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

NOTE VERBALE

OVSE-05-15

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 Representations to the OSCE and to the 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 2015.

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 Representations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 15 April 2015




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

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

INPUT BY THE NETHERLANDS over 2014

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 II

- 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 including counterterrorism aspects, and civil authorities have the option of calling upon the armed forces as a structural partner for military assistance in the event of a terrorist threat or attack.

The Defence organisation performs specific tasks in support of civilian authorities, such as providing intelligence, protection and security, as well as military capabilities if needed and requested. 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) and for airport and civil aviation security. In the event of an increased terrorist threat level, civil authorities can request assistance and reinforcement from Royal Netherlands Marechaussee units. In the event of an increased terrorist threat level, civil authorities can request assistance and

reinforcement from the Royal Netherlands Marechaussee for additional protection of infrastructure and persons, if necessary with the help of the RNLN 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 armed surveillance near check-in counters, at the security filters, inside the terminal buildings and outside on the platform and perimeter. It also includes taking anti-terrorism measures and 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 are the responsibility of the airport operator. Airport operators have outsourced these procedures to civilian security companies. The Commander of the Royal Netherlands Marechaussee is tasked by law with supervising and examining (by spot-checking) the security companies' performance.

Other permanent tasks include those of 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, resolving hostage situations, combating organised crime, etc. The Quick Reaction Alert (QRA) aircraft of the Royal Netherlands Air Force (RNLAf), which operates under the authority of the Ministry of Security and Justice, are capable of responding to 'renegade' situations (the use of civilian aircraft to commit terrorist acts). In the near future, the QRA task will be conducted in coordination with the Belgian Air Force.

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 or nationally listed terrorists and terrorist organizations are being frozen.

— Border controls;

The borders of The Netherlands are monitored by The Royal Netherlands Marechaussee. In exercising its border control duties, they execute document checks and checks on persons wishing to enter The Netherlands. This includes checks for persons who are identified as "undesirable aliens". These checks are supported with

the use of relevant databases, such as the SLTD and SIS-II. The Netherlands signals their FTF's in all of the relevant national and international databases in order to ensure effective detection and signalling of the movements of FTF's. Border security is not limited only to the border crossings of The Netherlands, as part of the Schengen area. Especially, since so many of the FTF's travelling to and returning from conflict zones are European citizens. Checks on persons against the SIS-II are also necessary during regular police controls, such as traffic controls. Therefore, cross checking information, timely information exchange between authorities, signalling FTF's in all the relevant databases and the application of these instruments in daily operations, is essential for our national security. The Netherlands are thus focused strengthening existing instruments, and are also exploring new instruments where necessary. For example, enabling systematic checks of persons enjoying the right of free movement, be it with the use of objective risk indicators or exploring adaptation of the Schengen Border Code. Also, cooperation with European Member States and international allies is essential. A comprehensive and joint approach is the only way to effectively stop foreign terrorist fighters and their travel movements.

In the context of border control, the Royal Netherlands Marechaussee helps fight terrorism, by, among 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). At the request of the AIVD and NCTV, they may also perform certain information gathering activities and pass this information on to the AIVD. The Royal Netherlands Marechaussee is only authorised to act on the basis of information provided by the organizations mentioned above.

— 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 travellers' 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 recognising '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:

Combatting the dissemination of radicalising, hatred-inciting and violent jihadist content.

- a. A citizen's hotline: concerned citizens can report jihadist (terrorist, hatred inciting and violence-glorifying) content on the internet and social media.
- b. Producers and distributors of online jihadist propaganda and the digital platforms that they abuse, are identified.
- c. This information is actively shared with the institutions who are authorised to act and also with relevant service providers (including internet services).
- d. 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).
- e. 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).
- f. Internet companies that continue (after being warned) to facilitate 'listed' terrorist organisations 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.
- g. The specialist team monitors independently, but works in close cooperation with the online citizen's hotline.
- h. 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 Münster, 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.

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 3 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.

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 and regularly reports thereof to the UNODA and OSCE.

- 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 Wassenaar Arrangement and the EU Common Position on Arms Exports 2008/944/CFSP and takes part in the Council Working Group COARM to promote harmonization of export controls between EU partners. The adoption of the UN Arms Trade Treaty is an important step forward in strengthening export controls at the global level. The Netherlands supports the universalisation and 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.

In 2014, the Netherlands hosted the Nuclear Security Summit (NSS) in The Hague; this meeting, being at the level of Heads of State, gave an important impulse to nuclear security, including in the OSCE area. In the realm of nuclear safety and security and within the framework of the G8 Global Partnership and the Global Initiative to Combat Nuclear Terrorism (GICNT), the Netherlands contributes to a US Nuclear Smuggling Outreach Initiative programme in Kazakhstan aiming to localize, secure and remove radiological remnants (so-called 'orphaned sources') of Soviet-era nuclear tests

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 the Defence organisation in accordance with plans and priorities. Determining priorities in national defence planning requires an understanding of the relationship between ambitions, tasks, capabilities and means. In order to improve this understanding, a methodology has been developed that reflects a joint interaction between the services and directorates and integrates NATO and EU priorities. This methodology is the leading principle for the national planning system.

