

## **DEPLOYMENT OF RAPID-REACTION FORCES**

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## Foreword

On 11 May 2015, the government asked the Advisory Council on International Affairs (AIV) to produce an advisory report on military rapid-reaction forces. The principal question in the request for advice is ‘What, if any, further adjustments to national and international procedures are necessary in order to facilitate and expedite decision-making on the use of rapid-response military units and crises?’<sup>1</sup> To answer this question, the AIV has analysed the current situation relating to EU Battlegroups and the NATO Response Force (NRF), and examined national and international decision-making procedures.

The introduction briefly examines the various aspects of the subject addressed in the request for advice. Chapter 2 looks at the task, role and composition of the EU Battlegroups, the decision-making procedures of the European Union (EU), the application of article 44 of the Treaty on European Union (TEU) and how deployment of the Battlegroups is financed. The third chapter examines the task, role and composition of the NATO Response Force (NRF), the decision-making procedures of the North Atlantic Treaty Organization (NATO) and how deployment of the NRF is financed. Partly at the request of the House of Representatives, the AIV also looked at NATO’s new spearhead force, the Very High Readiness Joint Task Force (VJTF). Chapter 4 examines the role of the States General in the deployment of military rapid-reaction forces, articles 97 and 100 of the Dutch Constitution, the report by the NATO Response Force Study working group, and earlier AIV reports on this topic. The fifth chapter looks at parliamentary decision-making procedures in other European member states and in Germany, France, the United Kingdom (UK) and Belgium in particular, the role of the European Parliament, the NATO Parliamentary Assembly, and the Interparliamentary Conference (IPC). Chapter 6 presents the conclusions and recommendations.

The report was prepared by a joint committee consisting of the following persons: Professor J.J.C. Voorhoeve (AIV/Peace and Security Committee, chair), D.J. Barth (Peace and Security Committee), Professor M.G.W. den Boer (European Integration Committee), Professor J. Colijn (Peace and Security Committee), Dr M. Drent (Peace and Security Committee), Professor I. Duyvesteyn (Peace and Security Committee), Major General (Marine Corps) Kees Homan (ret) (external expert), Professor E.M.H. Hirsch Ballin (Human Rights Committee), Dr A.R. Korteweg (Peace and Security Committee) and Dr C.M. Megens (Peace and Security Committee). The executive secretary was Ms M.E. Kwast-van Duursen, assisted by trainees Ms J. Schonewille and M. Lommers. The civil service liaison officers were B. Beltman (Ministry of Foreign Affairs) and Lieutenant Colonel A.J. Schouwenaars (Ministry of Defence).

In preparing this report, the committee spoke to members of the States General and a number of external experts. It also visited the European Union and the North Atlantic Treaty Organization and the Netherlands’ permanent representations to both organisations. Annexe IV presents a list of the persons consulted. The AIV greatly appreciates the information and insights they provided.

The report was adopted at the AIV meeting on 2 October 2015.

1 See Annexe III for the request for advice.

# I Introduction

Less than 10 years ago, in 2007, the government asked the AIV to publish an advisory report on the problems that can arise in the interaction between national and international decision-making processes relating to the deployment of military rapid-reaction forces.<sup>2</sup> The fact that another report has now been requested on rapid-reaction forces suggests that the conditions for deployment are changing, or that there is in any case a growing awareness that ‘some things are best left to government and that you should allow space for cooperation with other countries.’<sup>3</sup> This statement by member of parliament Angelien Eijnsink illustrates how, in 2015 – in the Dutch parliament at least – new insights are being gained on parliament’s role and involvement in military missions and on the need to give the government sufficient freedom to enter into effective international partnerships on defence.

During a consultation with parliament in 2014, then Minister of Foreign Affairs Frans Timmermans spoke of the implications of European military cooperation: ‘It will demand a lot not only from governments, but also from national parliaments. Let me refer once again to the elephant in the room: sooner or later it will have consequences for our decision-making on the deployment of military resources. Not now and not in the near future [...] But we all know that, sooner or later, we will have to address this issue. It will be a tough task to chart a course that both respects national sovereignty and creates the opportunity for action at European level where necessary’.<sup>4</sup>

But have those conditions indeed changed? This question can be answered from three perspectives. The first relates to the demand side: the need for rapidly deployable military units may have changed due to changes in the security situation. This report distinguishes between the need for a rapid response in situations concerning the defence of the Kingdom or its allies (self-defence or collective defence) and the need to intervene in the form of missions to maintain or promote the international legal order. Although in theory the possibility that the Netherlands would deploy its military forces unilaterally for these purposes cannot be excluded, both practically and politically these two forms of deployment are conceivable only in cooperation with international partners.

There is growing instability on the periphery of Europe.<sup>5</sup> The probability that military units – including rapid-reaction forces – will have to be deployed is increasing. Developments in military technology which may require a more rapid response are being introduced in

2 AIV advisory report no. 56 ‘Deployment of the armed forces: Interaction between national and international decision-making’, The Hague, May 2007.

3 Angelien Eijnsink, quoted in Marno de Boer, ‘Bij Navo-flitsmacht hoort ook een sneller parlement’. *Trouw*, 12 February 2015, see: <<http://www.trouw.nl/tr/nl/4492/Nederland/article/detail/3849872/2015/02/12/Bij-Navo-flitsmacht-hoort-ook-een-sneller-parlement.dhtml>>.

4 Report on meeting between the Permanent Parliamentary Committees on Foreign Affairs and Defence and the Ministers of Foreign Affairs and Defence, Parliamentary Paper 29521, no. 253, p. 15.

5 See AIV advisory report no. 94 ‘Instability around Europe: confrontation with a new reality’, The Hague, April 2015.

quick succession. In addition, the EU member states are becoming more interdependent, as a result of bilateral and multinational cooperation on defence. This applies especially to the Netherlands, which has entered into cooperation on many fronts. International defence cooperation increases the combined capacity to act, but also entails obligations and dependencies that affect the way in which the Dutch parliament performs its tasks.<sup>6</sup>

This also touches on the issue of sovereignty. The AIV's advisory report 'European defence cooperation: sovereignty and the capacity to act' states that the issue 'can be summarised as being about balancing the need to increase the capacity to act against the need to preserve freedom of action' and that 'security and sovereignty are served by having armed forces that can cooperate effectively in a European and broader international context'.<sup>7</sup> In the main, military action will occur in a multinational context only, and will of course require democratic legitimacy. This is even more of an issue in the case of military rapid-reaction forces like the EU Battlegroups and the NRF, because governments only have a short time to decide whether to deploy them or not. In these situations, too, democratic legitimacy must be safeguarded by involving parliament as much as possible.

The second perspective relates to the supply side. The supply of rapidly deployable military capabilities may also be subject to change. Here, too, a distinction can be made between the physical availability of units and factors like technology, logistics, infrastructure and finance on the one hand, and political 'availability', in the sense of having the political will to deploy forces, on the other. The NRF has been operational since 2006 and the EU Battlegroups since 2007. There are considerable differences between the two rapid-reaction forces in terms of size, composition and possible tasks. The NRF can be deployed for both collective defence and crisis management tasks, while the EU Battlegroups are intended only for the latter. The NRF is larger, can operate within complex missions and comprises naval and air force units, as well as units from the army. The EU Battlegroups comprise only units for ground operations.<sup>8</sup>

To date, the EU Battlegroups have not been deployed at all, while the NRF has been deployed three times: to provide support during the Afghan presidential elections in 2004 and for humanitarian support operations in the US and Pakistan in 2005.<sup>9</sup> In its request for advice, the government speaks of 'the gulf between the expressed desire for a joint rapid-reaction capability and the reality of military interventions' and states that this 'raises questions about the genuine willingness of European politicians to deploy

6 See AIV advisory report no. 78 'European defence cooperation: sovereignty and the capacity to act', The Hague, January 2012, p. 48.

7 Ibid., p. 12.

8 For a summary of the various aspects of rapid-reaction forces, see Robert J. Hendriks, 'Response Forces Galore: A guided tour', Netherlands Institute of International Relations 'Clingendael', November 2014, pp. 5-6.

9 Report on written consultation between the government and parliament, The Hague, 18 April 2013, Parliamentary Paper 21501-28, no. 99, p. 2.

multilateral rapid-response forces'.<sup>10</sup> In recent operations with ad hoc coalitions, the main bottleneck was not rapid deployment (see Operation Serval in Mali and Inherent Resolve against ISIS) but the composition of the military units and their sustainability.

The third perspective relates to the decision-making procedures, in terms of democratic legitimacy and the necessary speed of those procedures. In the course of time, NATO and the EU have developed decision-making procedures for the deployment of rapid-reaction forces. Parliamentary procedures need to keep in step so that these forces can be deployed quickly if it should prove necessary.

Parliamentary procedures within the EU and NATO vary from country to country. In some countries, such as Germany, military deployment requires parliamentary consent, while in others it is primarily a matter for the government. The composition of the EU Battlegroups and the NRF/VJTF changes constantly, making it difficult to coordinate and streamline parliamentary procedures. Parliaments have little time to complete the decision-making procedures because of the short response time. In addition, there is no supranational or transnational parliamentary control. The Western European Union Parliamentary Assembly, which played this role to a certain extent until 2011, has been disbanded, while the European Parliament has no direct powers in this area. The role of the NATO Parliamentary Assembly is limited and the Interparliamentary Conference (IPC) is still in its infancy. The government is planning to review national and EU decision-making procedures during the Dutch EU Presidency, together with the EU High Representative, as 'time and time again, the wish within the EU to deploy rapid-reaction forces has come up against slow political decision-making, not only in Brussels, but also in the member states'.<sup>11</sup>

10 Letter from the Ministers of Foreign Affairs and Defence to the President of the House of Representatives of the States General, Parliamentary Paper 29521 no. 294. See annexe III.

11 Letter from the Minister of Defence to the President of the House of Representatives of the States General, The Hague, Parliamentary Paper 21501-28, no. 125, p. 7.



## II EU Battlegroups

### II.1 Task, role and composition

The EU set up the Battlegroups in 2004 with two aims in mind: to have military units available to conduct military operations at short notice and to promote the reform and interoperability of the participating member states' armed forces.<sup>12</sup> A Battlegroup can operate worldwide within a 6,000-kilometre radius of Brussels and can perform all crisis management tasks (Petersberg tasks) as described in article 43 of the Treaty on European Union.<sup>13</sup> The duration of the deployment is limited to between 30 and 120 days and there are no follow-on forces.<sup>14</sup>

The Battlegroups can comprise units from one or several member states. A Battlegroup consists of an infantry battalion, to which combat support and other assets such as aircraft and ships can be added, according to need.<sup>15</sup> The composition of the Battlegroups changes regularly. Every six months, two new Battlegroups are formed, each comprising 1,500 military personnel. The rotation schedule is drawn up six years in advance, but in the past has not always been filled completely. This six-monthly rotation reduces the effectiveness of the Battlegroups. Their composition depends on the units that the member states make available at that moment. Consequently, the quality of the Battlegroups varies and they lack continuity. A Battlegroup operates under the leadership of a framework nation, which is responsible for the planning, build-up, training, certification and readiness of the units. The European Union Military Committee (EUMC) monitors the certification. Member states are wary of too much intervention in this area.<sup>16</sup>

In the past 10 years, there have been a number of situations in which the Battlegroups could have been deployed, for example to support election observers in Congo in 2006 and to contain violence in the east of the country in 2008. In 2006, the decision-making process was so slow that the elections were already over before the member states had

12 Kees Homan, 'EU-Battle groups: Use them, or lose them', *Armex*, August 2011, no. 4, p. 18. All EU member states supply military units, with the exception of Denmark and Malta. Turkey, Norway and Macedonia also supply units.

13 The Petersberg tasks are: humanitarian and rescue tasks, conflict prevention and peacekeeping tasks, tasks of combat forces in crisis management, including peacemaking, joint disarmament operations, military advice and assistance tasks, and post-conflict stabilisation tasks.

14 Frank van Kappen, 'How to use EU Battlegroups: Suggesting solutions within the existing legal framework', Interparliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy, by the Dutch delegation to the CFSP/CSDP Conference, Riga, 4-6 March 2015, p. 5.

15 Kees Homan, 'EU-Battle groups: Use them, or lose them', p. 19.

16 Nora Vanaga, 'Challenges and Solutions for EU Battlegroup Deployment within the Existing Legal Framework', background notes, p. 19.

reached a decision.<sup>17</sup> In 2008, Germany and the UK were afraid that the Battlegroups would be unable to bring the situation under control and that longer-term military involvement would be required.<sup>18</sup> In Chad, too, in 2008, where a Battlegroup could have played a role in preparing for a UN operation, the units were never deployed. The crisis in Libya presented another opportunity. At the beginning of April 2011, the EU took the decision to deploy Battlegroups to support a UN humanitarian operation. Germany was keen on the idea, but Sweden was less enthusiastic, fearing that it would become involved in military activities. The Netherlands, lead nation of a Battlegroup at the time, was not in favour because of budgetary restrictions.<sup>19</sup>

Deployment of an EU Battlegroup was also considered in the second half of 2013 and the first half of 2014 to help stabilise the situation in Bangui, the capital of the Central African Republic. However, the UK was against the deployment of Battlegroups because of how it would affect the domestic discussion on European cooperation. For Greece, the cost of the operation was a stumbling block. The Greek government considered it politically unsellable to release funds to deploy the Battlegroup while the country was in serious financial difficulties.<sup>20</sup> In the autumn of 2013, the UK announced that it deemed the conflict in the Central African Republic to be a French affair rather than a European one and would therefore not contribute. In the spring of 2014, Greece announced that it was unable to contribute to the costs of deploying a Battlegroup.

Ways of improving the effectiveness, flexibility and deployability of the Battlegroups have been sought for some time. In Brussels, there have been calls to explore the options for deploying a Battlegroup or part of one – for example a company – to support civil missions or security sector reform (SSR) activities. In the new EU Military Rapid Response Concept, the Battlegroups have become part of a broader modular approach to rapid-reaction capabilities.<sup>21</sup>

The EU Battlegroups are the main building blocks, to which strategic enablers are added according to the nature of the operation.<sup>22</sup> A modular set-up calls for a different approach to readiness and agreements on developing specific (niche) capabilities and making them

17 Luis Simón, 'Crisis Management' just won't cut it anymore: military planning and CSDP after Lisbon', in Egmont Paper 41, Luis Simón and Alexander Mattelaer, 'EUnity of command: The Planning and Conduct of CSDP Operations', Brussels, January 2011, p. 8.

18 Claudia Major and Christian Mölling, 'EU Battlegroups: What Contribution to European Defence? Progress and Prospects of European Rapid Response Forces'. SWP Research Paper 8, Berlin, June 2011, p. 22.

19 Nicole Koenig, 'TEPSA Brief, Libya: A wakeup call for CSDP?', 15 March 2012. See: <<http://www.tepsa.eu/download/TEPSA%20brief%20by%20Nicole%20Koenig%20March%202012%282%29.pdf>>, p. 3.

20 Niklas Novaky, 'EU battlegroups after the Central African Republic crisis: quo vadis?', 2 April 2014. See: <<http://www.europeangeostrategy.org/2014/04/eu-battlegroups-central-african-republic-crisis-quo-vadis/>>. Accessed on 11 June 2015.

