

## 7 Testing the Limits of a Special Relationship: US Unilateralism and Dutch Multilateralism in the Twenty-first Century

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Since World War II, the Netherlands has built a solid reputation as a ‘loyal ally’ of the United States. There have been serious disagreements between the two countries on specific policy issues, but there has remained an underlying recognition among the Dutch that these should not disrupt a relationship considered fundamental. Within the context of US global power, the Netherlands have fulfilled several important functions. The country has been a close ally within international organizations such as NATO and the UN. It has acted as an ideal middle-power operating as a ‘bridge’ between Americans and Europeans (arguably far more suited to and more successful in this role than the United Kingdom). It has a long tradition as a nation defending the moral-legal order in international relations. And it has long been a proponent of free trade.<sup>1</sup> Yet, in the early twenty-first century all these issues have been put to the test due to the increasing tendency towards US unilateralism. After surveying the importance of NATO for Dutch foreign relations since World War II, the chapter continues by outlining the issues of the last few years that have caused Dutch–American relations to become unsettled through the clash of security interests and international law. How has this close bilateral relationship been affected, and what are the prospects for the future?

### **The Cold War, NATO, and the End of Neutrality**

After World War II, the Netherlands abandoned its policy of neutrality, held since 1839, by first signing the Brussels Treaty in 1948 and then joining NATO as a founding member in 1949. This move was backed by all the major political parties, not so much with enthusiasm, but as a logical necessity to bind the United States to the security system of Europe. The religious input (both Protestant and Catholic) into Dutch political and social life, combined with the standpoint of the strong Social Democratic party, resulted in solid anti-communist sentiments.<sup>2</sup> Foreign Minister Dirk Stikker, who signed the treaty, did attempt to withhold Dutch support in return for concessions from the United States, but this was not taken seriously in Washington.<sup>3</sup> There was certainly discontent with the failure of the United States to wholeheartedly support the attempt to regain control of the East Indies, but the loss of this major colony in 1949 also proved pivotal in

redirecting Dutch security concerns to the Atlantic region.<sup>4</sup> NATO immediately became and has remained the bedrock of Dutch security policy, leading to the much-used epithet of the Netherlands as a ‘loyal ally’.<sup>5</sup> There have been three Dutch NATO secretary-generals (Dirk Stikker, Joseph Luns, and Jaap de Hoop Scheffer), a record only matched by the British, a sure sign of American support for the binding role that the Dutch play so well in the Alliance.

There are many examples of the positive Dutch attitude towards NATO. The country supported the entry of the Federal Republic of Germany into the organization, and the integration of German forces into a US-led Atlantic alliance was considered far more preferable than the option of a European defence community. Although the Dutch disagreed with how President Dwight D. Eisenhower dealt with Suez, believing that the United States undermined the unity of the alliance, in the same month (November 1956) the parliament accepted the stationing of US nuclear weapons on Dutch soil to upgrade NATO defences. In 1958, the Netherlands was the first NATO ally where jet fighters were duly equipped with these weapons, which remained under the control of the US military.<sup>6</sup> In the 1960s, the Netherlands again proved to be steadfast in its backing for US leadership by rejecting the opportunity to develop a European nuclear force (the Multilateral Force plan). The Dutch also reacted quickly when de Gaulle withdrew from NATO’s central military command structure in 1966, swiftly agreeing to host US forces and the **Allied Forces Central Europe (AFCENT)** command centre in Heerlen.<sup>7</sup> In the late 1960s the US embassy in The Hague confirmed that ‘US–Netherlands relationships in NATO can be characterized as “special”’, and that it was essential to recognize ‘the value of a continued “special relationship”’.<sup>8</sup>

However, from the late 1960s onwards NATO did start to become the focus for criticism within Dutch politics and society. The rise of the New Left within the Labour party led to votes being held at its party congresses on whether the Netherlands should leave NATO. Despite being heavily defeated, these motions were a clear sign that the instinctively pro-NATO Cold War politics of the Dutch social democratic left was now over.<sup>9</sup> Under the Labour-led coalition of 1973–77 policy was dominated by pro-atlanticist ministers for both foreign affairs and defence, but the increasing dominance of the left in the party led to it opposing NATO’s 1979 Twin Track decision, involving the upgrading of NATO’s nuclear forces, throughout the following decade.<sup>10</sup>