The Policy-Plan-Budget procedure contains a four-year cycle and an annual cycle. At the beginning of a legislature, the Dutch government produces its Policy Directive, which is the leading strategic 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 Defence Plan is issued by the Defence Staff and presents 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. 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 the supreme authority over the armed forces. The government's security and defence policy is subject to parliamentary control. The only paramilitary forces in the Netherlands are civilian security guards employed by the Ministry of Defence, which are subject to the same political control as the rest of the Ministry of Defence and the armed forces. The Netherlands' intelligence services, one of which is military in nature, are subject to legal restraints and parliamentary control as well. Article 100 of the Constitution requires that parliament be informed about missions 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 responsible 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 has the authority for allocating funds for the annual budget of the Ministry of Defence and the armed forces.

The national police is subject to a system of direct control as described above. The Minister of Security and Justice can be held accountable by the Dutch House of Representatives (consisting of two chambers) and the mayor is accountable to the Council.

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.

See answer to 2.1 regarding the General Intelligence and Security Service (AIVD)

- 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 responsible 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, reservists can be appointed to non-operational posts as well as 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 after civil law and do not infringe upon the civil rights of military personnel. These civil rights can be limited only in the event of military operations in times of war or in 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 1st 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 1st 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. 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
2500 EB The Hague
Tel. +31 70 348 5814
E-mail: dvb-vd@minbuza.nl

ANNEX I

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
to the Information exchange on the Code of Conduct
on politico-military aspects of security
by The Netherlands, over 2014

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.

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

The Netherlands Armed Forces 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, gender¹ and UNSCR 1325 are and will be included in the main framework as well as in annexes.

Noteworthy in this respect is the initiative to develop a “Masterplan on Gender” for the Netherlands Armed Forces. Part of this plan is the “training & education on gender topics” component. Once the master plan has been approved (in 2015), components such as education on gender will be scrutinized.

b. – 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.

By order of the Netherlands Chief of Defence, units are to conduct pre-deployment training and address specific topics. Training as an individual or together with other NATO, UN or EU forces may also be part of the pre-deployment phase, where Subject Matter Experts share their most recent knowledge, expertise and experiences in the operational area. The Joint Forces Training Centre in Bydgoszcz in Poland, the Nordic Center for Gender in Military Operations (NCGM) in Sweden, the Dutch School for Peace Operations in the “Harskamp” and the Dutch CIMIC Center of Excellence (CCOE) in The Hague are all training centres where topics such as Gender, Cultural awareness, National and International Law, Information Operations, Use of Force, Protection of civilians, etc. are addressed and where different nations work in close cooperation. The learning facilities provided by partners, such as NATO JADL (Joint Advanced Distributed Learning), are also used, albeit still to a limited extent.

“The Comprehensive Approach to Gender in Operations” is another international training event (twice a year) initiated by the Spanish and Dutch MODs and the Ministries of Foreign

¹ For the remainder of this annex the word “Gender” will be used to include UNSCR 1325, the protection of women’s and girls’ rights as well as human rights in general, as gender covers the whole of a population.

Affairs. This training has been extended to Kenya in cooperation with AFRICOM, where the training is now conducted once a year. Another development in 2014 is the partnership with NCGM. Following the arrangement of a temporary post for the Netherlands Armed Forces at this centre of excellence during 2014, the Netherlands Defence organisation is now in the process of changing this post into a permanent position as per 1 September 2015.

At the time of writing this report, the Netherlands Defence organisation had been working on the preparation of a Gender Master Plan since late 2014. This plan will provide an overview of the consistency of all major components within the gender field that are deemed essential and thus relevant for the Netherlands Defence organisation.

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.

a. – 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.

II. Participation

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

1. *Measures to increase the number of women in general and in decision-making positions in the Armed Forces and the ministry of defense.*

The Netherlands Defence organisation so far does not set *target numbers for women or ethnic groups* within the forces, nor are there any policies in place that favour female or ethnic minority candidates to join the Armed Forces.

a. – Number and percentage of women applying to be part of the military forces.

Out of 10,901 applicants in 2013, 3,587 applicants (1.6% increase since 2013) were appointed for service within the Netherlands Armed Forces, including 505 women. The latter shows an increase of 57% in comparison with the year 2013. By the end of 2014, the Armed Forces accounted for 58,816 employees, 71% military and 29% civil personnel. Overall 1,400 women (13%) applied for a military position in 2014. However, in comparison with 2013, it seems the overall interest for working within the armed forces has dropped.

b. – Number and percentage of women in the military forces disaggregated by rank.

An overview of female military personnel as per 31 December 2014 is found in Table 1.