21 Arnout Molenaar, 'Meer Europese veiligheid en defensie voor de Unie', *Atlantisch Perspectief*, no. 2, 2015, p. 22.

22 EU Military Rapid Response Concept, p. 26.

available.<sup>23</sup> The reverse is also conceivable: Battlegroups attached as modules to other rapid-reaction forces.

The Battlegroups concept can also be made more flexible by varying the degree of readiness between the two groups. Another option would be to extend the stand-by period by six or 12 months.<sup>24</sup> That would improve continuity and save on costs. In 2018, for example, the Benelux will provide the units for a Battlegroup for a whole year.<sup>25</sup> In the AIV's opinion, the most structural and sustainable solution would be to base the composition of the EU Battlegroups on permanent partnerships like the Visegrad Group, the Weimar Triangle and the Joint Expeditionary Force (JEF). The Netherlands' contribution could acquire a more permanent character through the Benelux or in the context of the JEF. Responsibility for deploying the Battlegroups could also be shared more widely by deploying them only in combination with military units from France and/or the UK and Germany.<sup>26</sup>

Although the Battlegroups have not yet been deployed, progress has been made in achieving the goal of transforming Europe's armed forces. Cooperation in the Battlegroups has resulted in the exchange of knowledge and experience, the harmonisation of procedures, combined exercises and greater insight into decision-making at national level and in Brussels.<sup>27</sup>

## **II.2 EU decision-making procedures**

If a crisis occurs in which deployment of the Battlegroups is an option, the decision-making procedure passes through seven stages:

1. The European External Action Service (EEAS) draws up a Political Framework for Crisis Approach assessing the crisis and analysing possible scenarios, European interests and aims, and resources available within the EU.
2. The Political and Security Committee (PSC) or the Foreign Affairs Council (FAC) decides whether the crisis calls for deployment of the Battlegroup and issues the instruction for a Crisis Management Concept (CMC) to be drawn up. If a fast-track procedure is chosen, no Concept of Operations (CONOPS) will be drawn up and no Military Strategic Options (MSOs) will be formulated.
3. The Crisis Management Planning Directorate (CMPD) of the EEAS issues the CMC, which outlines various possible deployment options.

23 Report on written consultation between the government and parliament, Parliamentary Paper 21501-28, no. 99, p. 3.

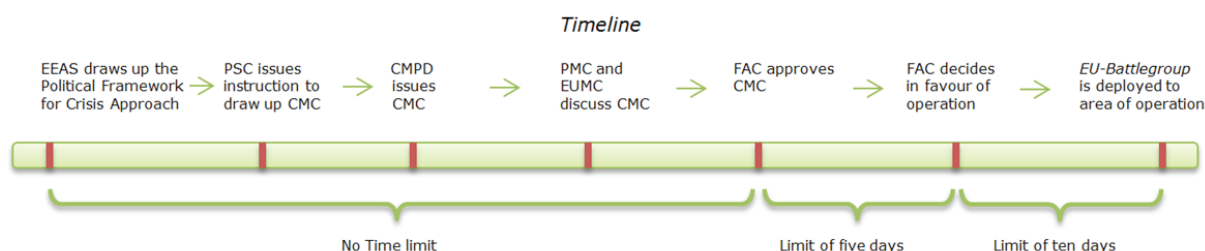
24 EU Military Rapid Response Concept, p. 38.

25 Letter from the Minister of Defence to the President of the House of Representatives of the States General, Parliamentary Paper 33279, no. 12, p. 7.

26 See: also Nicolai von Ondarza and Marco Overhaus, 'The CSDP after the December Summit: To Rebalance, the EU Should Focus Less on Missions and More on Security and Defence Cooperation', January 2014. See <[http://www.swp-berlin.org/fileadmin/contents/products/comments/2014C07\\_orz\\_ovs.pdf](http://www.swp-berlin.org/fileadmin/contents/products/comments/2014C07_orz_ovs.pdf)>, p. 3. Accessed on 11 June 2015.

27 Major and Mölling, 'EU Battlegroups: What Contribution to European Defence?', p. 16.

4. The CMC is discussed in the Politico-Military Group (PMG), a Council working group, and the European Union Military Committee (EUMC).
5. The FAC approves the CMC.
6. The FAC then decides within five days on whether the operation should go ahead. If the Council does not reach a decision within five days or does not approve the operation, a new CMC is drawn up.
7. If the Council approves the operation, the Battlegroup will be sent to the area of operation within 10 days.



At first sight, this would seem to be a fast procedure. However, the weak link in the whole process is the drafting of the CMC, as it is not subject to a time limit. Consequently, member states generally take a long time to complete this stage. Rapid decision-making in the EU is also hampered by the absence of a central planning and command structure. Unlike NATO, the EU does not have its own central operational headquarters.<sup>28</sup> This means that time is lost, reducing the EU forces' combat readiness. Several proposals have been made in the past to establish a European headquarters, but without success.<sup>29</sup> The UK is not keen on the idea, seeing it as a parallel structure to NATO.<sup>30</sup> The framework nation is responsible for setting up a Force Headquarters for the Battlegroup in the area of operations. In addition, an Operational Headquarters (OHQ) is set up for military-strategic planning.

The EU has three options for setting up an operational headquarters:

1. The Berlin Plus agreements can be invoked;<sup>31</sup>
2. The small EUMS Operations Centre can be activated;
3. One of the five national operational headquarters at Mont Valérien (France), Northwood (UK), Potsdam (Germany), Centocelle (Italy) or Larissa (Greece) could be used.

28 Luis Simón, 'Command and control? Planning for EU military operations'. European Union Institute for Security Studies Occasional Paper no. 81, Paris, January 2010, p. 7.

29 In April 2003, Belgium, France, Germany and Luxembourg proposed setting up a headquarters in Tervuren, Belgium. Margriet Drent and Dick Zandee, 'Breaking Pillars: Towards a civil-military security approach for the European Union', Netherlands Institute of International Relations 'Clingendael', The Hague, January 2010. See: <[http://www.clingendael.nl/sites/default/files/20100211\\_breaking\\_pillars.pdf](http://www.clingendael.nl/sites/default/files/20100211_breaking_pillars.pdf)>, p. 31.

30 In April 2010, France, Germany and Poland (the Weimar Triangle) presented a plan to establish a civil-military headquarters. Italy and Spain quickly expressed their support. Nicole Koenig, 'TEPSA Brief, Libya: A wakeup call for CSDP?', p. 2.

31 The Berlin Plus agreements are a comprehensive package of arrangements between the EU and NATO, finalised in 2003, that allow the EU to make use of NATO's planning capability, command structure and other capabilities.

None of these options are ideal. There is little chance that the Berlin Plus agreements can be utilised as Turkey has always vetoed this because of the Cyprus question.<sup>32</sup> The EUMS Operations Centre has a small staff. If the national headquarters of a framework nation is used, personnel from the other participating countries are attached to it. This can take time; in the case of EUFOR Chad, for example, the process lasted three months.<sup>33</sup> The absence of central military operational planning and command also restricts the EU's options for advance planning, which is especially important for rapid-reaction in crises. Within NATO, advance planning is a continual process. In the EU, this task is performed by 10 planners in the Military Assessment and Planning branch (MAP).<sup>34</sup> Besides not having its own headquarters, the EU also lacks its own intelligence capability or communication and information systems (CIS) capability.<sup>35</sup>

The EUMS, the High Representative and the EUMC all have their own role to play in the deployment of EU Battlegroups. The EUMS is responsible for the military strategic planning and formulates the Military Strategic Options (MSOs). The EUMC, comprising the chiefs of defence of the member states, is the Council's highest military advisory body. The Crisis Management and Planning Directorate (CMPD) is responsible for the integrated civil-military planning of operations and draws up the CMC. The Civilian Planning and Conduct Capability (CPCC) is responsible for planning and supporting civil missions, but there is no parallel body for military missions. This means that the possibility of a comprehensive approach is excluded from the beginning. The EUMS, CMPD and CPCC report directly to the High Representative. The EUMS also issues the Initiating Military Directive (IMD) to the commander of the operation for the purposes of further planning. The EUMS supports the commander in drawing up the CONOPS and the Operation Plan (OPLAN). The CMPD's responsibilities also include providing daily political-strategic support for operations.

The operational planning and command of the operation are then transferred to the OHQ, which is activated by the CMC and provided with information by the EUMS. This occurs *de facto* at a relatively late stage.<sup>36</sup> The headquarters staff has to be in place within five days. That is no easy task as the OHQ is not a standing, permanently fully manned headquarters. There is also a risk that it will duplicate the planning activities already performed by the EUMS. Parallel to the Brussels process, national decision-making procedures are also initiated.<sup>37</sup>

Opinions vary on how best to speed up the decision-making procedures for the deployment of EU Battlegroups. The procedures have been modified several times in

32 The Berlin Plus agreements were being used during the Concordia (2003) and EUFOR Althea (2004-present) operations.

33 Mattelaer, 'Command and Control Requirements for CSDP Operations', p. 19.

34 Luis Simón, 'Crisis Management just won't cut it anymore', p. 9.

35 In the words of a EUMS staff member, 'we have secure links activated with all OHQs, but it happens *ad hoc*. This has created a lot of problems in operations and is an issue with which we have to deal on a daily basis'. Quoted in Luis Simón, 'Command and control?', p. 41.

36 Major and Mölling, 'EU Battlegroups: What Contribution to European Defence?', p. 17.

37 *Ibid.*, p. 15.

recent years, for example by the introduction of the fast-track procedure. Moreover, the member states are not incapable of reaching decisions quickly: EUNAVFOR Med in the Mediterranean, for example, took just over a month to set up. Political exercises (POLEX) are held with some regularity at ministerial level to practise decision-making procedures in various scenarios. During the Dutch EU Presidency, a POLEX will be held with the countries involved in the Battlegroups in the first half of 2016.

### **II.3 The application of article 44 of the Treaty on European Union**

The modalities of recourse to article 44 of the Treaty on European Union have been explored within the EU. Under article 44, the Council can entrust a group of member states which are willing and have the necessary capability to do so, to implement a task. This article can also be applied for the deployment of the EU Battlegroups.<sup>38</sup> The EUMC and the PMG have published advisory reports on its application.<sup>39</sup> Both reports have been discussed in the PSC. To date, article 44 has not been applied.

In the context of article 44, reference is also made to article 43 of the TEU (on the Petersberg tasks). During the Ebola crisis, for example, the option of an article 44 operation was discussed. All provisions relating to the CFSP and concerning the legal basis, political control and financing of operations are fully applicable to article 44. The text of the article makes no direct link to article 42, paragraph 6 or article 46 of the Treaty, which relate to the permanent structured cooperation or enhanced cooperation provided for in Title IV of the TEU. Article 44, article 46 and enhanced cooperation offer options for more flexible forms of cooperation. In addition, the Athena mechanism, which regulates the financing of military operations (see section III.4) applies here. Member states can also set up ad hoc mechanisms.<sup>40</sup>

An article 44 operation must be conducted by at least two member states. When such an operation has been proposed, the Council must decide unanimously that article 44 applies. In doing so, the Council acknowledges that it is an EU operation without the EU's procedures and planning being followed completely. The CMC is drawn up in cooperation with all member states and the CMPD. To save time, the CMC could be drawn up by a core group of countries. Article 44 can be applied as a temporary measure until the EU takes over the mission.<sup>41</sup> The CONOPS and OPLAN can be modified at a later stage. The core group leads the operation, the PSC has political control and the participating states can set up an ad hoc organisation that reports to the PSC. Deploying EU Battlegroups is an option when article 44 is applied, but is not necessary. An operation implemented by

38 See Annexe I.

39 'Military Advice on EEAS Food For Thought Paper (FFT) on Article 44 TEU', European Union Military Committee, Brussels, 9 March 2015, 7032/15, COPS 65, CSDP/PSDC 131. See: <<http://data.consilium.europa.eu/doc/document/ST-7032-2015-INIT/en/pdf>>. 'PMG Recommendations on Article 44 TEU', Politico-Military Group, Brussels, 11 February 2015. See: <<http://www.statewatch.org/news/2015/apr/eu-council-use-art-44-teu-military-coop-6108-15.pdf>>.

40 Thierry Tardy, 'In groups we trust: Implementing Article 44 of the Lisbon Treaty'. European Union Institute for Security Studies, Brief 27/2014, October 2014. See: <<http://www.iss.europa.eu/publications/detail/article/in-groups-we-trust-implementing-article-44-of-the-lisbon-treaty/>>, p. 2. Accessed on 8 July 2015.

41 Ibid., p. 3.

a coalition of the willing could also be reframed as an article 44 operation. Proposals by France and others to expand the options for applying article 44, for example through common funding, have come to nothing.<sup>42</sup> To date, no European military missions have been deployed under article 44. It is questionable whether applying article 44 saves time, as Council approval is required at various stages of the decision-making process. Member states want to stay abreast of the process, even if they are not providing military units, and to be involved in the implementation of such a mission. All things considered, article 44 of the TEU does not yet offer an effective solution for the Battlegroups.

In the AIV's view, the permanent structured cooperation provided for in article 42, paragraph 6 and article 46 of the TEU, and in the associated Protocol 10, could present an alternative option. Under these articles, member states 'whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions' can establish permanent structured cooperation.<sup>43</sup> Although permanent structured cooperation focuses primarily on speeding up material cooperation, in the AIV's opinion it could also offer groups of countries the opportunity, under this article, to seek closer cooperation on implementing Battlegroup operations or operations conducted in combination with Battlegroups.

Permanent multinational partnerships that could take on these tasks include the Visegrad Group, the Weimar Triangle and the JEF. Participating member states do not need to seek the approval of the remaining member states; a notification to the Council and the High Representative is sufficient. The consensus rule cannot therefore hamper the process. In the strategic note 'In Defence of Europe', the European Commission's European Political Strategy Centre has, in close cooperation with Michel Barnier, special adviser for the ESDP, outlined a number of general conditions for permanent structured cooperation, including setting up a combined operational headquarters in Brussels and frequent meetings of the relevant defence ministers. 'In a medium-term perspective,' the note states, 'PESCO could take on more important operational tasks in order to become a vector of the EU as a global actor'.<sup>44</sup> The AIV believes that it would be very worthwhile to put permanent structured cooperation on the agenda of the upcoming Dutch EU Presidency. In addition, these forms of cooperation create extra safeguards for continued multinational cooperation on defence.<sup>45</sup>

42 Margriet Drent, Dick Zandee and Eva Maas, 'Defence matters: more urgent than ever', Clingendael report, Netherlands Institute of International Relations 'Clingendael', The Hague, April 2015, pp. 20-21.

43 See Annexe I.

44 'In Defence of Europe: Defence integration as a Response to Europe's Strategic Moment', EPSC Strategic Notes, Issue 4/2015. See: <[http://ec.europa.eu/epsc/pdf/publications/en\\_strategic\\_note\\_issue\\_4.pdf](http://ec.europa.eu/epsc/pdf/publications/en_strategic_note_issue_4.pdf)>, pp. 7-8.

45 See also Molenaar, 'Meer Europese veiligheid', p. 24.

## II.4 Financing

Crisis management operations are financed in the EU according to the principle of 'costs lie where they fall'.<sup>46</sup> This means that countries that supply units for military operations largely bear the costs of deployment themselves. Under the Athena mechanism, set up by the EU in 2004, a limited part of the costs of deployment qualify as common costs and are therefore eligible for reimbursement.<sup>47</sup> On this issue, too, opinions vary among the member states. The UK sees little benefit from common funding, while Poland is strongly in favour of it. The Athena mechanism is evaluated periodically; the recent evaluation, however, produced few changes. A proposal to finance strategic transport through common funding was rejected. As a compromise, the existing system has been extended by two years.<sup>48</sup> To date, the High Representative has not made use of the option to establish a start-up fund. Member states seem unwilling to reserve money in advance without knowing exactly what it is to be used for.