The period from 1980–85 was the most tense for Dutch–American relations. The combination of a powerful peace movement with anti-nuclear sentiments within the large Labour and Christian Democratic parties created a vulnerable situation for a series of governments to accept the deployment of Cruise missiles on Dutch soil.<sup>11</sup> Walter Laqueur’s typology of the Dutch idealist penchant for neutralism as ‘Hollanditis’ exemplified the perceived transformation of the Netherlands from loyal ally to the weak link in the NATO chain. Yet, the political and policymaking elite held firm, manoeuvring their way through both domestic opposition and foreign pressure to sustain the Dutch contribution to the Alliance.<sup>12</sup>

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The end of the Cold War brought with it a re-evaluation of Dutch foreign policy. Under Foreign Minister Hans van Mierlo (1994–98) a deliberate attempt was made to shift attention to European developments in the wake of the Maastricht Treaty and the effort to build a common foreign and security policy. However, these deliberations only resulted in a major policy paper in 1995 that referred as much to the need to maintain traditional interests (transatlantic relations) as it did to new factors in world politics, such as the EU and the rise of East Asia.<sup>13</sup> The choice for the transatlantic option, as Robert Russell pointed out almost 40 years ago, was a choice for freedom of action separate from the interests and demands of the Netherlands' larger European neighbours, and this factor remained pivotal throughout the 1990s.<sup>14</sup>

### **US Unilateralism v. Dutch Multilateralism: Security Policy**

Nevertheless, after 2000 the unilateralism of the Bush administrations put Dutch atlanticism to the test. Three examples are given here to illustrate the consequences for the Netherlands of loyalty to the Western alliance under American leadership: Iraq, Afghanistan, and the Joint Strike Fighter.

#### ***Iraq***

Two days before the invasion of Iraq, on 18 March 2003, the Dutch government under Jan Peter Balkenende announced that they would adopt a position of political but not military support for the imminent war. This was despite the fact that there was considerable public opposition to the war, divisions in the government over its legitimacy, and a widespread belief that the path through the UN should be followed. In late May 2003, with President George W. Bush having declared the war to be over, Balkenende announced the placement of 1,350 Dutch military in Muthanna province in southern Iraq as part of the international stabilization force. In June 2004, following a visit of Balkenende to Bush and heavy pressure from the United Kingdom, the government proposed and parliament agreed to extend the troops' stay in Iraq until March 2005, but insisted that they would stay no longer. The troops were then withdrawn without much incident, having sustained two fatalities.

However, since then the Iraq issue has continued to rumble in Dutch politics. Firstly, in November 2006 the *Volkscrant* presented its readers with a Dutch Abu Ghraib. The newspaper released information that Military Intelligence and Security Service (MIVD) personnel had carried out violent interrogations in November 2003 in buildings of the Coalition Provisional Authority in the town of Samawah, about 230 miles southeast of Baghdad. Prisoners were forced to wear darkened goggles, which were sometimes removed and bright lights were shone at them. They were also kept awake for long periods by being soaked with water, and were exposed to high-pitched sounds.<sup>15</sup> Coming 5 days before the national elections, these revelations seemed to be deliberately timed to have an impact on the results, and Defence Minister Henk Kamp demanded a full enquiry into how and why the information was released at that time.<sup>16</sup>

Secondly, there has been the question of why the Dutch government joined the 'Coalition of the Willing', in stark contrast to the Belgians, Germans and French. In September 2002 Balkenende had received a 'for your eyes only' report from Tony Blair that held the intelligence information on the military threat posed by Saddam Hussein's Iraq, including the background to the '45 minute' claim. This was revealed in August 2003 by Balkenende during a parliamentary debate, and it became apparent that he had not discussed the issue with any of his ministers. The opposition parties, which included Labour, accused Balkenende of leading the Netherlands into support for the war based on false information from the British, although the then foreign minister and later NATO secretary-general, Jaap de Hoop Scheffer, insisted that the decision had been based not upon Iraq's threat to the Netherlands but upon its endless refusal to comply with previous UN resolutions.<sup>17</sup> Scheffer had even stated publicly in September 2002 that new UN resolutions were not necessary to justify a war against Iraq, a position which went further than any other US ally at that time.<sup>18</sup> What is more, Kamp refused to allow a public examination of the views of the MIVD on the report from Blair and on the Iraqi threat.<sup>19</sup> The official line was clear: It was the violation of UN resolutions, and not the presence of weapons of mass destruction (WMD), that led the Dutch government to support the war. It was therefore based on principle, not pre-emption.