<i>Non Officers</i>		OR 1	OR 2	OR 3	OR 4	OR 5	OR 6	OR 7	OR 8
Total	2857	90	576	301	396	417	707	281	89
<i>Officers</i>		OF 1	OF 2	OF 3	OF 4	OF 5	OF 6	OF 7	OF-8
Total	1047	306	367	270	83	19	2	0	0

Table 1: number of female military personnel as per 31 Dec 2014, indicated in accordance with the NATO ranking system (STANAG 2116 ed. 6).

c. – 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 56 of cases of undesirable behaviour were registered in 2014. As this number refers to the occurrence of a broad range of types of behaviour, it is not possible to provide exact numbers on cases of discrimination and sexual harassment and to answer the question of whether these cases were referred, investigated and acted upon.

d. – 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.

With the specific gender and diversity policies having been cancelled in 2013, there are currently no targeted campaigns to attract and retain female candidates. In 2014, the “personnel agenda of the future” was launched, which will include measures to attract minority groups, such as women and people of different ethnical backgrounds. At this stage, specific measures are not known yet. Work is still in progress.

With regard to promotion practices, the Netherlands Defence organisation offers personnel the opportunity of taking middle management career training on a part-time basis. Both men and women make use of this facility.

In addition, it is compulsory to include at least one female committee member in every selection committee.

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

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

The statistics on deployments in 2014 indicate that 6.2 % of personnel were female military employees versus 9% in 2013. However, if we look at the absolute figures, there has been a significant increase: from 306 (2013) to 513 (2014) Dutch female service members deployed as peacekeeping forces², which is an increase of 200 (57%).

² The annual report of 2013 indicated 9% of women (106 in total). However, a new method of extracting the information from the personnel registration system revealed that the actual percentage was 8% (306 in total).

Table 1-2 provides an overview of the average number of female military personnel deployed in 2014.

<i>Non Officers</i>		OR 1	OR 2	OR 3	OR 4	OR 5	OR 6	OR 7	OR 8
Total	321	0	85	41	35	24	78	53	5
<i>Officers</i>		OF 1	OF 2	OF 3	OF 4	OF 5			
Total	183	61	75	35	10	2			

Table 1-2: overview of average number of servicewomen deployed in 2014 segregated by rank.

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

For the Netherlands Defence organisation, the ISAF mission in RC-North provided an opportunity to appoint gender advisors. This position in the staff of a German-run headquarters was filled in turns by representatives of the Royal Netherlands Navy, the Royal Netherlands Army, the Royal Netherlands Air Force and the Royal Netherlands Marechaussee. In 2014, three gender advisors in sequence were employed in Mazar-e Sharif, all of them female. The decision to appoint female military personnel was motivated by the belief that it would be easier for them to establish contact with local women in the Afghan National Security Forces.

III. Protection

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 2014.

IV. Other information

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

The Dutch National Action Plan 1325 (NAP 1325) is due for renewal. The final concept of the new NAP is expected to be ready in October 2015 and will be published in 2016. The writing of the new NAP is coordinated through the effort of the Dutch Gender Platform “WO=MEN” (pronounce women equals men) and the Ministry of Foreign Affairs. The NAP will include a Defence Action Plan 1325.

With regard to the evaluation of the NAP 1325, the Ministry of Foreign Affairs has initiated a major evaluation of the Dutch NAP 1325 in 2014. The completion of the evaluation report is expected to follow in due course in 2015 and will be forwarded to the United Nations. At the time of writing this report, the content of this evaluation is not available.

– 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 Netherlands Defence organisation has included this recommendation in its master plan on gender, and will be examining the possibilities and decide on this recommendation in 2015. Through the Australian armed forces, the Defence organisation has requested information on best practices and lessons learned in relation to their experiences with an Advisory Committee.

b.– Any other relevant information

The Netherlands Defence organisation has filled the position of *gender advisor* in Afghanistan Regional Command North since 2011. Despite the change of the mission into “Train, Assist and Advise” from 2014 onwards, staff/field experience and knowledge on topics relating to gender are still being gained. The number of Dutch gender Subject Matter Experts is increasing. This experience has been identified and will be made useful through the set-up of, for example, an informal focus group. This group of experts may be employed to support the aforementioned Advisory Committee, once it has been established.

In December 2014, a Dutch delegation (Ministry of Defence, Ministry of Foreign Affairs and WO=MEN) attended the first NAP academy, facilitated by the Institute for Inclusive Security in Washington, where knowledge and information on National Action Plans was shared with all participants.

In 2014, by order of the Minister of Defence, the report entitled “LGBT military personnel, a strategic vision for inclusion” was completed and published. This report discusses the results of an international comparison on the acceptance of LGBT personnel within armed forces.

As a follow up to this report, the Netherlands Defence organisation will conduct a research focused on its ambition of being an inclusive organisation. This research will start in 2015 and be fully concluded by the end of 2016. Although not clear at this stage, the results may generate useful information on the aspect of gender also.