Expanding the common costs is, however, absolutely essential to increase the likelihood of Battlegroups being involved in operations. In the AIV's opinion, the Athena mechanism should be changed so that the bulk of the costs of Battlegroup operations are borne by all member states, starting with the transport costs to and from the area of operations. An alternative option would be an arrangement in which member states that make a sizeable military contribution are entitled to a proportionate deduction from their contributions to common funding through the Athena mechanism.<sup>49</sup>

46 Major General (ret) Kees Homan, 'NATO, Common Funding and Peace Support Operations: A comparative perspective'. See: <[http://www.clingendael.nl/sites/default/files/20061000\\_cscp\\_art\\_homan.pdf](http://www.clingendael.nl/sites/default/files/20061000_cscp_art_homan.pdf)>.

47 See: 'Athena - financing security and defence military operations'. See: <<http://www.consilium.europa.eu/en/policies/athena/>>. Accessed on 8 July 2015.

48 'Furthermore, after the UK had resisted the inclusion of strategic transport by air, sea or land for Battle Groups travelling to theatre of operations in the list of common costs systematically borne by Athena, a compromise was reached in the form of a declaration extending the responsibility to cover the costs for two years (until 31 December 2016) on an annual basis as foreseen in existing decisions relating to Battle Groups. The compromise also provides for the possibility of an additional two-year extension after that period, subject to this being approved at that time by the member states.' Drent, Zandee and Maas, 'Defence matters', p. 16.

49 Drent and Zandee, 'Breaking pillars', p. 52.



## III NRF/VJTF

### III.1 Task, role and composition

When the NATO Response Force was set up in 2002, it was designed to serve two goals: to contribute to NATO's transformation process and to enable a rapid response to international crises anywhere in the world. As a fast and technologically advanced intervention force consisting of approximately 25,000 troops from the army, navy, air force and special forces, the NRF had to be ready for deployment within 5-30 days and able to operate self-sufficiently for at least a month. As a rapidly deployable military unit, the NRF was intended to intervene in the early stages of a crisis for both collective defence and crisis management.<sup>50</sup> The NRF had a rotation schedule of 12 months.

The NRF has contributed to the modernisation of the armed forces of the NATO Allies.<sup>51</sup> At the same time, from the start it has suffered from capability shortfalls and political aspirations for the force could not be realised. It only became fully operational in November 2006 with great difficulties, and the situation improved little in the years that followed.<sup>52</sup> Member states make insufficient numbers of units available, partly because they doubt whether they will actually be deployed. In addition, units that are offered to the NRF are often offered to the Battlegroups at the same time. After Russia's annexation of the Crimea and its intervention in Ukraine, differences emerged between the NATO Allies about the role and function of the NRF.<sup>53</sup> The Eastern Allies prefer to deploy the NRF for collective defence, while those in the south want to keep open the possibility of deploying it elsewhere.

In response to the threatening security situation on the Alliance's eastern border, the Readiness Action Plan (RAP) was adopted at the NATO Summit in Wales in September 2014. The summit also decided to reorganise the NRF, including the creation of a Very High Readiness Joint Task Force (VJTF). The VJTF was primarily set up for collective defence in light of the instability on NATO's eastern border, but can also operate on the other flanks of the North Atlantic Treaty area and be deployed for crisis management

50 In document MC 477 NATO's Military Committee described seven general scenarios in which the NRF could intervene, varying from evacuation and rescue operations to acting as the initial entry force in a hostile environment at the high end of the spectrum of force. This description was derived from several sources, including Sten Rynning, 'A new military ethos? Nato's Response Force', in *Journal of Transatlantic Studies* 3, no. 1 (2005) pp. 5-21, 7; Brad J. Eungard, 'Improving the Agility of the NATO Response Force (NRF)'. Master's thesis, Joint Forces Staff College, Norfolk, VA, 2010, p. 18.

51 Jens Ringsmose, 'NATO's Response Force: finally getting it right?' *European Security* 18, no. 3 (2009), p. 292.

52 Between 2004 and 2008, an average of 47% of the required capabilities were available; between 2008 and 2010, that had increased to 69%. Ringsmose, table 1, p. 294.

53 See also Jan Abts, 'NATO's Very High Readiness Joint Task Force: Can the VJTF give new élan to the NATO Response Force?', NATO Research Paper no. 109, February 2015, p. 4.

operations outside the treaty area.<sup>54</sup> The new NRF has army, navy, air force and special forces components. The army component consists of the following:

1. One brigade (5,000-7,000 military personnel) is the VJTF. The VJTF as a whole must be ready to deploy within 5-7 days and part of the brigade must be ready within 48-72 hours.
2. Two brigades make up the Initial Follow-on Forces Group (IFFG), one of which was the VJTF the previous year (the 'stand-down brigade'); this brigade has to be ready to deploy within 30 days. The second brigade will be the VJTF the following year (the 'stand-up brigade') and must be ready to deploy within 45 days.
3. The remainder of the army component consists of the Follow-on Forces Group (FFG). There is no specified response time for the FFG.

The air force, navy and special forces components also have a VJTF, IFFG and FFG and have comparable response times.

Under the terms of the NATO-Russia Founding Act, NATO is not permitted to station 'substantial combat forces' permanently in Eastern Europe.<sup>55</sup> The VJTF does, however, regularly take part in exercises in the eastern part of the North Atlantic Treaty area. At their meeting in June 2015, the NATO defence ministers decided to expand the NRF from 13,000 to 40,000 troops. They also agreed on measures to increase readiness, stating that the NRF 'will be on a higher level of readiness, more responsive and more interoperable'.<sup>56</sup> In addition, the ministers discussed Adaptation Measures to 'ensure that NATO has the right forces in the right place at the right time'.<sup>57</sup>

Since 1 January 2015, Norway, Germany and the Netherlands have been providing troops for the interim VJTF, to test the readiness and procedures of the VJTF. The aim is for the VJTF to be operational by 1 January 2016. France, Germany, Italy, Poland, Spain, Turkey and the UK have expressed their willingness to lead a framework grouping to be deployed as the VJTF in rotation. From 1 September 2015, to support the development of the VJTF, six NATO Force Integration Units (NFIUs) have been set up, comprising 41 military personnel, 21 of which come from the host nation. The Netherlands has offered eight personnel. A new logistics headquarters is also to be set up for the supply and rapid movement of the units. The US does not supply units for the VJTF, but provides support in the form of intelligence, special forces, logistics, transport aircraft, fighters, bombers and

54 The goal of the RAP is 'to ensure that our Alliance is ready to respond swiftly and firmly to new security challenges'. Wales Summit Declaration issued by the Heads of State and Governments participating in the meeting of the North Atlantic Council in Wales, 5 September 2014.

55 'NATO reiterates that in the current and foreseeable security environment, the Alliance will carry out its collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces'. Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation signed in Paris, France, 27 May 1997. See: <[http://www.nato.int/cps/en/natohq/official\\_texts\\_25468.htm](http://www.nato.int/cps/en/natohq/official_texts_25468.htm)>. Accessed on 25 August 2015.

56 Statement by NATO Defence Ministers, 25 June 2015. See: <[http://www.nato.int/cps/en/natohq/news\\_121133.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/news_121133.htm?selectedLocale=en)>.

57 Ibid.

missiles. As a precautionary measure, the US will also preposition military equipment in the three Baltic states, and in Bulgaria, Poland and Romania, and conduct exercises with rotating units at company level.<sup>58</sup>

In June 2015, the exercise Noble Jump was conducted to test the VJTF's deployability and readiness.<sup>59</sup> The exercise showed that transporting the units posed a number of practical problems. The European rail network is no longer suitable for transporting heavy materiel, legislation needs to be modified,<sup>60</sup> and international agreements have to be made on troop movements. It also emerged that there is a need for more supplies, including additional ammunition.<sup>61</sup>

### **III.2 NATO decision-making procedures**

As with the EU, the decision-making procedures at NATO have to pass through a series of stages before the NRF can be deployed:

1. When a crisis escalates, the North Atlantic Council (NAC), through the Military Committee, instructs the Supreme Allied Commander Europe (SACEUR) to explore deployment options.
2. The Military Committee submits advice on the deployment options.
3. The NAC makes a decision based on this advice.<sup>62</sup>
4. SACEUR draws up an operation plan elaborating on the option chosen by the NAC.
5. The Military Committee gives its advice on the operation plan.
6. The NAC approves the operation plan and instructs SACEUR to initiate deployment.

Compared to his predecessors during the Cold War, SACEUR currently has far fewer powers to deploy NATO units. At their meeting in June 2015, the NATO defence ministers decided to adapt the decision-making procedures. In their statement following the meeting, they said that to 'enhance the ability to respond quickly and effectively to any contingency, we have significantly adapted our advance planning. We have also adapted

58 Letter from the Minister of Defence to the President of the House of Representatives of the States General, Parliamentary Paper 28676, no. 226, p. 2.

59 A NATO official speaking to Reuters on condition of anonymity said that 'as well as sending a signal to Russia, the exercise was aimed at convincing political leaders of member states to streamline the decision-making process'. Wiktor Szary, 'NATO exercise aims to send message to Moscow', 18 June 2015. See: <<http://in.reuters.com/article/ukraine-crisis-noblejump-idINKBN00Y2G120150618>>.

60 T. Wiegold, 'Gebremste NATO-Eingreiftruppe: Flaschenhals Deutschland', 24 August 2015. See: <<http://augengeradeaus.net/2015/08/gebremste-nato-eingreiftruppe-flaschenhals-deutschland/>>. Accessed on 25 August 2015.

61 Report on meeting between the Permanent Parliamentary Committee on Foreign Affairs and the Minister of Foreign Affairs, Parliamentary Paper 28676, no. 228, p. 13.

62 Decision-making within the NAC is based on consensus; there is either no vote or the member states are requested to explicitly approve a decision. Governments that are not in agreement with the proposal can lodge an objection in writing with the Secretary General.

our decision-making procedures to enable the rapid deployment of our troops'.<sup>63</sup> Before the meeting, Secretary General Jens Stoltenberg anticipated this decision, saying 'the second decision I expect ministers to make related to how we are increasing the readiness and the responsiveness of our forces, is that we will speed up our political and military decision-making to enable a rapid deployment of the NATO Response Force, while maintaining full political control. To further promote faster decisions, we will have more detailed and advanced plans which is key to be able to deploy forces quickly. We are giving our Supreme Commander, SACEUR, more authority to prepare our troops for deployment and get them ready to go once the political decision is made'.<sup>64</sup>

SACEUR is therefore now authorised to order units to prepare for deployment, pending a decision by the NAC. This predelegation enables SACEUR to act quickly if necessary, and also has a preventive, deterrent effect. The NAC then makes the decision to deploy the VJTF. This is in itself not a new procedure: NATO used predelegation in the context of the nuclear deterrent and during its operations in Kosovo and Afghanistan.

Together with the UK and others, the Netherlands has proposed testing the political decision-making process. Secretary General Stoltenberg will draw up a proposal to this effect. In the AIV's opinion, it is advisable to organise political exercises (POLEX) at ministerial level within NATO to help make the decision-making process more efficient.

### **III.3 Financing**

The NRF suffers from the same problem as the Battlegroups in relation to financing, as the principle of 'costs lie where they fall' applies here, too.<sup>65</sup> Former NATO Secretary General Jaap de Hoop Scheffer noted in 2006 that 'right now, participation in the NRF is something like a reverse lottery: if your numbers come up, you actually lose money. If the NRF deploys while you happen to be in the rotation, you pay the full costs of the deployment of your forces'.<sup>66</sup> He called for more solidarity in the way NATO pays for its operations and a fairer distribution of the costs. He said that NATO should at least aim to achieve common funding of deployment of the NRF.

In the autumn of 2014, NATO somewhat expanded the possibilities for cost sharing. There is as yet no clarity on the financing of the VJTF. The costs are relatively higher than those of the Immediate Response Force (IRF) were, because of the higher readiness and deployability requirements of the VJTF. One aim of the interim VJTF is to provide a greater insight into the costs. The Netherlands would like to see the costs of making the VJTF ready for deployment shared by the participating countries, with the host nation

63 Statement by NATO Defence Ministers, 25 June 2015. See: <[http://www.nato.int/cps/en/natohq/news\\_121133.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/news_121133.htm?selectedLocale=en)>.

64 Press conference by NATO Secretary General Jens Stoltenberg ahead of the NATO Defence Ministers meetings, 22 June 2015. See: <[http://www.nato.int/cps/en/natohq/opinions\\_120869.htm](http://www.nato.int/cps/en/natohq/opinions_120869.htm)>. Accessed on 25 August 2015.

65 Homan, 'NATO, Common Funding and Peace Support Operations'.

66 Speech by NATO Secretary General Jaap de Hoop Scheffer at the 42nd Munich Conference on Security Policy, 4 February 2006. See: <<http://www.nato.int/docu/speech/2006/s060204a.htm>>.

bearing the costs incurred in its own country and NATO paying for transport to the area of operations.<sup>67</sup>

A 2004 study by the American Center for Strategic and International Studies recommended that all NATO member states pay 0.17% of their GNP annually into a common fund to reimburse countries participating in military operations.<sup>68</sup> The AIV agrees that a common fund is essential to guarantee NATO's sustainability and credibility in the future. The UN could serve as a model for this: its military operations are financed separately from the regular UN budget through a system of assessment accounts. The financial contributions of the UN member states are based on their per capita GNP. This means that almost all the costs of UN peace operations are borne by the permanent members of the Security Council and by EU and OECD member states. The five permanent members of the Security Council pay a greater share because of their special responsibility for maintaining international peace and security.

67 Report on meeting between the Permanent Parliamentary Committees on Defence and Foreign Affairs and the Minister of Defence, Parliamentary Paper 28 676, no. 228, p. 14.

68 Michèle A. Flournoy and Julianne Smith, 'European Defense Integration, Bridging the Gap Between Strategy and Capabilities', Center for Strategic and International Studies, Washington, October 2005, p. 51.

## **IV The role of the States General in the deployment of military rapid-reaction forces**

### **IV.1 Military rapid-reaction forces and article 100 of the Dutch Constitution**

In 2013, the government stated in a written consultation with parliament that 'because the Dutch armed forces are becoming increasingly integrated with those of our partners, decisions to deploy them can be based less and less on purely national considerations'.<sup>69</sup> This observation is certainly not new. In its 2004 advisory report, 'The Netherlands and crisis management: Three issues of current interest', the AIV concluded that 'participation in standing multinational military formations means the de facto surrender of a proportion of the state's sovereign power of decision.'<sup>70</sup> This dimension of international defence cooperation is a regular topic in the government's consultations with the House of Representatives. The involvement of and cooperation with national parliaments on defence matters is one of the government's priorities during the Dutch EU Presidency. The Dutch parliament has also called for attention to be paid to this issue on several occasions in the IPC (see chapter V). This raises the question to what extent the Netherlands' procedures need to be modified.