However, as the full extent of the misinformation surrounding the Iraq war has gradually been revealed in both the United States and the United Kingdom, increasing scrutiny has been directed towards Balkenende's original decision to support Operation Iraqi Freedom. The first critical examination of the Dutch decision-making process on Iraq appeared in the *NRC Handelsblad* on 12 June 2004, which exposed the MIVD's heavy scepticism over Iraqi possession of WMD in the run-up to the war.<sup>20</sup> The MIVD did not encourage the same politicized conclusions from the intelligence on Iraq as the British and American governments did – but this did not prevent the Dutch government from ignoring the nuances and backing the war option. What is more, there was serious disquiet within the ministries of foreign affairs and defence over the lack of legitimacy for a war with Iraq if the Security Council did not sanction such a move. 'These civil servants saw it coming that the Netherlands would face a principled choice between its clear atlanticist tradition and its reputation as champion of international law', *NRC Handelsblad* noted, 'could The Hague support the United States if, without a specific mandate from the Security Council, it began a war on its own?'<sup>21</sup>

Balkenende's choice for 'political, not military support' seemed to be the way out in the short term, with the determination that Iraq had ignored twelve previous UN resolutions and had not cooperated with the UN weapons inspectors being enough to justify Dutch troops being sent to Iraq after the official end to hostilities had been declared. However, was it only 'political support'? On 22 March, 2 days after the invasion began, Air Force Lt. Col. Jan Blom, stationed with a Patriot missile NATO unit in Turkey but present in the Persian Gulf on a training mission, appeared at a major press conference behind US Army General

Tommy Franks. Franks was then able to include the Netherlands, alongside the British, the Australians and the Danes, as part of the 'Coalition of the Willing' that made up the invasion force. An embarrassed Dutch government rushed to claim that it was all a mistake, Blom having been asked to join a meeting without any knowledge of what it was supposed to represent. Since then the suspicion has grown that it was no accident Blom was present that day. It has emerged that Dutch F-16s were conducting reconnaissance flights over Iraq already in late 2002.<sup>22</sup> Dutch Special Forces were active in northern Iraq in early 2003, and the submarine *Walrus*, under US operational command from June 2002, had been stationed in the Persian Gulf to observe Iranian naval units.<sup>23</sup> It now appears that in late November 2002 the United States delivered a list of requests for military support to the Dutch government, including use of Rotterdam and Schiphol as transit points and an array of land, sea and air force units.<sup>24</sup> It remains unclear what the precise reaction was from The Hague, but the signs are clear that some deals were made to ensure Dutch participation. The fact that de Hoop Scheffer, who clearly committed the Netherlands to the US–UK camp in late 2002, was named the next NATO secretary-general during that same period is also a clear sign of close cooperation between the two governments.<sup>25</sup>

At first a parliamentary enquiry into this affair seemed a definite possibility. Balkenende and his then coalition allies in the Liberal party steadfastly refused to accept this, but from 2003 until 2006 the Labour party, which possessed a major lead in the opinion polls during much of this period, held fast to its demand for such an enquiry. However, Labour failed to become the largest party in the November 2006 elections, and the most likely option for a new stable governing cabinet was through a Labour-Christian Democrat coalition. This put Labour's demand for an enquiry up against the fact that its main target, Jan Peter Balkenende, was now the party's most likely coalition partner. Compromise prevailed, and the subsequent coalition policy agenda announced in February 2007 contained no mention of this issue, allowing the Socialist Party (SP) to outflank Labour on the left and pursue a public campaign to mobilize support for an enquiry. In July 2007 the SP, together with several other parties, secured a debate in the upper house of the Dutch parliament, but the resulting vote went 39–36 against their enquiry proposal. Although members of the Labour party spoke out in support of the action, it was clear that the party's decision to stand with the current coalition blocked further progress.

