Each municipality will draw up a public safety and security plan, which will serve as a basis for the mayor's management of the police. The mayor is accountable to the Council for the management of the police.

The Minister of the Interior and Kingdom Relations has at his disposal a General Intelligence and Security Service (AIVD), which investigates threats to national security. The AIVD is subject to political control by the Minister of the Interior and to reviews on the legitimacy of its actions by the Review Committee on the Intelligence and Security Services (CTIVD). This independent Committee consists of three members and a staff. It has full access to any material and employees of the AIVD. The Committee also advises the Minister on complaints about AIVD's actions filed by civilians. The findings of the AIVD are also reported on a confidential basis to a private Parliamentary Commission consisting of the leaders of all the political parties represented in Parliament.

- 2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The Minister of Defence is politically accountable to Parliament with respect to the implementation of the outlined policy priorities and the operational objectives and with respect to the Defence Intelligence and Security Service. The Parliament allocates 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 act of 2012. It divides the responsibility for the regionally organised police and its actions between the Minister of Justice and the Minister of Internal Affairs. The Minister of the Internal and Kingdom Relations has at his disposal a General Intelligence and Security Service (AIVD), which investigates threats to national security. The findings of both intelligence services are reported on a confidential basis to a private Parliamentary Commission consisting of the leaders of all the political parties represented in Parliament.

- 2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

The Constitution explicitly states three principal missions for the armed forces:

- to defend national and allied territory, including the Caribbean parts of the Kingdom, and the national interests of the Kingdom of the Netherlands;
- to promote the international rule of law and stability;
- to support and assist civilian authorities in maintaining law and order, providing disaster relief and humanitarian aid, on a national as well as an international scale. This task is based on a number of different laws such as the 2012 Police Act. These activities are always performed at the request of, and under the authority of, the civilian authorities and within the legal framework for such activities.

See also 2.1 and 2.2. Apart from individual criminal responsibility of military personnel, the overall political control for ensuring that the armed forces act entirely within the constitutional framework lies with Parliament. The Minister of Defence is politically accountable to Parliament and has to inform Parliament on any relevant development related to the armed forces, in accordance with procedures laid down in the Constitution.

### **3. Procedures related to different forces personnel**

- 3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

The personnel system of the Netherlands armed forces is based on the appointment of professional volunteers. The Netherlands suspended military conscription in 1997 and legislation has been changed accordingly. However, the registration system is still in place and if the military necessity were to arise, conscription can be resumed and reservists can be drafted. On a voluntary basis, Dutch residents can be appointed as reservist to non-operational posts and be deployed in peace support operations.

- 3.2 What kind of exemptions or alternatives to military service does your State have?

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

- 3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

The military disciplinary rules are almost entirely shaped according to civil law and do not infringe upon the civil rights of military personnel. These civil rights can only be limited in the event of military operations in times of war or during peace support operations. The Inspector-General for the Armed Forces serves as Ombudsman for all personnel.

**4. Implementation of other political norms, principles, decisions and international humanitarian law**

- 4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

All military personnel receive instruction in international humanitarian law, which is also included in annual basic training refresher courses. In addition, lessons incorporating other relevant international conventions and commitments are provided, for instance those within the framework of the United Nations or the North Atlantic Treaty Organisation. Particular attention to international humanitarian law is given in the Soldiers' and Officers' Handbooks.

- 4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The training of all military personnel contains classes on military law, international humanitarian law and criminal law. Additionally, attention is given to humanitarian law and human rights in the training prior to any deployment.

- 4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

The legal framework for the use of the armed forces in domestic operations contains a number of checks and balances, including legal review of any request or intention to deploy the armed forces for such operations. Furthermore, any such deployment is conducted under the authority of the civil authorities. Additionally, attention is given to human rights in the training prior to any international deployment (see 4.2, above). There is also parliamentary oversight through the means of the Article 100 obligation (see II.2.1) to inform Parliament on missions in support of the international legal order, periodic updates on missions sent to Parliament and a formal evaluation at the end of all missions.

- 4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

Individual service members have the same rights as other citizens, which may only be limited by law and out of operational concerns. Personnel are allowed to organise themselves into unions and have recourse to legal means if they consider themselves unfairly treated. Furthermore, a system of integrity advisors is present throughout the armed forces.

Political neutrality is ensured through the civilian control of the armed forces.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

Legal advisors are available within the Ministry of Defence and are consulted on most policy documents, including the Netherlands Defence Doctrine. The Director of Legal Affairs may also provide advice *ex proprio motu* on any (policy) issue he/she considers relevant. Under the obligations derived from Article 36 of the 1<sup>st</sup> Additional Protocol to the Geneva Conventions, states are obligated to ensure that their means and methods of warfare are in accordance with international law. The Netherlands has an advisory committee which ensures such adherence. Finally, legal advisors are present at various levels of command to advise commanders on international law in accordance with Article 82 of the 1<sup>st</sup> Additional Protocol to the Geneva Conventions.