Articles 97 and 100 of the Dutch Constitution are relevant to potential participation by the Netherlands in the deployment of Battlegroups and/or the NRF/VJTF. Article 97 states that there shall be armed forces 'for the defence and protection of the interests of the Kingdom, and in order to maintain and promote the international legal order'. This article is applicable if articles 4 or 5 of the North Atlantic Treaty, article 42(7) of the TEU (mutual assistance) or article 51 of the UN Charter (the right of individual or collective self-defence) are invoked.

If the Netherlands intends to participate in crisis management tasks, article 100 of the Constitution is applicable. Article 100 states that the government 'shall inform the States General in advance if the armed forces are to be deployed or made available to maintain or promote the international legal order'.<sup>71</sup> Both articles 97 and 100 of the Constitution can be applicable to the Netherlands' participation in the NRF/VJTF. Participation in the EU Battlegroups is governed by article 100.

Former foreign minister Maxime Verhagen identified four moments for a parliamentary debate during the process of deploying Dutch units for the EU Battlegroups or the NRF under article 100: when the units were made ready for deployment, on receipt of the

69 Report on written consultation between government and parliament, Parliamentary Paper 21501-28, no. 99, p. 2.

70 AIV advisory report no. 34 'The Netherlands and crisis management: Three issues of current interest', The Hague, March 2004, p. 36.

71 Letter from the Minister of Foreign Affairs and the Minister of Defence to the President of the Senate of the States General on the Netherlands' participation in peace missions, The Hague, 16 May 2014, Terms of Reference for decision-making for the deployment of military units abroad 2014, 29521, D, p. 13. The following criteria are valid for application of article 100 of the Constitution: military units are deployed or made available to maintain or promote the international legal order; the proposed deployment of troops concerns personnel deployed as a unit; in performing their tasks, the troops may be required to use or to risk exposure to armed force.

letter of notification, on receipt of the Article 100 letter and after the government has established its position on the matter in the NAC or the Foreign Affairs Council.<sup>72</sup> To date, no experience has been gained with applying this procedure, as the Battlegroups have not yet been deployed, nor did Dutch units take part in the deployment of the NRF in 2005. There have, however, been written and verbal consultations on the letters in which the government informed parliament about Dutch units that were being made available for the EU Battlegroups and the NRF.

#### *De facto right of consent*

In the past 15 years, the government has regularly exchanged views with the House of Representatives on the scope and application of article 100. In June 2006, a parliamentary working group studying the NATO Response Force, also known as the Van Baalen working group after its chairman Hans van Baalen, published a report on the parliamentary procedure in the event of Dutch participation in the NRF and the EU Battlegroups and the nature and scope of article 100.<sup>73</sup> The working group recommended revising article 100 to make prior approval by the House of Representatives a statutory requirement if the Dutch armed forces are to be deployed abroad, as this was in line with 'developed political practice'.<sup>74</sup>

In its 2007 advisory report 'Deployment of the Armed Forces: Interaction between National and International Decision-Making', the AIV rejected the notion of a formal right of consent.<sup>75</sup> A right of co-decision, as described in the report, requires the involvement of both houses of parliament and a full legislative procedure, which would lead to considerable loss of time. The AIV also considered the revision unnecessary as, when framing article 100, the government 'sought to comply with parliament's wishes as far as possible, while respecting the existing constitutional arrangement'. A formal right of co-decision would 'entail an actual sharing of responsibility'. The AIV doubted whether such 'shared executive responsibility would enhance the performance of government and parliament with regard to military operations'.<sup>76</sup>

The reason for establishing the Article 100 procedure was a motion submitted by MP Eimert van Middelkoop in 1994 requesting a formal right of consent for parliament.<sup>77</sup>

72 Report on a meeting to discuss various documents between the Permanent Parliamentary Committees on Foreign Affairs, Defence, and the Interior and Kingdom Relations and the Ministers of Foreign Affairs, Defence, and the Interior and Kingdom Relations, Parliamentary Paper 30162, no. 17, p. 24.

73 'Deployment with consent: the role of the House of Representatives in the deployment of military personnel', report by the NATO Response Force Working Group, Parliamentary Paper 30162, no. 3.

74 Ibid. p. 69.

75 AIV advisory report no. 56 'Deployment of the Armed Forces: Interaction between National and International Decision-Making', The Hague, May 2007.

76 Ibid., p. 18.

77 A. Kristic, *De Staten-Generaal en de inzet van de Nederlandse krijgsmacht: Een onderzoek naar de parlementaire betrokkenheid bij de besluitvorming over deelname aan internationale militaire operaties*, (dissertation, Tilburg University) Deventer: Kluwer 2012, pp. 61-62, quoted in E.M.H. Hirsch Ballin, 'Commentaar op artikel 100 van de Grondwet'. In E.M.H. Hirsch Ballin and G. Leenknecht (ed.), 'Artikelsgewijs commentaar op de Grondwet', web edition 2015. See: <<http://www.nederlandrechtsstaat.nl/grondwet/artikel.html?artikel=100&categorie=13&auteur=&trefwoord=&1=1>>.

The government rejected this at the time on constitutional grounds,<sup>78</sup> and the House of Representatives has since made no further attempts to acquire a formal right of consent. There is apparently no need to do so, not least because in practice it is improbable that 'a government would ignore a decision by the House rejecting participation in such military operations'.<sup>79</sup> The House of Representatives already has a de facto right of consent through the Terms of Reference for decision-making on the deployment of military units abroad, its involvement at the various stages of the decision-making process, the information provided, and the opportunity to make use of the third round of debate, in which the parliamentary parties can give their final judgment on the mission in the concluding debate in the House on the Article 100 letter.<sup>80</sup>

In acute emergencies, paragraph 2 of article 100 can be invoked and parliament will not be informed in advance.<sup>81</sup> The AIV sees no reason to call for the introduction of a right of co-decision or consent. It does, however, see opportunities to enhance the role of parliament at the various stages (notification, allocation, preparing for deployment, actual deployment) (see section IV.2).

#### *Scope*

Besides proposing that parliament be given the right of consent, the NRF working group also recommended extending the scope of article 100 to include all cases in which the armed forces are deployed beyond the Netherlands' national borders.<sup>82</sup> On this point, too, the AIV did not agree with the working group. The AIV was of the opinion that – even more so than in the case of peace operations – operations to defend NATO Allies or, for example, repatriate Dutch citizens embodied 'core tasks of the executive, namely ensuring national security. This directly affects one of the government's major responsibilities'. In the AIV's view, 'the "abroad" criterion is out of step' with an age 'in which "far away" problems can suddenly come close to home'. The government followed the AIV in rejecting this recommendation, considering the criterion unworkable in 'the

78 (..) 'that the House has a de facto right of consent, but a formal right would be too restrictive and constitutionally inappropriate in relation to the government's supreme authority over the armed forces', (article 97, paragraph 2, of the Constitution), *ibid.*

79 *Ibid.*, section 3.

80 The government wrote in 2014 that it did not consider 'a right of co-decision anchored in the Constitution to be appropriate in the [current] constitutional relations [between government and parliament]. It is the government that decides to deploy the armed forces and bears full responsibility for doing so. Article 100 of the Constitution guarantees that the States General have the freedom to monitor and assess the government from an independent position. The adequate provision of information to the House of Representatives, which is assured with the procedure described in article 100, together with the working of the rule of confidentiality, guarantees that parliament can fulfil that monitoring role in practice'. Letter from the Ministers of Foreign Affairs and Defence to the President of the House of Representatives of the States General on Dutch participation in peace missions, Answers to factual questions, The Hague, 16 May 2014, 29521, D, p. 2.

81 *Ibid.*, pp. 2-3.

82 'Although article 5 of the North Atlantic Treaty establishes the obligation of the Allies to offer mutual assistance, the member countries decide at national level what form this assistance will take. Parliament should be involved in this process of national deliberation in the same way as with deployment of the armed forces to maintain or promote the international legal order', NATO Response Force Study, p. 70.



current era of globalisation'. It would place 'undesirable restrictions on the government's freedom of action', possibly leading to 'more frequent use of the exception clause in paragraph 2'.<sup>83</sup>

The motion submitted by MPs Martijn van Dam and Han ten Broeke in 2009, requesting the government to 'extend the scope of article 100, paragraph 1, to include all cases of deployment of the armed forces for military operations outside the territory of the Kingdom', also failed to result in a change in government policy. The government rejected this motion because, in the case of peace missions, it has the freedom to choose whether the armed forces should participate or not.<sup>84</sup>

On this point, too, the AIV adheres to its 2007 viewpoint that deploying the armed forces under article 97 of the Constitution is of a completely different order to doing so under article 100. In a situation falling under article 5 of the North Atlantic Treaty, the Netherlands is treaty-bound to act and the circumstances may dictate that parliament cannot be informed in advance. 'In cases where, besides promoting the international legal order, other objectives are also involved ('overlapping objectives')', the government will inform parliament according to the Article 100 procedure.<sup>85</sup> In the AIV's opinion, with this provision the government prevents ambiguous situations, such as arose with the deployment of two Patriot units to Turkey. The opposition wanted an Article 100 letter and found the information provided by the government inadequate. In the future, there should be no reason for such ambiguities to occur.

#### *Allocating units*

Every year, the government sends the House of Representatives an extensive letter on the international partnerships in which the Netherlands participates, including information relating to general policy, specific projects and cooperation on the procurement of capabilities and on defence planning.<sup>86</sup> It also sends an annual letter listing the military units that the Netherlands is allocating to the EU and NATO. In the government's opinion, the allocation of Dutch units to the EU Battlegroups and the NRF does not fall under the Terms of Reference for decision-making for the deployment of military units abroad or article 100 of the Constitution because no decision has been taken to deploy them. Taking up a recommendation by the AIV from 2007, the government has pledged to

83 Letter from the Ministers of Foreign Affairs, Defence, and the Interior and Kingdom Relations to the President of the House of Representatives of the States General on the NATO Response Force Study, The Hague, 25 April 2008, no. 30162, no. 9, p. 8.

84 Letter from the Ministers of Foreign Affairs, Defence, and the Interior and Kingdom Relations to the President of the House of Representatives of the States General, Parliamentary Paper 30162, no. 18, p. 2.

85 Letter from the Minister of Foreign Affairs and the Minister of Defence to the President of the House of Representatives of the States General, Parliamentary Paper 29521, D, pp. 13-14.

86 In 2012, the Netherlands chose to work with a limited number of strategic partners: the Benelux, Denmark, France, Germany, Norway, the UK and the US. Cooperation with the Benelux and with Germany is the most intensive. The Benelux countries have signed a treaty on joint airspace monitoring and the Dutch and Belgian navies work closely together in Benesam. The German and Dutch armies have cooperated closely for many years and the Dutch 11 Airmobile Brigade has been incorporated into the German Division Schnelle Kräfte. The Netherlands works with Denmark, the Baltic states and Norway in the Joint Expeditionary Force under the leadership of the UK. Letter from the Minister of Defence to the President of the House of Representatives of the States General, Parliamentary Paper 33279, no. 12.

provide more information on components of the Terms of Reference 'where possible and relevant'. 'Matters such as command structure, operational planning capability, weaponry, participation by other countries and Dutch influence on the political decision-making process can be explained' when Dutch troops are allocated.<sup>87</sup> Information is also provided on the allocation of units to ensure that 'when a decision is made to deploy the units, the national decision-making procedure can be completed quickly'.<sup>88</sup> The AIV notes that, in these letters, the government does indeed address the above-mentioned issues, but that the information provided unavoidably remains relatively general as long as there is no prospect of an actual mission.

As the AIV pointed out earlier in 2004 and 2007, the allocation of units to the EU Battlegroups and the NRF is not free of obligation, and entails a commitment.<sup>89</sup> Allocating units means crossing a line and they can only be recalled in extreme circumstances. It is crucial for parliament to consider this very carefully as – if it raises no objections – the Netherlands will be committing itself to possible future deployment of its military forces. The AIV therefore feels that parliament should devote greater attention to the government's letter on the allocation of units and that the Permanent Parliamentary Committees on Foreign Affairs and on Defence should both be involved in the process of consideration by parliament. The Permanent Parliamentary Committee on Foreign Affairs usually acts only in the case of an Article 100 letter. In the AIV's opinion, because of the prominent role this committee plays in parliamentary consideration of the Article 100 letter or in a situation falling under article 97 of the Constitution, it is important that it be involved in good time, i.e. at the allocation stage. The AIV does not see, however, how the letter on the allocation of units can contribute to rapid national decision-making since, at the time when it is sent to the House of Representatives, there is usually no prospect of an actual operation involving Dutch units. As many components of the Terms of Reference are still unknown at that stage, the House cannot assess them. The AIV considers this stage primarily of importance for impressing on parliament that, by allocating units, the Netherlands is entering into a commitment. It will, however, not save time.

#### *Notification*

'As soon as deployment of the NRF or an EU Battlegroup comes into the picture, the government will send parliament such a letter [a letter of notification].'<sup>90</sup> The AIV wonders what the government means exactly by deployment coming into the picture. In the case of the EU, does this occur before or after the decision by the Council or the PSC to

87 Letter on NATO Response Force Study, 30162, no. 9, p. 10.

88 Letter from the Ministers of Defence and Foreign Affairs to the President of the House of Representatives of the States General, Parliamentary Paper 29521, no. 206. p. 1.

89 'Refusal to let pre-assigned units take part in an operation when the time comes ('opting out') would gravely damage the Netherlands' reputation'. AIV advisory report no. 56, 'Deployment of the armed forces', p. 28.

90 Letter on NATO Response Force Study, 30162, no. 9, p. 10. Foreign minister Maxime Verhagen explained it as follows in a meeting with the House in 2009: 'So when there is a possibility that the EU Battlegroup is to be deployed, we will send the House a letter of notification if the Netherlands is participating in that Battlegroup or NRF at that time'. Report on a meeting to discuss various documents between the Permanent Parliamentary Committees on Foreign Affairs, Defence, and the Interior and Kingdom Relations and the Ministers of Foreign Affairs, Defence, and the Interior and Kingdom Relations, Parliamentary Paper 30162, no. 17, p. 22.

deploy the EU Battlegroup or earlier, after the EEAS has finalised the Political Framework for Crisis Approach? And, for the NRF, is the House notified before or after the NAC has decided to ask the Military Committee to work out the deployment options? The AIV also wonders whether, when the deployment of EU Battlegroups was considered during the Libyan crisis in the spring of 2011, it had not been a logical moment to send a letter of notification to the House. During a meeting between the government and parliament on 19 May 2011, Christian Democrat Alliance (CDA) MP Henk Jan Ormel asked whether the annotated agenda of 23 May 2011, which the government had sent to the Foreign Affairs Council in advance and which included a detailed report on the fact-finding mission that the Netherlands had undertaken to Benghazi together with its Benelux partners, was not a 'letter of notification in disguise'.<sup>91</sup>

Deployment of the EU Battlegroups was also considered after the outbreak of civil war in Mali in 2013.<sup>92</sup> The CDA asked the government for further information on this issue, given that the Netherlands would be contributing to the Battlegroup in the second half of 2013.<sup>93</sup> The government replied that 'the future of the EU Battlegroups [...] was under discussion at the time of the French intervention'.<sup>94</sup> A letter of notification may also have been appropriate in this situation. The AIV considers it of great importance that letters of notification are sent to parliament as quickly as possible and feels that the government should devote greater attention to the issue of when to send a letter of notification and when not to. In the AIV's opinion, a proper letter of notification should have been sent to parliament in any case during the Libyan crisis.