### *Afghanistan*

Afghanistan became a political issue soon after the withdrawal of Dutch troops from Iraq. Although there were already around 600 Dutch military personnel in Kabul, in December 2005 the Dutch government under Balkenende sent 1,750 extra troops to Uruzgan province as part of the International Security and Assistance Force (ISAF) being run by NATO, with the intention that they would remain there until August 2008. An attempt by the smallest coalition party (D66) to question the mission in particular, and the relationship with the United States

in general, failed to split the government. Parliamentary opposition faded once the Labour party were accommodated with promises that the main aim of the mission was to be reconstruction and not counterterrorism. Guarantees from the United States, the United Kingdom and the Afghani government over the treatment of any suspects that the Dutch might hand over to other authorities also swung opinion in favour. Above all, the need to maintain unity within NATO played a particular role in the positive Dutch decision.<sup>26</sup>

Nevertheless, problems remained. The then minister of defence, Henk Kamp, refused to clarify what exactly the Dutch attitude was towards the opium trade.<sup>27</sup> The *UN Office on Drugs and Crime* (UNODC) reckoned that 87 per cent of the world's opium production was from Afghanistan, where it was calculated that about 52 per cent of the GDP (\$2.7 billion) came from this industry.<sup>28</sup> The 2006 harvest rose 47 per cent to around 6,700 tons, enough to produce 670 tons of heroin. Kamp did not deny that Dutch ISAF troops may become involved in the destruction of poppy fields if it fell under their task of supporting the regional Afghani government, even though this was not an official task of ISAF. Kamp's problem was that the United States, under the guise of Enduring Freedom, wanted to act unilaterally to destroy the poppy harvest, in direct opposition to the official standpoints of both the ISAF and the Afghani government. With no alternative source of income, this policy threatened to increase support among the farmers for resistance against the military forces in Afghanistan – including the Dutch. In January 2007 the Afghan president Hamid Karzai finally stated that there would be no spraying of opium fields with pesticide from the air, thus rejecting US demands.<sup>29</sup> However, Afghan forces have undertaken ground operations against the opium farmers, with potentially dangerous consequences for the ISAF mission.

Meanwhile, throughout 2007 the decision on whether the Dutch forces would remain longer than the August 2008 deadline gradually increased in significance.<sup>30</sup> Early signs indicated that there was a determination to push through an extension of the Dutch commitment. Defence Minister Eimert van Middelkoop stated openly in June 2007 that the cabinet had the 'political intention' to prolong, an honest announcement that got him into trouble for apparently ignoring the need to get parliamentary support. In August the chief of staff, Dick Berlijn, went a step further by declaring that it would be 'a moral failure' for a prosperous nation like the Dutch to turn its back on the mission. Meanwhile, NATO was a constant factor in the political deliberations, something that van Middelkoop had admitted back in March when he said that pressures from abroad for a prolonging of the mission were growing. This pressure went public in September when the secretary-general of NATO, de Hoop Scheffer, with a complete lack of respect for diplomatic protocol, trumpeted that 'no one can leave. No one is going to leave. I can honestly not believe that the Netherlands will be the only one to leave'. It was clear early on that the Dutch government was working hard to find other NATO partners to join it in the Afghan endeavour, a condition for its continued commitment. By the time of the NATO summit in Noordwijk in October sufficient, if limited, agreements had been reached with Hungary, the

Czech Republic, Slovakia, France (training units only) and possibly aspirant NATO member Georgia. Therefore, when on 30 November the Dutch cabinet finally announced that Dutch troops would be staying in Uruzgan until December 2010, everyone had been expecting it for several months.<sup>31</sup>

Yet, the apparent straightforwardness of the decision hides some major complications. Despite previous agreements the Dutch forces have been coopted into Enduring Freedom operations over the past years, and hardline US tactics have not helped the confidence-building measures of the Dutch forces one bit. Some commentators, notably Ko Colijn, have pointed out that the Netherlands has effectively been drawn into the 'Global War on Terror' despite denying any connection with it. By associating the Netherlands's security policy so closely with NATO, the Dutch government effectively had nowhere to go except to continue in Afghanistan. Since late 2007 de Hoop Scheffer and others have repeatedly stated that the future of NATO as a credible organization lies in how it deals with the Afghanistan mission. Under these circumstances any other decision by The Hague was impossible. Ever since the beginning of the Afghan mission the association with counterterrorism had been placed within the broader, more palatable cause of reconstruction and development, thereby preventing a cabinet split and abiding by the expected norms of Dutch foreign policy interests.<sup>32</sup> However, despite the Dutch commitment, tensions remain with the United States, its main ally.<sup>33</sup>