### Section III: Public access and contact information

#### 1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

The Code of Conduct is not explicitly mentioned, but the way it is implemented in the Netherlands Armed Forces is made public through means as described in 1.3.

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

The Netherlands' replies to the Questionnaire are publicly available at the OSCE Website [www.osce.org/fsc](http://www.osce.org/fsc). No additional information directly related to the Code of Conduct is provided.

Through the Netherlands Ministry of Defence's Directorate of Communication, press and individual citizens are free to request all information regarding the Netherlands Armed Forces.

1.3 How does your State ensure public access to information related to your State's 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, such as social media, websites (<http://www.defensie.nl/>), audio-visual materials, briefings and publications. Besides this active approach, 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. In addition, media can embed with virtually all units deployed on any mission, limited in their reporting only in operational and personal security matters, to protect the troops, the mission and the journalists themselves. To stimulate this embedded journalism, the NL MOD regularly organises press trips to areas of operations where Dutch troops are deployed. The public access to information related to the armed forces is based on the Netherlands Act on Public Access to Government Information of 31 October 1991.

**2. Contact information**

- 2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

Ministry of Foreign Affairs  
Security Policy Department  
Security and Defence Policy Division  
P.O. Box 20061  
500 EB The Hague  
Tel. +31 70 348 5814  
E-mail: [dvb-vd@minbuza.nl](mailto:dvb-vd@minbuza.nl)

## 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)

## ANNEX II

### INDICATIVE LIST OF ISSUES PERTAINING TO WOMEN, PEACE AND SECURITY TO BE PROVIDED IN THE QUESTIONNAIRE ON THE OSCE CODE OF CONDUCT

#### **I. Prevention**

1. *Measures to increase armed forces personnel understanding of the special needs and contributions of women in conflict.*

– *Inclusion of specific matters related to the protection of women's and girl's rights in the basic education of Armed Forces.*

No significant changes to last years' report to the OSCE. The Netherlands Armed Forces (NLD AF) focuses on the involvement of (local) women in operations and on gender aspects in all operations and military training. In all operational plans and orders, a gender perspective and UNSCR 1325 are and will be included in the main framework as well as in annexes. The "Masterplan on Gender" mentioned in last years' report is still work in progress to revitalize the gender perspective for and within the NLD AF.

– *Availability of specialized in-service training for Armed Forces personnel on the protection of women's and girl's rights. And Inclusion of specific matters related to the protection of women's and girl's rights in the pre-deployment training for international peacekeeping missions.*

The international training "*The Comprehensive Approach to Gender in Operations*", (twice a year in Europe, once a year in Kenya (Africom)) initiated by the Spanish and Dutch MODs and the Ministries of Foreign Affairs, has been continued in 2015.

In 2015 the pilot of the "*UN training for Female Officers*" started, convening twice a year. The NLD AF has participated both times and intends to do so in the future.

Since January 2016 a subject matter expert (SME) of the NLD AF is posted in the NORDIC Centre for Gender in Military Operations (NCGM) till January 2019. This cooperation and exchange will enhance the knowledge and expertise on gender in military operations for the Swedish and NLD Armed Forces. Also NLD support (SME of NLD Army) was provided to Allied Command Training (ACT) for the Gender Training Package that was launched in June 2015.

2. *Measures to address the violation of the rights of women and girls, in line with international standards.*

There is permanent attention for this matter in relation to all missions, be they national, EU, UN or NATO.

– *Number and percentage of directives for peacekeepers issued by head of military components and standard operating procedures (SOP's) that include measures to protect women's and girl's human rights.*

National and international law and NATO directives, such as the Bi-Strategic Command Directive 40-1, dated august 2012, instruct NATO forces to Integrate UNSCR 1325 and Gender Perspectives in the NATO Command Structure during missions. Each mission has Standard Operating Procedures in place which are specific to the mission area and which deployed personnel must follow. The NLD AF Gender Directive of 2005 is under revision.



## II. Participation

### I. *Measures to increase the number of women in general and in decision-making positions in the Armed Forces and the ministry of defence.*

- *Number and percentage of women applying to be part of the military forces.*

The NLD AF does not set *target numbers for women nor favours female candidates* to join the Armed Forces. In November 2015 the Chief of Defence signed the Diversity Charter, with the initial focus on the increase of the number of women in the NLD AF in the next years.

In 2015 31.355 people showed interest for the armed forces as an employer. 19.231 People applied and 2586 were indeed appointed for service, 10.7% of which were women.