#### *Deploying units*

As with 'regular' peace missions, when Dutch units are deployed for crisis management tasks conducted by the NRF or the EU Battlegroups, the government sends parliament an Article 100 letter. In practice, the military planning of deployment options for these rapid-reaction forces will always take some time. In the government's opinion, parliament can best be notified at the time of drafting those plans. The fact that this takes some time in practice, means that the 'possibility of Dutch military involvement is thus examined well before a national decision is made to take part in an NRF or EU Battlegroup operation. This creates opportunities to inform parliament about the progress of international consultation on the matter'.<sup>95</sup>

The government will make a decision and send an Article 100 letter to parliament prior to the 'final meeting at which the NATO Council or the GAERC [General Affairs and

91 Report on meeting between the Permanent Parliamentary Committees on Foreign Affairs and on European Affairs and the Minister of Foreign Affairs and the State Secretary for Foreign Affairs, Parliamentary Paper 21501-02, no. 1069, p. 8.

92 Adrian Croft, 'EU could deploy peace force in post-conflict Syria: adviser', Brussels, 29 January 2013. See: <<http://www.reuters.com/article/2013/01/29/us-syria-crisis-eu-battlegroup-idUSBRE90S-0VZ20130129>>. Accessed on 25 August 2015.

93 Report on written consultation between the government and parliament, Parliamentary Paper 21501-28, no. 99, p. 16.

94 Ibid.

95 Letter on NATO Response Force Study, 30162, no. 9, p. 11.

External Relations Council] decides to deploy the NRF or an EU Battlegroup'.<sup>96</sup> The government considers this timing essential. 'The national decision to deploy military units as part of the NRF or an EU Battlegroup must [...] be reached before a decision is taken at international level. This will enable the government to take full account of parliament's views – whether for or against – when adopting a position within NATO or the EU'.<sup>97</sup> The NRF working group proposed sending the Article 100 letter to parliament after the decision by the NAC or the FAC, but the government did not wish to make Dutch participation contingent upon approval by the Dutch parliament.

In theory, therefore, the government follows the regular Article 100 procedure, though much more quickly than for 'normal' peace missions. That is, however, not always the case in practice. As the NRF working group noted in its report, if the political situation is complicated the decision-making process in Brussels will most likely also take more time. This proved to be the case in recent years in discussions on the possible deployment of the EU Battlegroups in the Central African Republic and Libya.

The AIV can see the merits of the government's proposed procedure of notifying parliament of the status of international consultations at an early stage, before the CMC has been approved and/or when SACEUR is exploring the deployment options. The AIV also agrees with the government that the right time to send the Article 100 letter is before the final meeting of the NAC or the FAC. In the case of the EU, the procedure – including consideration by parliament – has to be completed within five days (see the timeline in section II.2). In itself, this should not be a problem as the House of Representatives will in all probability be willing to adapt to this tight schedule. The government can inform parliament of the outcomes of the meeting of the NAC or the FAC, after which, if necessary, a debate can be held.<sup>98</sup>

In its response to the report by the NRF working group, the government noted that the Article 100 procedure does not apply to NRF or EU Battlegroup operations to which the Netherlands gives political backing but makes no military contribution.<sup>99</sup> The AIV agrees with this and endorses the government's standpoint on the consequences of political support for an EU mission: 'Political support means support by the Netherlands, expressed in the NAC or the GAERC, for a mission by the NRF or the EU Battlegroups without participation by Dutch military units. It goes without saying that the government will share its standpoint with parliament. This will occur when the government has decided to offer political support and to announce this in the NAC or the GAERC. The House of Representatives can then decide whether it wishes to consult with the

96 Letter on NATO Response Force Study, 30162, no. 9, p. 11.

97 Ibid.

98 See report on a meeting to discuss various documents between the Permanent Parliamentary Committees on Foreign Affairs, Defence, and the Interior and Kingdom Relations and the Ministers of Foreign Affairs, Defence, and the Interior and Kingdom Relations, Parliamentary Paper 30162, no. 17, finalised on 16 December 2009, p. 24.

99 Letter on NATO Response Force Study, 30162, no. 9, p. 11.

government on this decision.’<sup>100</sup> The AIV feels that parliament should also devote sufficient attention to this issue, as it has the impression that this does not occur consistently.

#### **IV.2 Military rapid-reaction forces and article 97 of the Dutch Constitution**

Article 97 of the Constitution applies to the NRF/VJTF except in the case of crisis management operations. In a letter to the House of Representatives on 9 July 2015, the Minister of Defence outlined four deployment scenarios for the VJTF: crisis management outside the North Atlantic Treaty area, an article 5 situation, rising tensions, and military exercises.<sup>101</sup> The first of these scenarios was discussed in the previous section.

In the second scenario – an article 5 situation, in which the NAC has established that there has been an armed attack on a NATO Ally – the NAC can decide to deploy the VJTF as an initial response force. The government is not obliged to notify parliament in advance in the case of crisis management, but must do so if it concerns defence of the Kingdom and its allies. Such cases fall under article 97 of the Constitution. The government has pledged to notify the House in advance if possible, but there may be situations in which that is not possible. ‘Given the urgency of article 5 situations, however, it is conceivable that the House will not be informed until the VJTF units are on their way to the deployment area.’<sup>102</sup> The AIV does not consider it very likely that such a situation will occur. In such cases, relations with the country or countries in question will probably have been strained for some time, and this will have been the subject of discussions between the government and the House. The AIV believes that the seriousness of an article 5 situation requires the government to make every effort to inform parliament in advance. Should exceptional circumstances preclude a public debate at first, the House could be informed in confidence, followed by a public debate as soon as the circumstances allow.

In a meeting between government ministers and parliament on 18 June 2014 on the working of the Article 100 procedure, then foreign minister Frans Timmermans said that the government would take action in the event of an article 5 situation and that the House of Representatives could immediately summon the government to parliament if there were doubts about the decision. ‘If the government itself has doubts about article 5,’ the minister added, ‘it will inform the House immediately’.<sup>103</sup> In the AIV’s opinion, such a situation should be avoided as much as possible. Although it is laudable that the government wishes to involve parliament as far as possible in its deliberations, it is the government’s responsibility to establish whether the situation falls under article 5.

100 Reply to questions arising from the government’s response to the NRF working group’s report ‘Deployment with consent: The role of the House of Representatives in the deployment of the armed forces’ and to the AIV report ‘Deployment of the armed forces: Interaction between national and international decision-making’, Parliamentary Paper 30162-9, question 46.

101 Letter from the Minister of Defence to the President of the House of Representatives of the States General, Parliamentary Paper 28676, no. 226, pp. 5-6.

102 Ibid., p. 5.

103 Report on meeting between the Permanent Parliamentary Committees on Foreign Affairs and Defence and the Ministers of Foreign Affairs and Defence, Parliamentary Paper 29521, no. 253, p. 12.

The government outlines two possible situations for the third scenario, rising tensions. When an ally that feels threatened seeks consultations on the grounds of article 4 of the North Atlantic Treaty, the NAC can decide to deploy the VJTF preventively. The second situation is to make preparations for such preventive deployment, at the orders of SACEUR and pending a decision by the NAC. In both cases, the government pledges to inform the House of Representatives in advance, although it is not obliged to do so. The government does write, however, that it is conceivable 'that the VJTF will have to respond to a threat very quickly, so that it will not be possible to notify the House in advance'.<sup>104</sup> In the AIV's opinion, in these situations too, the government should make every effort to inform parliament in advance, once again in confidence if necessary and followed by a public debate as soon as the circumstances allow.

In the fourth scenario, regular exercises on the territory of NATO Allies – such as exercise Noble Jump in Poland in June 2015 – the government will not notify the House of Representatives, as this is not customary with exercises of this nature.

It is remarkable that, even though it has pledged to do so if possible, the government is not obliged in principle to provide information in advance in the case of an article 97 situation.<sup>105</sup> In 2012, D66 MP Sjoerd Sjoerdsma complained that, at 2.5 pages, the government's letter to parliament on the deployment of Patriot units to Turkey was too summary.<sup>106</sup> It is also a matter of debate how this relates to article 96, paragraph 1 of the Constitution, which states: 'A declaration that the Kingdom is in a state of war shall not be made without the prior approval of the States General'. It looks as though, in this situation, parliament is in a worse position to monitor the government than in an article 100 situation. That is strange, since deployment of military units under article 5 of the North Atlantic Treaty can have more far-reaching consequences than under article 100 of the Constitution. Conversely, some argue that maximum involvement of parliament is required in the event of a crisis management operation because the government has a choice in such situations whether to participate or not.<sup>107</sup>

104 Letter from the Minister of Defence to the President of the House of Representatives of the States General, Parliamentary Paper 28676, no. 226, p. 5.

105 Hirsch Ballin and Leenknecht, 'Artikelsgewijs commentaar op de Grondwet', section 4.

106 See: <[http://www.telegraaf.nl/binnenland/21148403/Meer\\_info\\_Patriot-mission.html](http://www.telegraaf.nl/binnenland/21148403/Meer_info_Patriot-mission.html)>.

107 Conversation with Professor W. Wagner, The Hague, 18 August 2015.

## **V National parliaments in the EU and the deployment of military rapid-reaction forces**

### **V.1 Summary of the parliamentary decision-making procedures of EU member states / NATO Allies**

The parliamentary decision-making procedures for the deployment of military units of the 28 member states of the European Union and the NATO Allies vary widely, both in terms of formal powers and the degree to which parliament is involved.<sup>108</sup> A parliament can influence the deployment of the armed forces in three ways: through its right to approve the budget, the right to information and the right of co-decision (in advance or after the fact).<sup>109</sup>

A number of factors are relevant in determining the extent to which a parliament with the right of consent or co-decision can exercise genuine influence: the timing (in advance or after the fact), whether parliamentary consent is binding, and the scope of parliamentary involvement (e.g. whether it includes operational aspects like the duration of the operation, the size and composition of the units to be deployed, and the rules of engagement).

Closer analysis of the parliaments of EU member states shows that:

- 10 parliaments are authorised to determine the budgets for individual operations;
- the parliaments in France, Poland and Portugal receive limited information;
- the parliaments in Austria, Finland, Germany, the Netherlands and the UK receive detailed information;
- parliamentary consent is required in 17 countries; in 13 the decision is binding, in 13 consent is required in advance, and in nine the decision is binding and must be taken in advance;
- in several member states parliamentary consent is not required in the case of UN, NATO or EU operations;
- in 11 countries, parliament is hardly involved at all.<sup>110</sup>

EU member states can be divided into three categories. Belgium, France, Greece, Hungary, Poland, Portugal and the UK have a low level of parliamentary control. Austria, the Czech Republic, Italy, Luxembourg and the Netherlands have a medium level and Denmark, Finland, Germany, Slovakia, Spain and Sweden have a high level.<sup>111</sup>

108 Anna Herranz-Surrallés, 'Parliamentary Oversight of EU Foreign and Security Policy: Moving Beyond the Patchwork', Istituto per gli Studi di Politica Internazionale, Analysis no. 230, January 2014, p. 4.

109 See: Annexe II for an overview.

110 Christian Mölling and Alicia von Voss, 'The Role of EU National Parliaments in Defence Affairs: A Comparison of Decision-Making Powers across Europe concerning International Troop Deployments and Procurement Processes', SWP Working Paper, March 2015, pp. 6-7.

111 Wolfgang Wagner, 'Parliamentary control of military missions: Accounting for pluralism', Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper - no. 12, Geneva, August 2006, p. 29.

Parliamentary procedures reflect the political, democratic and strategic culture of a country.<sup>112</sup>

Besides making use of its specific powers, a parliament can, as a last resort, pass a vote of no confidence in the government (the 'nuclear option').<sup>113</sup> The question of confidence of course always plays a role and, for this reason, a government will always wish to make sure it has the support of parliament, whether the latter has the right of co-decision or not.<sup>114</sup> If military deployment by the EU or NATO becomes a real possibility, governments will therefore often consult with coalition parties at an early stage to ascertain whether there is political support for participating in the operation.

In the past 15 years, various parliaments in Western Europe have acquired a stronger position, while a number in Eastern Europe have seen their influence decline. The parliaments in the Czech Republic, Hungary and Slovakia initially had a formal right of consent but, since their accession to NATO, that no longer applies to NATO and EU operations.<sup>115</sup> In Spain, parliament has had the right of consent since 2005, partly as a consequence of criticism of the country's participation in the war in Iraq. The French and British parliaments have also seen their powers extended in recent years.

Although international and bilateral defence cooperation does not, strictly speaking, entail a direct transfer of sovereignty, the increasing integration of military capabilities does restrict sovereignty in practice.<sup>116</sup> There are also substantial differences between European parliaments' powers with regard to materiel procurement, with most only having limited influence on these decisions.<sup>117</sup>

These differences in parliamentary procedures for military deployment and parliamentary influence on materiel procurement do not ultimately obstruct cooperation in the EU Battlegroups or the NRF, other combined military operations, or bilateral or multinational defence cooperation. The study 'Sovereignty, parliamentary involvement and European defence cooperation' analyses parliamentary powers in the UK, Belgium and Germany, three of the Netherlands' main defence partners. The differences between the countries

112 Conversation with Professor W. Wagner, The Hague, 18 August 2015.

113 Wolfgang Wagner, 'Parliamentary control of military missions', p. 4.

114 'This is frequently done by governments in order to increase the legitimacy of military operations and ensure that the effectiveness of an operation cannot be undermined by parliamentary opposition to the deployment', see Wolfgang Wagner, Dirk Peters and Cosima Glahn, 'Parliamentary War Powers Around the World, 1989-2004: A New Dataset', DCAF Occasional Paper - no. 22, Geneva 2010, p. 28.

115 'Diese Reformen sind unter teils erheblichen Druck der NATO zustande gekommen', Impulsvortrag des Sachverständigen Prof. Dr. Wolfgang Wagner für die 5. Sitzung der Kommission Auslandseinsätze der Bundeswehr, September 2014, pp. 1-2.

116 AIV advisory report no. 78, 'European Defence Cooperation: sovereignty and the capacity to act', The Hague, April 2012.

117 Mölling and von Voss, 'The role of EU national parliaments in defence affairs', p. 11.



are significant but do not hamper close cooperation. Mutual trust is more important.<sup>118</sup> The study makes a series of recommendations to increase mutual trust, including raising awareness of the implications of international defence cooperation, having the focus of parliamentary involvement include procurement and the readiness phase, holding formal or informal political consultations at ministerial, staff and parliamentary level, adding a parliamentary dimension to bilateral and multinational defence cooperation, and strengthening the IPC.<sup>119</sup>

## **V.2 Parliamentary procedures in Germany, France, the UK and Belgium**

### *Germany*

The German parliament has a very strong position compared to other parliaments in the EU. German military units can only be deployed with the explicit permission of the Bundestag. The parliament has extensive powers, with their origins rooted in changes in the German Constitution in the 1990s and the fact that the country's armed forces are considered to be the armed forces of Germany's parliament.<sup>120</sup> The Bundestag's right of consent has a strong binding effect on the German government, but it also has a number of advantages. Its right of veto guarantees close contact between the government and parliament. This continual dialogue allows for rapid decision-making.<sup>121</sup> The right of consent promotes consensus: intensive consultations take place before a proposal is submitted and agreements can be made on special requests and/or caveats from parliament. This consensus is very durable and even survives changes of government.<sup>122</sup>

Christian Democrats in the Bundestag have called on several occasions for the parliamentary procedures for German participation in multinational military units to be relaxed. This led to the establishment of the R uhe Commission when Angela Merkel's coalition government was being formed in 2014. The commission's recommendations, presented in June 2015, bear a striking resemblance to those of the NRF working group and the AIV's 2007 advisory report 'Deployment of the armed forces: Interaction between national and international decision-making'.<sup>123</sup> Contrary to expectations, the report contained a limited number of recommendations for change and mainly called for attention to be focused on raising awareness: 'Wichtig ist zun achst einmal, das Bewusstsein f ur einen l angst existierenden europ aischen Sicherheitsverbund zu sch arfen. Vielen Deutschen und auch Mitgliedern des Bundestages ist nicht klar, dass wir keine

118 '[...] trust is a key element to reach deeper defence cooperation and to accept dependencies. Building trust requires personal contact and gaining an understanding of the motives and obstacles of a partner country', in: Margriet Drent, 'Sovereignty, parliamentary involvement and European defence cooperation', Clingendael report, Netherlands Institute of International Relations 'Clingendael' The Hague, March 2014, p. 24.