### ***The Joint Strike Fighter (JSF)***

The JSF story gives a perfect indication of strength of atlanticist opinion within the world of Dutch politics, the military and big business. In 2002, the government agreed to join in the development of the Joint Strike Fighter, the intended successor to the F-16. The deal involved an investment of \$800 million in the project, with the proviso that parts of the development and production would be channelled to Dutch companies. However, problems with the prototype meant that already in 2003 there were serious doubts over whether the final model would meet the expected requirements. Cooperation with partners, particularly the United Kingdom, ran into trouble when the United States refused to share the necessary technological specifications. Delays have moved full-scale production back to 2013. Other higher-tech options, such as Unmanned Combat Aerial Vehicles, and the changing nature of warfare itself, have thrown other question-marks at the JSF.<sup>34</sup>

However, the Dutch, in comparison with just about every other major contributor (British, Danish, Norwegian, Turkish, and – as observers – the Israelis) have kept a low profile during these difficulties and have not shown any interest in changing course. Potential competitors, such as the Eurofighter and the French Rafale, have not been considered as serious options, a clear reflection of the solid transatlantic perspective of Dutch industry, the Ministry of Defence, and the Air Force. In terms of outlook and material the Dutch military is fully 'embedded' in logistical compatibility with US forces. When the General Auditor's Office

produced a critical report in October 2006, claiming that the total costs would eventually reach €14.6 billion for 85 aircraft, it was ignored by the government.<sup>35</sup> In November 2006, less than two weeks before the elections, the Ministry of Defence signed a Memorandum of Understanding to further commit the Netherlands to the JSF development process. Up to that point Dutch companies had earned a total of €720 million, even though it was budgeted in 2002 that a total of €6.2 billion would return to the Netherlands via business contracts. The signing just before the elections was deliberate. ‘The Labour party must now realize that the point of no return has been reached’, said Rob de Wit, manager of Philips affiliate Dutch Aero.<sup>36</sup> Once again, as with the parliamentary enquiry into the Iraq war, the post-election coalition-building compromises forced the Labour party to retreat. A definite decision on whether or not to buy the JSF will now only be taken in 2010, at which point the Dutch will be so far involved it is hard to imagine any other outcome.

### **Dutch Multilateralism: The Importance of International Organizations**

The JSF episode has exposed the Dutch commitment to atlanticism. With its economic landscape dominated by several influential multinationals, such as Shell, Unilever, KLM, Akzo Nobel and Philips, the Dutch were long committed to a free trade policy, and their reliance on foreign raw materials and markets ensured an internationalist outlook. Products and services delivered to the European Union, America, Asia and Africa generate close to 60 per cent of Dutch GDP. Commercial services dominate the national economy, with Rotterdam the largest sea port and Schiphol the third largest airport for freight traffic. The necessity of a stable international economic order has therefore always been paramount for the Dutch, and they have contributed a great deal of expertise and commitment within international organizations during the twentieth century to ensure this. This reflects their belief both in the necessity of achieving international order through negotiation and the need to secure Dutch interests by arranging compromises between the larger powers. As Voorhoeve noted, ‘An important means of indirectly exercising economic influence is by participation in international conferences and organizations. Dutch delegations to international economic conferences and such bodies as the EEC, IMF, GATT, Benelux, OECD, World Bank and UN agencies have usually been large and active’.<sup>37</sup>

It was also not just a question of quantity, but also of quality. The Americans had great respect for the abilities of their Dutch counterparts in the foreign policy field. Alongside the three Dutch NATO secretary-generals, several other top officials played a key role in developing the post-war international landscape, such as Emile van Lennep (secretary-general of the OECD 1969–84) and Finance Minister Dr. Piet Lieftinck (executive director of the IMF 1956–76, director of the World Bank 1956–71). Within the EEC, prior to the entry of the United Kingdom in 1973 the Dutch fulfilled a crucial role in defending not only the



principle of free trade against French protectionism, but also in opposing de Gaulle's attempt at political hegemony via the Fouchet plan. The Dutch always managed to maintain a positive approach to European integration within a consistent atlanticist context.<sup>38</sup>