- *Number and percentage of women in the military forces disaggregated by rank. An overview of female military personnel as per 31 December 2015 is found in Table 1.*

<i>Non Officers</i>		OR1 - OR4	OR 5 - OR9		Subtotal
Women		1.301	1.506		2.807
Total		14.814	17.103		
<i>Officers</i>		OF1 - OF3	OF4 - OF5	OF6 - OF9	
Women		686	397	2	1.085
Total		5.196	4.178	76	

Table 1: number of female military personnel as per 31 Dec 2015, indicated in accordance with the NATO ranking system (STANAG 2116 ed. 6).

- *Number and percentage of discrimination and sexual harassment complaints that are referred, investigated and acted upon.*

Sexual harassment and discrimination – among other things – fall under the common denominator of “undesirable behaviour”. The annual integrity report indicates that 103 of cases of undesirable behaviour were registered in 2015. As mentioned in previous reports it is not possible to provide exact numbers on cases of discrimination and sexual harassment. Overall 417 cases relating to integrity were reported in 2015 vice 410 in 2014.

- *Establishment of policies to attract female candidates (targeted campaigns, review of accession tests etc.) and the development of regular analysis of retention and promotion practices for men and women in the forces.*

In 2015 there were no specific activities noted to attract and retain female candidates. A campaign specifically targeted on women (military) will be launched in 2016. Increasing the number of women in the NLD AF is part of the “*diversity charter*” and the “*personnel agenda of the future*”.

2. *Measures to increase the number of women in peacekeeping forces.*

– *Number and percentage of women in peacekeeping forces disaggregated by rank.*

The statistics over 2015 indicate that 3684 persons were deployed in 2015, 255 (6.9%) of them female military versus 6.2 % in 2014 and 8% in 2013. In absolute number a decrease is visible from 513 female military in 2014 to 255 in 2015 (and 306 in 2013), but this is valid for the overall number of personnel deployed (half the number of personnel deployed in 2014).

Table 1-2 provides an overview of the average number of female military personnel deployed in 2015.

<i>Non Officers</i>		OR1 - OR4	OR 5 - OR9	-	Subtotal
Women		80	78	-	158
Total Personnel		1303	1500	-	
<i>Officers</i>		OF1 - OF3	OF4 - OF5	OF6 - OF9	
Women		78	19	0	97
Total Personnel		588	293	0	
					255

Table 1-2: overview of average number of servicewomen deployed in 2015 segregated by rank.

– *Number and percentage of international missions where gender advisors were appointed.*

For the NLD AF, the appointment of NLD Gender Advisors was continued for the Resolute Support Mission in TAAC-North. In 2015 three gender advisors, all female, covered the year 2015 in Mazar-e-Sharif. The decision to appoint mainly female military personnel for this position is a practical one as the gender advisor personally visits women in the Afghan National Security Forces and civil organisations.

### III. Protection

3. *Increased access to justice for women whose rights are violated.*

– *Number and percentage of reported cases of exploitation and abuse allegedly perpetrated by uniformed peacekeepers that are referred, investigated and acted upon.*

The Dutch MOD applies zero tolerance towards exploitation and abuse by uniformed peacekeepers. No such cases were reported in 2015.

#### IV. Other information

- *Information on development, implementation and evaluation of a National Action Plan to implement UNSCR 1325.*

In 2015 the policy evaluation “IOB 405 - Gender Sense & Sensitivity<sup>1</sup>” on womens’ rights and gender equality from 2007 – 2014, was published. The evaluation was used to improve the third Dutch National Action Plan 1325 (NAP 1325) – launched on the 8<sup>th</sup> of March 2016. Coordination of the third NAP was a co-operation of the Dutch Gender Platform “WO=MEN” (pronounce: women equals men) and the Ministry of Foreign Affairs.

Separate from the NAP, the NLD Armed Forces will produce a Defence Action Plan 1325. This is work in progress for the first half year of 2016.

- *Information on best practices and lessons learned.*

On the conclusion of the annual conference of the NATO Committee on Gender Perspectives (NCGP) in May 2014, nations were encouraged to establish an Advisory Committee to inform and shape military gender equality priorities. The NLD AF has not made a formal decision on this topic in 2015. In the meantime an informal focusgroup has been formed to bundle the knowledge and expertise of deployed gender advisors. This group may support the aforementioned Advisory Committee, if and once it has been established. Meanwhile this focus group works on the Defence Action Plan 1325.

- *Any other relevant information*

In 2015 a survey diversity and inclusion was started amongst 8300 defence employees. The final report of this survey is expected by the end of October 2016. Although nothing can be said about the findings yet, this survey may generate useful information on the aspect of gender.

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<sup>1</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2015/11/17/iob-evaluation-405-gender-sense-sensitivity> (English)