119 Ibid., p. 25.

120 Conversation with Professor W. Wagner, The Hague, 18 August 2015.

121 Impulsvortrag des Sachverst andigen Prof.Dr. Wolfgang Wagner, pp. 1-2.

122 Conversation with Professor W. Wagner, The Hague, 18 August 2015.

123 Unterrichtung durch die Kommission zur  uberpr ufung und Sicherung der Parlamentsrechte bei der Mandatierung von Auslandseins atzen der Bundeswehr. Abschlussbericht der Kommission, 16062015.

rein nationalen Armeen mehr haben' [It is important first of all to raise awareness of a European security alliance that has been in existence for a long time. Many Germans, and even members of parliament, are unaware that we no longer have purely national armies].<sup>124</sup> Rühle emphasised the importance of reliability: '*Die arbeitsteilige militärische Integration in Europa braucht einen besonderen Vertrauensstatus*' [Military integration in Europe for dividing tasks requires a special relationship of trust.].<sup>125</sup> It called for an annual debate on Germany's bilateral and multinational defence partnerships and for closer contact with other parliaments.

#### *France*

Since the changes to France's Constitution in 2008, its government is obliged under article 38 to inform parliament within three days of the deployment of military units without a declaration of war. The French parliament can overturn a decision by the government to allow French troops to participate in a mission after four months. In principle, this signifies an extension of the powers of parliament, but it is unlikely that it would take such a decision, as it would have far-reaching consequences.

#### *United Kingdom*

In the UK, nothing is formally laid down in law regarding the role of parliament in military deployment. Parliament does not need to be consulted about British participation in military operations. The decision is the prerogative of the prime minister 'on behalf of the Crown'. Yet, there have been changes in practice in the UK in the past 10 years. It has become customary for parliament to be notified and consulted and, since 2003, there have been growing calls for greater parliamentary involvement. Under the Cameron government, there has been a vote on British participation in missions on four occasions. The government's proposal in August 2013 to take part in operations against Syria was rejected. This was an important political turning point; it is now unlikely that the British government will ever start a military operation again without parliamentary consent.<sup>126</sup>

#### *Belgium*

In Belgium, the federal parliament plays a limited role in the deployment of military units. De facto, the 1831 Constitution still applies and the right to deploy military units lies exclusively with the executive. An attempt to change the Constitution on this point in 2014 was defeated. Parliament can be informed of military deployment through the 'Special Committee for the Monitoring of Missions Abroad', which consists of members of the Senate and the Chamber of Representatives. The committee meets every month behind closed doors and all the members are sworn to secrecy. It has no right of consent

124 Jochen Bittner, Michael Thumann, 'Der Bundestag und der Krieg Wer entscheidet über die Entsendung der Bundeswehr? Volker Rühle verlangt mehr Flexibilität vom Parlament', 3 July 2014. See: <<http://www.zeit.de/2014/28/volker-ruehe-bundeswehr-engagement>>, 19 July 2014. Accessed on 5 September 2015.

125 Ibid.

126 'The Syria vote in 2013 was, and continues to be, viewed by many as a turning point in the debate on parliamentary approval. Commentators have argued that the defeat of the Government laid to rest doubts over the convention's existence and made the deployment of the Armed Forces without parliamentary approval, from a political perspective, virtually impossible in the future', Claire Mills, Parliamentary approval for military action, House of Commons Library, Briefing paper, 7166, 12 May 2015, p. 31.

and conducts deliberations on missions once they have started.<sup>127</sup>

### **V.3 The role of the NATO Parliamentary Assembly, the European Parliament and the IPC**

The supranational parliamentary structure in the field of security and defence policy is fragmented, with the NATO Parliamentary Assembly, the European Parliament and the IPC all playing their own roles.

#### *NATO Parliamentary Assembly*

The NATO Parliamentary Assembly was set up in 1955, has a permanent secretariat and plays an important role in maintaining contacts between members of parliament in the NATO countries. The Assembly has 257 delegations from the 28 NATO member countries. Five committees and eight sub-committees draw up reports, which are approved by majority vote. The Secretary General then responds to all recommendations and resolutions that are adopted. The Parliamentary Assembly's working method could serve as an example for the IPC.<sup>128</sup>

#### *The European Parliament*

The European Parliament is becoming increasingly active in the field of foreign and security policy. Members take part in meetings of the NATO Parliamentary Assembly and the IPC, and there are regular consultations with the European Council, the High Representative and the European Commission, during which information is exchanged on military missions. Since 2004, the European Parliament has had a Subcommittee on Security and Defence. An annual report is published on the common defence policy. Under the 1999 interinstitutional agreement between the Council and the Commission, the Council is obliged to provide information on the financial implications of the CFSP every year. The budgetary powers of the European Parliament are limited to civil missions. Consequently, the Parliament has no direct powers but can exert an influence on decisions regarding military missions.<sup>129</sup> Under the Treaty of Lisbon, the position of the European Parliament could be strengthened by expanding its right to be consulted.<sup>130</sup>

#### *Interparliamentary Conference*

The IPC is more or less the successor to the WEU Parliamentary Assembly, which was disbanded in 2011, though it has no secretariat and no permanent set-up. The IPC acts as a platform where members of EU national parliaments and of the European Parliament discuss a wide range of issues. Partly on the initiative of the Netherlands, the future of the EU Battlegroups is regularly on the agenda, with matters like a modular set-up and financing being discussed. The discussions have, as yet, not produced tangible results, but the IPC makes an important contribution to the exchange of knowledge and raising awareness.

127 'EU Battlegroups: Use them or lose them', Discussion paper submitted by the delegation of the Netherlands to CFSP/CSDP Conference, Athens, 3-4 April 2014, pp. 7-8.

See: <[http://www.tweedekamer.nl/sites/default/files/field\\_uploads/Discussionpaper%20NL%20delegation%20-%20workshop%203\\_tcm181-238183.pdf](http://www.tweedekamer.nl/sites/default/files/field_uploads/Discussionpaper%20NL%20delegation%20-%20workshop%203_tcm181-238183.pdf)>.

128 Margriet Drent, 'Sovereignty', p. 23.

129 Ibid., p. 23.

130 Herranz-Surrallés, 'Parliamentary oversight', p. 8.

#### *Bilateral and multinational cooperation*

Besides the NATO Parliamentary Assembly, the European Parliament and the IPC, parliamentary consultations also take place in the context of bilateral and multinational defence cooperation partnerships like the Benelux and 1 (German/Netherlands) Corps. In the AIV's opinion, more can be invested in interparliamentary cooperation than has been the case until now. Establishing political preparatory groups on the margins of the EU Battlegroups, in which not only ministers but also members of parliament exchange ideas, can make an important contribution to increasing the knowledge and strengthening the mutual cooperation and trust that are ultimately of great importance when military units are deployed, and to speeding up the process of decision-making. It is advisable to set up a network of permanent parliamentary committees. These 'standing committees' could then be called together at short notice when their governments decide to take part in a crisis management operation involving the EU Battlegroups or the NRF. They could discuss participation in military operations, as well as periodically assess the progress of international defence cooperation and possible deployment scenarios.

# VI Conclusions and recommendations

## VI.I Conclusions

In 2007, the AIV published its advisory report no. 56, 'Deployment of the Armed Forces: Interaction between National and International Decision-Making'.<sup>131</sup> Since then the EU Battlegroups, designed for crisis management tasks, have undergone few substantial changes. The Battlegroups have not been deployed and the concept remains almost unchanged. The question has been voiced whether it is worthwhile to continue with this rapid-reaction force; in other words, 'use them or lose them'. The NATO Response Force (NRF), designed for crisis management and collective defence, has also been hardly deployed to date. The NRF has been deployed twice for humanitarian operations, as well as during the presidential elections in Afghanistan. Its relevance has, however, increased recently. In 2014, in response to the deteriorating security situation on the eastern border of the North Atlantic Treaty area, NATO decided to restructure the NRF. This included establishing a Very High Readiness Task Force (VJTF), also referred to as the 'spearhead force' because of its rapid response time. The NRF's *raison d'être* is therefore not in dispute.

The security situation in Europe has changed radically. Russia's intervention in Ukraine, the advance of ISIS in Syria and Iraq, and the disintegration of Libya have resulted in an 'arc of instability' on Europe's borders that presents a direct threat to security on the continent. The European member states cannot ignore the need to take responsibility for their own security. This includes, if necessary, military intervention. The EU is therefore developing a new security strategy. International cooperation on defence in Europe, both bilaterally and multilaterally, has intensified enormously. This has led to the emergence of an increasing number of permanent military partnerships, including the Visegrad Group, the Weimar Triangle and the Joint Expeditionary Force (JEF).

National and international decision-making procedures have largely remained unchanged in recent years. A fast-track procedure has been introduced in the EU, but it has not led to deployment of the Battlegroups. Within NATO, steps are being taken to speed up planning and decision-making procedures, including giving the Supreme Allied Commander Europe (SACEUR) the authority to prepare units for deployment pending the outcome of those procedures. There is also greater focus on decision-making procedures at ministerial and parliamentary level. Defence ministers have conducted political exercises (POLEX) for a number of deployment scenarios, and parliamentary decision-making procedures have been discussed on several occasions at the Interparliamentary Conference (IPC).

The principle question in the government's request for advice is as follows:

*What, if any, further adjustments to national and international procedures are necessary in order to facilitate and expedite decision-making on the use of rapid-reaction military units and on crises?*

The fact that the EU Battlegroups and the NRF/VJTF have not been deployed for crisis management tasks is, in the AIV's opinion, not due to national and/or international decision-making procedures. Member states have repeatedly proved unwilling to place

131 AIV advisory report no. 56 'Deployment of the Armed Forces: Interaction between National and International Decision-Making', The Hague, May 2007.

units at the disposal of these forces. The AIV believes that this unwillingness is related to the current state of European defence cooperation and the level of public support for European integration. Faster development is not something that can be forced.

In the view of the AIV, changing the set-up and concept of the Battlegroups would make their deployment more likely than changing the decision-making procedures. The possible deployment of the NRF/VJTF has taken on a different perspective as a consequence of deteriorating relations with Russia. Both the concept and the decision-making procedures have been adapted to the changing circumstances, so that deployment for the purpose of collective defence is now possible.

The government's first subsidiary question is as follows:

*What are the factors that have thus far precluded the use of rapid-reaction units (e.g. EU Battlegroups, NRF and JEF) in operations? What adjustments to the design of and decision-making procedures for rapid-reaction forces must be made in order to expedite decision-making?*

The failure to deploy the EU Battlegroups and the NRF for crisis management tasks is a consequence of the following factors:

1. The structure and set-up of the EU Battlegroups and the NRF: the rotation schedules for both rapid-reaction forces are fixed long in advance and lack flexibility, while their composition is highly random. It is asking a great deal to organise close international cooperation at a relatively low (battalion) level. There is no continuity, as the composition of the EU Battlegroups changes every six months and that of the NRF every 12 months. The Battlegroups are also limited in size, restricting the number of crisis management tasks for which they can be effectively deployed. The Battlegroups do not have their own follow-on forces.

The Battlegroups have no central military planning or operational command structure the headquarters changes each time the Battlegroup changes – causing time to be – lost and reducing the EU's combat readiness.

2. The military-strategic cultures of the member states in relation to defence differ substantially, including varying doctrines and/or different perspectives on rules of engagement. In addition, they differ on the EU's role in the area of security and that of the EU Battlegroups within it. There are also large differences between the military capabilities of the individual member states.
3. In the case of both the Battlegroups and the NRF, many member states and/or allies are discouraged from taking action by the lack of joint financing. The lion's share of the costs are borne by the participating countries and not by the EU or NATO as a whole.

In the AIV's opinion, the EU would be well advised to change the concept of the Battlegroups and in the future to form them through permanent defence partnerships like the Visegrad Group, the Weimar Triangle, the JEF, the Lancaster House cooperation between France and the UK, the UK/NL Amphibious Force or the Benelux partnership. Such an arrangement would generate greater continuity. It also has the significant advantage that the participating units have already chosen to collaborate and therefore will become increasingly accustomed to working together. This effect will be even stronger if the participating countries consistently make the same units available. When there is general agreement that military action is required, it is crucial that the military options be credible. This can be assured if the Battlegroups are always deployed in combination with units from one or more of the larger countries (France, Germany and the UK).

The absence of a central operational command – a European headquarters – could be addressed by establishing a central unit for operational military planning and command. The AIV is aware that the time is not yet ripe to set up a fully fledged European headquarters, but believes that establishing a Military Planning and Conduct Capability, analogous to the Civilian Planning and Conduct Capability, would be a step in the right direction. It would also facilitate an integrated approach with the European Commission from the outset.

For the financing of the Battlegroups, the EU's Athena mechanism would have to be changed so that the bulk of the costs of Battlegroup operations are borne by all member states. It is disappointing that the recent review of Athena produced so few results in this respect. The next review, in 2017, should at least designate the transport costs to and from the area of operations as common costs. For NATO, setting up a common fund could be an option. In the AIV's opinion, all NATO allies should bear the cost of deploying the NRF/VJTF, especially for the purpose of collective defence.

The government's second subsidiary question is as follows:

*Should the national decision-making process on the allocation of military units to rapid-reaction forces also encompass decision-making on their actual deployment?*

In the AIV's opinion it is not possible, when allocating military units to rapid-reaction forces, to anticipate decision-making on their potential deployment. When the Dutch government allocates military units to the EU and NATO and informs parliament of this by letter, not all the components of the Terms of Reference for decision-making on the deployment of military units abroad are known. As there is usually no actual operation imminent, no information is available on the nature of the mission, its objectives or the exit strategy. The House of Representatives can therefore make no assessment on these issues. Consequently, the AIV considers it neither possible nor desirable to run ahead of the Article 100 procedure in this way by completing parts of it at the allocation stage.

In the AIV's view, such a measure is also not necessary. If the government sends a letter of notification to the House of Representatives, informs the House when the military plans for deployment options are being fleshed out, and sends the Article 100 letter prior to the decisive session of the EU Foreign Affairs Council (FAC) or the North Atlantic Council (NAC), it has in the AIV's opinion informed parliament in the correct manner, giving it sufficient time to discuss the issue. The AIV believes that time is not the problematic factor; if the decision-making procedure needs to move quickly, parliament will be willing to cooperate.