Several US ambassadors have spoken openly about the importance of the Netherlands as both an international political hub and as an essential bilateral trade and investment partner. William Tyler (1965–69), who went to The Hague after serving as assistant secretary of state for European affairs, spoke of the country as an ideal 'listening post' for what was going on around Europe.<sup>39</sup> His successor William Middendorf (1969–72) had this to say:

First off, in the Netherlands you have to understand, it's all business, and they're very practical . . . Charlie Tanguy here, who was then the Netherlands desk officer was able to arrange for a number of meetings in New York with major corporations like IBM and others, at Chase, and Citibank who had huge international departments doing business with the Netherlands, and Chemical Bank. We had a number of meetings there, and businessmen were giving us the benefit of where they thought the Netherlands fitted into the European scene, and how important the Netherlands was in the business sense, plus their role in NATO, OECD, and all the other functions where the Netherlands was a key leader in international organizations. It made my job very easy because at one point the Netherlands had the Secretary General of the OECD, the head of the Bank of International Settlements, Joseph Luns at NATO, and the [UN's] Foreign Agricultural Organization chief.<sup>40</sup>

William Dyess (ambassador from 1981 until 1983) also referred to how

the Dutch were into everything. At that time they were the largest investors in this country. Now the British are, but they were the largest investors. They are into everything. They were in the Sinai and various peace-keeping forces. They were in the U.N. They were on the Security Council, the Common Market. You name it, the Dutch were in it.<sup>41</sup>

The bilateral economic relationship is considerable. The Netherlands remains the second largest investor in the United States behind the United Kingdom, and in terms of per capita investment it is way ahead. In 2001, it stood at \$9,754 per capita, compared to \$3,629 for the United Kingdom and \$1,252 for Japan. In the other direction, the United States has used the Netherlands as an ideal platform for Foreign Direct Investment (FDI) within the Euro-zone. In 2003, the United States invested far more in the Netherlands than in any other EU state, around 10 per cent of all US FDI.<sup>42</sup> As the JSF story shows, the two economies, or better said the two economic mentalities, are closely interwoven.

### **US Unilateralism v. Dutch Multilateralism: International Law, Norms, and Values**

In November 2006, the then foreign minister Bernard Bot outlined his vision on Dutch foreign policy in the Netherlands' version of *Foreign Affairs*, the *Internationale Spectator*. Bot saw a necessary shift from the explicit 'pure multilateralism' of the post-World War II era towards a 'realistic multilateralism' that would reflect the changing circumstances in international politics. Pure multilateralism was characterized by commonly accepted rules and an equality before the (international) law that reduced the differences in power between nations. In this scenario the interests of the Netherlands coincided wholly with the interests of the most important international organizations, such as the EU, NATO and the UN. Looking at it from the perspective of Dutch tradition, the 'norms and values' of the pastor combined perfectly with the trading interests of the businessman. For Bot it was necessary to adjust to the fact that this post-war international order was now changing, due in part to the rise of new powers (China, India, Brazil) and the stagnation in the EU surrounding both internal and external policy. As a result, the Netherlands would continue to strive for its place in the world market and the maintenance of the international legal order, but it would do so out of its own national interest and no longer with the conviction that this could be blended perfectly into the common good.<sup>43</sup>

In contrast to his measured opinion in this article, Bot gave a speech at the Roosevelt Academy in Middelburg in January 2007 in which his analysis of the world situation went several critical steps further. Claiming that 'the existing legal order is losing legitimacy', Bot pointed to four cases where this was being demonstrated: The struggle over nuclear power with Iran; Serbia's refusal to hand over war criminals as part of its passage towards EU membership; the 2006 US–India nuclear deal, which violated the Non-Proliferation Treaty; and the arrest and detention of illegal combatants by the United States outside any accepted conventions of international law. It was remarkable to hear from a Dutch foreign minister that two of the four examples illustrating the breakdown in legal conventions directly involved the United States. For Bot, the position of the Netherlands, and specifically The Hague as the 'legal capital of the world', remains an essential aspect of Dutch national identity, and right should continue to prevail over might as much as possible. It has been precisely in this field that the main clashes between the Netherlands and the United States have taken place over the past few years, since the Bush administration began pursuing a unilateralism deliberately unshackled from the need for international consensus. Two specific examples of this crumbling trust will be given here.