The AIV does see opportunities to raise the profile of the national decision-making procedure. Firstly, the House of Representatives should reflect in detail every year on the government's decision allocating units to the EU Battlegroups and the NRF/VJTF. In its letter informing parliament of this decision, the government could describe the current security situation in the various crisis areas and the possible deployment scenarios. The letter merits extensive parliamentary consideration, involving both the Permanent Parliamentary Committees on Foreign Affairs and on Defence. The Permanent Parliamentary Committee on Foreign Affairs usually acts only in the case of an Article 100 letter being sent. Because of the prominent role this committee plays in the parliamentary consideration of the Article 100 letter or in a situation falling under article 97 of the Constitution, it is important that it be involved in good time, i.e. in the allocation phase. Prior to considering the issue, MPs could consult with counterparts in other participating countries. As the AIV pointed out in earlier advisory reports in

2004 and 2007, allocating units to the EU Battlegroups and NRF/VJTF is not without obligation. It implies an irreversible commitment, and units can be withdrawn only in extreme circumstances. It is thus crucial that this phase be considered very carefully, because – if parliament does not raise any objections – the Netherlands will be committing itself to possible future deployment of its military forces.

Secondly, the AIV considers it advisable that the government always send a letter of notification to parliament if there is a possibility that the Netherlands may be involved in a crisis management operation entailing deployment of the EU Battlegroups or the NRF. Apparently, that does not always happen at the moment. There should also be a systematic focus on the deployment of rapid-reaction forces, even if the Netherlands is not contributing any units. The government can devote specific attention to this in its letters to parliament presenting the annotated agendas for the relevant EU and NATO meetings. After all, in the event of such a deployment the Netherlands provides political support and, as a member state and/or ally, bears joint responsibility for the mission.

If the NRF/VJTF is deployed for collective defence, article 97 of the Constitution applies, rather than article 100. In principle, under this article, the government is not obliged to inform parliament in advance. The government has, however, pledged to parliament that it will always endeavour to do so. Concerning article 5 situations, the government says, 'Given the urgency of article 5 situations, however, it is conceivable that the House will not be informed until the VJTF units are on their way to the deployment area.'<sup>132</sup> The AIV does not consider it very likely that such a situation will occur. In such cases, relations with the country or countries in question will probably have been strained for some time, and this will have been the subject of discussions between the government and the House. The AIV believes that the seriousness of an article 5 situation requires the government to make every effort to inform parliament in advance. Should exceptional circumstances preclude a public debate at first, the House could be informed in confidence, and a public debate could be held subsequently, as soon as circumstances allow. If rising tensions lead to preventive deployment of the VJTF, or preparations for such deployment, the government cannot exclude the possibility that it will be unable to inform the House in advance. The AIV is of the opinion that the government should inform parliament in advance in these situations too, in confidence if necessary followed by a parliamentary debate as soon as circumstances allow.

The government's third subsidiary question is as follows:

*How do the current decision-making procedures in the Netherlands compare with those in countries like Germany, France, the United Kingdom and Belgium with regard to participation in crisis-management and other types of operations? Are the national governments/parliaments of the countries participating in a rapid-reaction unit sufficiently aware of one another's decision-making procedures? How could this situation be improved and any differences smoothed out?*

There are considerable differences between the parliamentary procedures of individual EU member states. In some member states, parliament hardly plays any role, while in others (like Germany) it has an important and decisive voice and EU Battlegroups can be deployed only on the basis of a UN mandate. The AIV has the impression that

132 Letter from the Minister of Defence to the President of the House of Representatives of the StatesGeneral with the report of the meeting of NATO Ministers of Defence in Brussels on 24 and 25 June 2015, The Hague, 9 July 2015, p. 5.



the member states and their parliaments are aware of – or can obtain information on – one another's decision-making procedures. Partly at the Netherlands' initiative, the Interparliamentary Conference (IPC) has devoted attention to this issue. The AIV is of the opinion that it is neither possible nor necessary to harmonise decision-making procedures. Countries with very diverse parliamentary procedures and competences have proved able to work together very effectively on defence matters. Mutual trust is a decisive factor for success.

To enhance joint decision-making in the countries concerned, it is advisable to set up a network of parliamentary standing committees. The standing committees of countries participating in crisis management operations conducted by the EU Battlegroups or the NRF can then be called together at short notice to discuss the announced participation in military operations. These committees could also periodically discuss progress in international defence cooperation and possible deployment scenarios.

The government's fourth subsidiary question is as follows:

*The crisis management procedures of the EU have recently been revised, with the addition of a 'fast-track process'. Are these procedures sufficient for the deployment of a rapid-reaction force, such as an EU Battlegroup? What are the political (strategic and operational), institutional, legal and financial implications of invoking article 44 of the TEU?*

European decision-making procedures have been reviewed on several occasions. The recently introduced fast-track procedure is an improvement. In the AIV's opinion, further improvement could be achieved by speeding up the decision-making process at the start of this procedure. Like the rest of the procedure, the drafting of the Crisis Management Concept could be subject to a time limit, of perhaps 10 days, so that the following steps in the decision-making process can be taken quickly. Other than this, the AIV sees few opportunities to speed up the decision-making procedure.

Under article 44 of the Treaty on European Union (TEU), a mission can be implemented by at least two member states on the basis of a unanimous decision. This includes rapid-response operations. To date this has not occurred. All provisions relating to the EU's Common Foreign and Security Policy (CFSP) on the legal basis, political control and financing of operations are fully applicable. The participating member states are responsible for the planning, command and implementation of the operation. Specific structures are being created for this purpose. Article 44 of the TEU can be used as a transitional stage leading to a full CFSP operation, or an operation by a 'coalition of the willing' can be converted to an article 44 operation. A related question is to what extent the application of article 44 of the TEU saves time. The Council's approval is required at various stages of the decision-making process. Member states want to stay abreast of the process, even if they are not providing military units. All things considered, article 44 of the TEU does not yet offer an effective solution for the Battlegroups.

In the AIV's view, the permanent structured cooperation provided for in article 42, paragraph 6, and article 46 of the TEU and in Protocol 10, to which the consensus rule does not apply, could present an alternative option. Although such cooperation is aimed in the first instance at strengthening defence capabilities, it could also be used to conduct missions. It could act as a model and give groups of countries the opportunity to conduct a Battlegroup operation on the basis of these articles. Obvious examples are permanent multinational partnerships like the Visegrad Group, the Weimar Triangle and the Benelux. Participating member states would not need to seek the approval of the remaining member states; a notification to the Council and the High Representative

would suffice. The AIV believes that putting permanent cooperation structures on the agenda of the upcoming Dutch EU Presidency would be very worthwhile. In addition, these forms of cooperation create extra guarantees for continued multinational cooperation on defence.

## **VI.2 Recommendations**

1. The AIV believes that the EU needs to explore the scope for changing the set-up and concept of the Battlegroups by making exclusive use of permanent partnerships on defence like the Visegrad Group, the Weimar Triangle or the JEF. The effect of this change would be strengthened if the participating countries were to consistently make the same units available. The Battlegroups would always have to be deployed together with military units from one or more of the larger countries, like France, Germany or the UK, which would increase their combat power and credibility.
2. The AIV believes that putting permanent structured cooperation on the agenda of the upcoming Dutch EU Presidency would be very worthwhile. It could act as a model and give groups of countries the opportunity to seek closer cooperation to conduct Battlegroup operations or operations in combination with Battlegroups.
3. The AIV is of the opinion that doubling the stand-by period of the Battlegroups from six to 12 months would enhance their continuity and save on costs.
4. The AIV believes that the absence of a central operational command – a European headquarters – is an important reason for the Battlegroups not being deployed. The EU's operational and planning capability should therefore be strengthened by, as a first step, establishing a Military Planning and Conduct Capability as a military equivalent of the Civilian Planning and Conduct Capability. Ideally, both capabilities should be integrated.
5. In the AIV's opinion, the decision-making procedure for deploying Battlegroups could be shortened by imposing a time limit on the drafting of the Crisis Management Concept, for example 10 days, so that the next steps in the decision-making process can be taken quickly.
6. The next review of the Athena mechanism in 2017 could ensure that a larger part of the cost of Battlegroup operations is borne by all member states. This should at least include the transport costs to and from the area of operations. At the same time, agreements could be made in 2017 on a multiyear trajectory in which the part of the cost covered by common funding gradually increases to include, for example, the cost of exercises and certification, and the purchase of combined capabilities. The AIV advises setting up a common fund within NATO to finance the NRF/VJTF.
7. The AIV considers it crucial for NATO to examine the extent to which it is necessary to further modify the planning and decision-making procedures for deploying the VJTF, in order to enable a rapid and effective response to possible threats.
8. The AIV considers it advisable for EU and NATO defence ministers to conduct regular political exercises (POLEX) to test decision-making procedures.
9. The AIV considers it important that the parliaments of the EU member states invest heavily in interparliamentary contacts. In addition, the position of the IPC should

be strengthened and, where necessary, institutionalised. The parliaments of the countries involved in the various permanent defence cooperation structures could set up a network of parliamentary standing committees, which could be convened in various formations and at short notice to discuss imminent military operations. They could also periodically discuss the progress of international cooperation on defence and possible deployment scenarios.

10. The AIV advises parliament to reflect in detail every year on the government's decision to allocate units to the EU Battlegroups and the NRF/VJTF. Besides the Permanent Parliamentary Committee on Defence, the Permanent Parliamentary Committee on Foreign Affairs should also address this issue. The AIV considers it important that this committee be involved at an early stage because of the prominent role it plays in the parliamentary consideration of the Article 100 letter. In addition to military-operational aspects, the consultation between government and parliament should also devote explicit attention to the various deployment scenarios, in combination with an analysis of the current security situation and possible crisis areas where deployment may be an option.
11. The AIV is of the opinion that open communication with parliament is crucial for effective rapid military deployment in situations falling under both articles 100 and 97 of the Constitution. For that reason, the AIV advocates informing and involving parliament as fully as possible in the event of potential or actual military deployment. That also applies to the deployment of the VJTF in an article 5 situation or in the event of rising tensions. If it is not possible to inform the House publicly in advance, the AIV considers it necessary to do this in confidence, after which a public debate should follow as soon as possible afterwards.

## **Annexes**

**Relevant provisions from the Treaty on European Union**<sup>133</sup>**Section 2****PROVISIONS ON THE COMMON SECURITY AND DEFENCE POLICY****Article 41**

1. Administrative expenditure to which the implementation of this Chapter gives rise for the institutions shall be charged to the Union budget.

2. Operating expenditure to which the implementation of this Chapter gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union budget, it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 31(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. The Council shall adopt a decision establishing the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common foreign and security policy, and in particular for preparatory activities for the tasks referred to in Article 42(1) and Article 43. It shall act after consulting the European Parliament.

Preparatory activities for the tasks referred to in Article 42(1) and Article 43 which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council shall adopt by a qualified majority, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy, decisions establishing:

- (a) the procedures for setting up and financing the start-up fund, in particular the amounts allocated to the fund;
- (b) the procedures for administering the start-up fund;
- (c) the financial control procedures.

When the task planned in accordance with Article 42(1) and Article 43 cannot be charged to the Union budget, the Council shall authorise the High Representative to use the fund. The High Representative shall report to the Council on the implementation of this remit.

**Article 42**

1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civilian

<sup>133</sup> Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. Official Journal of the European Union. Information and Notices. C326, Volume 55, 26 October 2012, pp. 37-41.

and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.

2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Section shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

3. Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council. Those Member States which together establish multinational forces may also make them available to the common security and defence policy.

Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as 'the European Defence Agency') shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities.

4. Decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State. The High Representative may propose the use of both national resources and Union instruments, together with the Commission where appropriate.

5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests. The execution of such a task shall be governed by Article 44.

6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such cooperation shall be governed by Article 46. It shall not affect the provisions of Article 43.

7. If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

### **Article 43**

1. The tasks referred to in Article 42(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.

2. The Council shall adopt decisions relating to the tasks referred to in paragraph 1, defining their objectives and scope and the general conditions for their implementation. The High Representative of the Union for Foreign Affairs and Security Policy, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

### **Article 44**

1. Within the framework of the decisions adopted in accordance with Article 43, the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task. Those Member States, in association with the High Representative of the Union for Foreign Affairs and Security Policy, shall agree among themselves on the management of the task.

2. Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State. Those States shall inform the Council immediately should the completion of the task entail major consequences or require amendment of the objective, scope and conditions determined for the task in the decisions referred to in paragraph 1. In such cases, the Council shall adopt the necessary decisions.

### **Article 46**

1. Those Member States which wish to participate in the permanent structured cooperation referred to in Article 42(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on permanent structured cooperation, shall notify their intention to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy.

2. Within three months following the notification referred to in paragraph 1 the Council shall adopt a decision establishing permanent structured cooperation and determining the list of participating Member States. The Council shall act by a qualified majority after consulting the High Representative.

3. Any Member State which, at a later stage, wishes to participate in the permanent structured cooperation shall notify its intention to the Council and to the High Representative.

The Council shall adopt a decision confirming the participation of the Member State concerned which fulfils the criteria and makes the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation. The Council shall act by a qualified majority after consulting the High Representative. Only members of the Council representing the participating Member States shall take part in the vote.

A qualified majority shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

4. If a participating Member State no longer fulfils the criteria or is no longer able to meet the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation, the Council may adopt a decision suspending the participation of the Member State concerned.

The Council shall act by a qualified majority. Only members of the Council representing the participating Member States, with the exception of the Member State in question, shall take part in the vote.

A qualified majority shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

5. Any participating Member State which wishes to withdraw from permanent structured cooperation shall notify its intention to the Council, which shall take note that the Member State in question has ceased to participate.

6. The decisions and recommendations of the Council within the framework of permanent structured cooperation, other than those provided for in paragraphs 2 to 5, shall be adopted by unanimity. For the purposes of this paragraph, unanimity shall be constituted by the votes of the representatives of the participating Member States only.

#### **Protocol (No 10)**

On permanent structured cooperation established by Article 42 of the Treaty on European Union

THE HIGH CONTRACTING PARTIES,

HAVING REGARD TO Article 42(6) and Article 46 of the Treaty on European Union,

RECALLING that the Union is pursuing a common foreign and security policy based on the achievement of growing convergence of action by Member States,

RECALLING that the common security and defence policy is an integral part of the common foreign and security policy; that it provides the Union with operational capacity drawing on civil and military assets; that the Union may use such assets in the tasks referred to in Article 43 of the Treaty on European Union outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter; that the performance of these tasks is to be undertaken using capabilities provided by the Member States in accordance with the principle of a single set of forces,

RECALLING that the common security and defence policy of the Union does not prejudice the specific character of the security and defence policy of certain Member States,

RECALLING that the common security and defence policy of the Union respects the obligations under the North Atlantic Treaty of those Member States which see their common defence realised in the North Atlantic Treaty Organisation, which remains the foundation of the collective defence of its members, and is compatible with the common security and defence policy established within that framework,



CONVINCED that a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance, in accordance with the Berlin Plus arrangements, DETERMINED to ensure that the Union is capable of fully assuming its responsibilities within the international community,

RECOGNISING that the United Nations Organisation may request the Union's assistance for the urgent implementation of missions undertaken under Chapters VI and VII of the United Nations Charter,

RECOGNISING that the strengthening of the security and defence policy will require efforts by Member States in the area of capabilities,

CONSCIOUS that embarking on a new stage in the development of the European security and defence policy involves a determined effort by the Member States concerned,

RECALLING the importance of the High Representative of the Union for Foreign Affairs and Security Policy being fully involved in proceedings relating to permanent structured cooperation,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

#### **Article 1**

The permanent structured cooperation referred to in Article 42(6) of the Treaty on European Union shall be open to any Member State which undertakes, from the date of entry into force of the Treaty of Lisbon, to:

- (a) proceed more intensively to develop its defence capacities through the development of its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency), and
- (b) have the capacity to supply by 2010 at the latest, either at national level or as a component of multinational force groups, targeted combat units for the missions planned, structured at a tactical level as a battle group, with support elements including transport and logistics, capable of carrying out the tasks referred to in Article 43 of the Treaty on European Union, within a period of five to 30 days, in particular in response to requests from the United Nations Organisation, and which can be sustained for an initial period of 30 days and be extended up to at least 120 days.