#### ***The 'Hague Invasion Act'***

On 1 July 2002 the Rome Statutes of the International Criminal Court (ICC) came into effect, enabling the actual establishment of the ICC in The Hague. There had been much controversy surrounding this court, particularly concerning the refusal

of the United States to allow its nationals to come under its jurisdiction. On 3 August 2002 President Bush signed the American Servicemembers Protection Act, a body of measures designed to deny the ICC any legitimacy. It soon became known as The Hague Invasion Act, since it included the authorization of the use of military force to liberate any American citizen, or citizen of a US ally, being held by the ICC.<sup>44</sup> However much this may have been an act of clumsy intimidation, the gratuitous rejection of Dutch identity and sovereignty in this legislation caused an understandably angry response from the Netherlands.

### ***Extraordinary Rendition***

In 2005, the issue of ‘extraordinary rendition’ became a major issue in Dutch–American relations. During the 1990s there developed a practice of abducting criminal suspects in a third country in order to bring them to justice elsewhere. So long as there existed an official arrest warrant, there was cooperation between the abductors and the third country itself, and the aim was to bring the suspect before a court of law, then rendition could be defensible. Thus, President Clinton authorized Presidential Decision Directive 39 in the wake of the 1993 World Trade Center bombing, which stated that, if normal extradition procedures were unavailable or inapplicable, the support of local authorities could be requested to bring a suspect to the United States for trial. However, already during Clinton’s time there was discussion over the option of taking suspects to another country to avoid intelligence information leaking through the openness of the US court system. Therefore, even before 9/11 the procedure had altered from one of due process to one of information-gathering by any means necessary, including abducting and transporting suspects to countries whose security services had a proven record of torture, such as Morocco, Egypt and Syria.<sup>45</sup> As ‘unlawful combatants’ in the War on Terror they were effectively removed from the established norms of legal procedure.

When news of the secret prisons and clandestine CIA flights became known in late 2005, Foreign Minister Bot reacted strongly, stating that such illegal US activity could have consequences for Dutch participation in military missions together with the Americans, as in Afghanistan. Bot raised the issue in the NATO Council and received assurances from Secretary of State Condoleezza Rice that the United States did not torture and that the Netherlands had not been implicated in either the transport or detention of suspects. For the Dutch, it was essential that their identity as upholders of international law not be damaged by being implicated in these activities. It is clear that several European countries have cooperated in this process, with their security service personnel being able to question suspects abducted by the Americans and held at Guantánamo Bay, the Bagram base in Afghanistan, or other secret locations. As far as is known, the Dutch security service (AIVD) has cooperated in information-sharing but has not been present at any of the interrogation centres. Whether this would have been different had there been Dutch suspects involved remains an open question. However, independent investigators have established that, between 2002

and 2006, at least six CIA flights had passed through Rotterdam airport and one through Schiphol.<sup>46</sup>

The announcement of President Bush on 6 September 2006, which confirmed the existence of the rendition programme and the secret prisons, came as a special blow to Bot, who admitted that his criticism of rendition had already led to ‘a small ice age’ between the Netherlands and the United States during that year.<sup>47</sup> Looking for a way out, Bot offered the services of Dutch legal expertise to try and find a way forward on the status of illegal combatants and where they fit within international law. At the end of 2006 an informal, independent international commission was convened to study the problem in order to resolve the difference of opinion between the two countries. Bot himself, when asked in Middelburg in January 2007, did not give a clear picture on what the timetable for the commission was, or what influence it would have on Dutch or US policy, but he did mention that ‘the Americans are favourable about the group’ and its goals. The danger remains that the Dutch will be drawn into compromises with the Americans which will ultimately weaken their standpoint on international law, since it is highly unlikely that the Americans will abandon extraordinary rendition, its use of military tribunals, its lack of legal process and its use of torture simply because of Dutch moral concern. Looking to modernize the Geneva Conventions in order to accommodate US demands could therefore directly implicate the Netherlands in exactly what it wants to condemn.<sup>48</sup>