#### **Article 2**

To achieve the objectives laid down in Article 1, Member States participating in permanent structured cooperation shall undertake to:

- (a) cooperate, as from the entry into force of the Treaty of Lisbon, with a view to achieving approved objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives, in the light of the security environment and of the Union's international responsibilities;
- (b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the identification of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;

- (c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces, including possibly reviewing their national decision-making procedures;
- (d) work together to ensure that they take the necessary measures to make good, including through multinational approaches, and without prejudice to undertakings in this regard within the North Atlantic Treaty Organisation, the shortfalls perceived in the framework of the 'Capability Development Mechanism';
- (e) take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the European Defence Agency.

### **Article 3**

The European Defence Agency shall contribute to the regular assessment of participating Member States' contributions with regard to capabilities, in particular contributions made in accordance with the criteria to be established, inter alia, on the basis of Article 2, and shall report thereon at least once a year. The assessment may serve as a basis for Council recommendations and decisions adopted in accordance with Article 46 of the Treaty on European Union.

Overview of parliamentary procedures<sup>134</sup>

Variable EU-MS	Legal Source	Formal decision-making body	Parliamentary involvement	Participation in EU Battlegroup
Austria	Constitution			2011-I 2012-II
Belgium	Constitution	The King	Has to be informed	2006-II 2007-I 2008-II 2009-II 2014-II
Croatia	Constitution	Parliament (proposal by government: prior consent of President)	Makes the decision by majority vote	2012-II
Cyprus	National Guard Law, 2011 & Law 168, 2003	Government	Has to be informed and consent is needed	2007-II 2009-I 2011-II 2014-I
Denmark	Constitution	Government	Consent is needed	-
Estonia	Constitution & International Military Cooperation Act	Parliament	Makes the decision	2011-I
France	Constitution, article 35	Government	Has to be informed  And authorises (if intervention > 4 months)	2005-I 2006-I 2006-II 2007-I 2008-I 2008-II 2009-II 2010-II 2011-II 2012-I 2013-I

134 This overview comes from 'EU Battlegroups: Use them or lose them', Discussion paper submitted by the delegation of the Netherlands to CFSP/CSDP Conference, Athens, 3-4 April 2014, pp. 4-5.

Germany	Basic Law & Parliamentary Participation Act	Government	Consent is needed	2006-I 2006-II 2007-I 2008-I 2008-II 2010-I 2011-I 2012-I 2012-II 2013-I 2014-II
Luxembourg	Law 1992 (27 July)	Government	Has to be consulted	2008-II 2009-II 2014-II
The Netherlands	Constitution	Government	Has to be informed and consent is needed	2007-I 2010-I 2011-I 2012-I 2013-II 2014-II
Poland	Law 17 December 1998	President	Has to be informed	2013-I
Slovak Republic	Constitution, articles 86 & 119	Government	Consent is needed (not necessary in case of obligations resulting from international treaties)	2009-II 2010-I
Slovenia	Defence Act	Government	Has to be informed	2007-II 2012-II
Sweden	Constitution	Government	Has to approve	2008-I 2011-I 2013-II
UK	Royal Prerogative	Government	Has to approve (only when government deems this necessary, not regular practice)	2005-I 2008-II 2010-I 2013-II
Spain	Statutory Law 5/2005, 17 November	Government	Has to authorise (prior to the participation of the Spanish Armed Forces in any mission abroad)	2006-I 2008-I 2008-II 2009-I 2010-II 2011-II
Portugal	National Defence Law & Law 46/2003, 22 August	Government	Has to be informed	2006-I 2008-I 2009-I 2010-II 2011-II

**Request for advice**

Professor Jaap de Hoop Scheffer  
Chairman of the Advisory Council  
on International Affairs  
P.O. Box 20061  
2500 EB The Hague

Date June 2015

Re Request for advice on rapid-response military capabilities and democratic legitimacy

Dear Professor de Hoop Scheffer,

An arc of instability has formed along Europe's borders, extending from Eastern Europe and the Caucasus to the Middle East, and from the Horn of Africa to the Sahel and North Africa. This instability has taken a variety of forms: annexations of other countries' territory; endemic, deep-seated and enduring unrest (as in the Arab region); and impending or ongoing civil war. The problems on Europe's periphery are structural, rather than temporary in nature. At the same time the strategic focus of the United States has shifted in part to Asia. This means that the countries of Europe bear an increasing responsibility for finding a suitable response to threats, including sudden crises that require military intervention.

The European Council of December 2013 gave a boost to the further development of the Common Security and Defence Policy (CSDP), with an emphasis on its military aspects. These efforts include improving the EU's rapid-response capabilities as part of the planned enhancement of the overall effectiveness, visibility and impact of CFSP operations. The use of EU Battlegroups, the EU's only standing rapid-response military capability, is a key focal point of these efforts. The failure to deploy any Battlegroups to date undermines the EU's credibility as a security actor.

In a NATO context, too, there is renewed interest in enhancing the allies' capacity for rapid, flexible and decisive military action. This is partly due to the new security environment, particularly in the wake of Russia's involvement in the conflict in eastern Ukraine and its annexation of Crimea. The primary emphasis in this connection is on the collective defence task. At its Wales Summit in September 2014 NATO decided to establish a Very High Readiness Joint Task Force (VJTF), which would fall under the existing NATO Response Force (NRF). Yet the NRF has the same general drawback as the EU Battlegroup: it has never been put to the test in practice, except in the aftermath of major natural disasters in Pakistan and the United States.

The very rapid deployment of the VJTF requires similarly rapid decision-making processes. NATO is now discussing the possibility of expediting decision-making, especially in cases where the force is to be deployed in the context of the collective defence task. The deployment of Dutch VJTF units within the NATO Treaty area to prevent an article 4 or 5 situation (or to engage in collective defence in an article 5 situation), constitutes defence of the Kingdom and its allies. This type of deployment does not fall under article 100 of the Constitution, but rather article 97. Consequently, there is no obligation to notify parliament beforehand. If possible, however, the House of Representatives will be informed in advance about the deployment of the VJTF for the purpose of collective defence. The government recently exchanged thoughts with the House on this matter. For that reason we would ask that you do not cover the VJTF in your advisory report.

In addition to the NRF and the EU Battlegroups there are also a number of multilateral initiatives, in which one country assumes the role of 'framework nation'. An example of this is the Joint Expeditionary Force (JEF), a multinational initiative of a limited number of like-minded NATO partners, led by the United Kingdom. The aim of the JEF is to mount a rapid, tailor-made response to a growing threat, so as to obviate the need for a large-scale operation. The JEF is meant to complement the NRF and EU Battlegroups.

In recent emergency military interventions outside the NATO treaty area, the US and the major European nations have initially opted to work in small, ad hoc 'coalitions of the willing'. From this it may be concluded that political decision-making regarding military deployment at EU or NATO level clearly does not lend itself well to the need to act quickly in cases of 'out-of-area' crisis management. These processes demand consensus, which is sometimes difficult to reach. Furthermore, there are doubts among the member states about whether the decision-making procedures are equal to the task of ensuring the rapid deployment of the response forces. Partly as a result of this, there are now calls at EU level to make use of article 44 of the Treaty on European Union (TEU), which allows one or more member states to take military action on behalf of the EU.

Several years ago the parliamentary working group on the NATO Response Force (Van Baalen working group report, June 2006) and the AIV itself (in a report of May 2007) considered the possible tension between national and international decision-making processes on rapid military deployment. In its advisory report of May 2007 ('Deployment of the Armed Forces: Interaction between National and International Decision-Making') the AIV argued that, given the Netherlands' reputation as a reliable partner, an 'opt out' would only be warranted if there were 'important national considerations [that] militate against participation'. In its response to this report the government endorsed this point of view (letter to parliament, 25 April 2008). At the same time the government concluded that even in the case of an imminent deployment of rapid-response forces, there is sufficient time to inform parliament before a decision is taken at international level. The then government felt that this obligation to proactively inform parliament (including providing information about the allocation of units for the preparation of international missions) ensured the desired level of parliamentary involvement. More recently, certain parties have also underscored the importance of the timely involvement of parliament in forming far-reaching partnerships and long-term collaborative ventures with strategic partners (including inter-parliamentary contacts).

The gulf between the expressed desire for a joint rapid-response capability and the reality of military interventions thus far again raises questions about the genuine willingness of European politicians to deploy multilateral rapid-response forces. Many countries insist on making their own assessment at national level and having the final say on military deployment. This is difficult to reconcile with the need to be able to approve military action within a few days. Bearing the above in mind, the government would ask the AIV to address the following questions in its advisory report:

Principal question:

- What, if any, further adjustments to national and international procedures are necessary in order to facilitate and expedite decision-making on the use of rapid-response military units and crises?

Subsidiary questions:

*General*

- a. What are the factors that have thus far precluded the use of rapid-response units (e.g. EU Battlegroups, NRF and JEF) in operations?
- b. What adjustments to the design of and decision-making procedures for rapid-response forces must be made in order to expedite decision-making?

*National*

- a. Should the national decision-making process on the allocation of military units to rapid-response forces also encompass decision-making on their actual deployment?

*International*

- a. How do the current decision-making procedures in the Netherlands compare to those in countries like Germany, France, the United Kingdom and Belgium with regard to participation in crisis-management and other types of operations?
- b. Are the national governments/parliaments of the countries participating in a rapid-response unit sufficiently aware of one another's decision-making procedures? How could this situation be improved and any differences smoothed out? The above countries could serve as examples when answering this question.

*EU-specific*

- a. The crisis management procedures of the EU have recently been revised, with the addition of a 'fast-track process'. Are these procedures sufficient for the deployment of a rapid-response force, such as an EU Battlegroup?
- b. What are the political (strategic and operational), institutional, legal and financial implications of invoking article 44 of the TEU?

We look forward to your report with interest and hope to receive it before the budgetary debates this autumn.

Yours sincerely,

Bert Koenders

Minister of Foreign Affairs

Jeanine Hennis-Plasschaert

Minister of Defence

**List of persons consulted**

Maj Gen J. Blotz	Director, Operations Division, International Military Staff, NATO
Lt Col M. Bos	Dutch representation in the EUMC Working Group of the EUMC (Operations and General Affairs) at the EU
H. Brauss	Assistant Secretary, General Defence Policy and Planning Division, NATO
Lt Gen J. Broeks	Head, Permanent Military Representation to the EU/NATO
Ms A. Damen	Defence Council, Dutch representative in the EU Politico-Military Group
J.D. Dulière	Head, Crisis Response Systems and Exercises Section, Planning Directorate, Operations Division, NATO
Ms A.M.C. Eijnsink	Member of the House of Representatives of the States General
M. Erdmann	Permanent Representative of Germany to NATO
Ms H. Hovinga	Staff member, Defence Planning and Policy Division at the Permanent Representation to NATO
Maj Gen (ret.) F.E. van Kappen	Member of the Senate of the States General
H.E. Dr M. de Kwaatsteniet	Permanent Representative of the Netherlands to NATO
A. Molenaar	Chair, EU Politico-Military Group
H.E. J. Najder	Permanent Representative of Poland to NATO
C. Peersman	Head, Defence Planning and Policy Division at the Permanent Representation to NATO
M. Popowski	Deputy Secretary General, EEAS
G. Porzio	Head, CMPD Capabilities Training Exercises Division, Director, EEAS Crisis Management and Planning Directorate
O. Rentschler	Deputy Head, Cabinet of High Representative Federica Mogherini
H.E. M. Riekstīns	Permanent Representative of Latvia to NATO
C. van Rijnsoever	Representative of the Netherlands at the EU Political and Security Committee
Gen P. de Rousiers	Chair, EUMC
A. Le Roy	Secretary General, EEAS
Lt Gen M.O. Schissler	Deputy Head, NATO Military Committee
Brig Gen N. Tak	Director, SHAPE Comprehensive Crisis and Operations Management Centre
Professor W. Wagner	Professor, Faculty of Social Sciences (Political Science and Public Administration Department – International Security), VU University, Amsterdam
A. van Wiggen	Deputy Head, Political Affairs Division, Permanent Representation to NATO
Lt Gen W. Wosolsobe	Director General, EUMS
N. Yakov	Desk Officer Military Capabilities, CMPD



## List of abbreviations

<b>AIV</b>	Advisory Council on International Affairs
<b>CFSP</b>	Common Foreign and Security Policy
<b>CIS</b>	Communication and Information Systems
<b>CMC</b>	Crisis Management Concept
<b>CMPD</b>	Crisis Management and Planning Directorate
<b>CONOPS</b>	Concept of Operations
<b>CPCC</b>	Civilian Planning and Conduct Capability
<b>CSDP</b>	Common Security and Defence Policy
<b>EEAS</b>	European External Action Service
<b>ESDP</b>	European Security and Defence Policy
<b>EU</b>	European Union
<b>EUFOR</b>	European Union Force
<b>EUMC</b>	European Union Military Committee
<b>EUMS</b>	European Union Military Staff
<b>EUNAVFOR-Med</b>	European Union Naval Force Mediterranean
<b>FFG</b>	Follow-on Forces Group
<b>GAERC</b>	General Affairs and External Relations Council
<b>HR</b>	High Representative
<b>IFFG</b>	Initial Follow-on Forces Group
<b>IMD</b>	Initiating Military Directive
<b>IPC</b>	Interparliamentary Conference
<b>JEF</b>	Joint Expeditionary Force
<b>MAP</b>	Military Assessment and Planning
<b>MSO</b>	Military Strategic Option
<b>NAC</b>	North Atlantic Council
<b>NATO</b>	North Atlantic Treaty Organization
<b>NFIU</b>	NATO Force Integration Unit
<b>NRF</b>	NATO Response Force
<b>OCHA</b>	UN Office for the Coordination of Humanitarian Affairs
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OHQ</b>	Operational Headquarters
<b>OPLAN</b>	Operation Plan
<b>PESCO</b>	Permanent Structured Cooperation
<b>PMG</b>	Politico-Military Group

<b>POLEX</b>	Political Exercise
<b>PSC</b>	Political and Security Committee
<b>RAP</b>	Readiness Action Plan
<b>SACEUR</b>	Supreme Allied Commander Europe
<b>SSR</b>	Security Sector Reform
<b>TEU</b>	Treaty on European Union
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>US</b>	United States
<b>VJTF</b>	Very High Readiness Joint Task Force
<b>WEU</b>	Western European Union

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\*\* Joint report by the Advisory Council on International Affairs (AIV) and the General Energy Council.

\*\*\* Joint report by the Advisory Council on International Affairs (AIV) and the Advisory Committee on Aliens Affairs (ACVZ).