### **Conclusion: Plus ça change, plus ça meme chose?**

Despite Iraq, despite Afghanistan, and despite the anti-Bush public mood, foreign policy did not feature prominently in the November 2006 Dutch parliamentary elections. The document that outlined the winning coalition’s policy agenda, adopted in February 2007 by the Christian Democrats, Labour, and the smaller Christian Union, referred to foreign policy in only two of its fifty-three pages.<sup>49</sup> Perhaps this apparent lack of interest was precisely *because of* the general anti-Bush (and anti-EU) mood. There remains at this time no desire among the political class to confront the realities of Dutch atlanticism in an era of strong US unilateralism, because this would mean accepting that a re-evaluation of principles was necessary. Minister Bot, the one member of the previous government who did raise serious concerns over US policies, was publicly rebuked by Minister-President Balkenende and was not asked to retain his post in the new coalition. His successor, Maxime Verhagen, soon showed that he was not going to push any issue that might disrupt a smooth transatlantic relationship. Although there have been rumblings within the Labour party, the leadership successfully sidelined them and the coalition agreement has effectively killed them off. The Socialist Party, the one party that did present a broad election campaign agenda for foreign affairs, focused on transatlantic relations only in the sense of rejecting the limitless expansion of NATO’s mission, epitomized by ISAF in Afghanistan.

There are significant voices, notably Labour’s State Secretary for European Affairs Frans Timmerman, who have been calling for a general move away

from an automatic atlanticism towards a more flexible understanding of Dutch interests in a global political and economic environment. However, the question remains as to whether the opportunity will arise for such figures to demonstrate what this might mean in practice. Other signs of serious discontent have also been evident. In 2005, Karel van Wolferen, professor at the University of Amsterdam, published, together with journalist Jan Sampiemon, a book titled *A Turning Point in the Nation's History* in which they called for a realistic understanding of how the first Bush administration had negated all accepted norms and values that provided the basis for the Atlantic community. The divide that was opening up between US national interests and the interests of a stable world order, they argued, was raising serious questions for the Netherlands. Emphasizing that he was not anti-American, van Wolferen at least wanted Dutch policymakers to deal with the fact that US policies were already breaking up the transatlantic alliance. No step forward could be made, in the direction of the EU, the UN, or wherever, without first addressing what was going on with the United States.

Why has this re-evaluation, *pace* Bot, not occurred? Van Wolferen listed four reactions to the current state of affairs. There are the 'knee-jerk Atlanticists' who would do anything to prevent a disruption to the 'special relationship'. There are also those on the Right who express sympathy for the values of the neoconservative agenda and its call to bring democracy to the Middle East. On the Left there has been a too-easy tendency to categorize recent events as age-old US imperialism, without recognizing how novel the current situation actually is. Finally, there are many 'pragmatists' who simply see no alternative to accepting US hyper-power, and who, in doing so, pass the initiative to Washington to continue benefiting from its divide-and-rule approach to European affairs.<sup>50</sup> A year after their book's publication, van Wolferen and Sampiemon commented bitterly on the inability to generate any meaningful interest or debate within the Dutch media on the how and why of the 'Global War on Terror'. Official statements were accepted at face value, opinion pieces supporting US policy were regularly selected from American sources, and those who questioned these developments were marginalized. For these authors, the Netherlands, from lack of courage to face up to reality, had become little more than a 'vassal state' unable to appreciate how its leader was bringing it into greater danger:

Above all it is clear how strong the psychological blockage is in the Netherlands to accept that our protector from the past half century no longer provides protection. . . . The Netherlands had nothing to gain from the illegal occupation of Iraq. The NATO operation in Afghanistan is doomed. Meanwhile the inhabitants there have every reason to see the Netherlands as an accomplice of an aggressive power that is taking it out on their lives.<sup>51</sup>

For critics such as van Wolferen, Sampiemon, and fellow journalist Henk Hofland, there is a desperate lack of reflection on how to turn justifiable concern about US policies into constructive politics at the national level. The Dutch leadership instead prefers to ignore, or at best downplay, the criticism, assuming that

there has been no ‘turning point’, only an awkward but temporary phase. The one moment when a serious reflection on Dutch commitments abroad could have occurred free of dogma was during 2002 when Pim Fortuyn led a remarkable upsurge of popular discontent against the established parties in the direction of the May 2002 elections. Fortuyn was unencumbered by tradition and voiced at various moments his disbelief in the worth of NATO and, in particular, his opposition to the JSF. Not long before the elections the then US ambassador Clifford Sobel visited Fortuyn and was able to convince him to accept the JSF. However, the extent of Fortuyn’s views on NATO in general were not to be known. On 6 May 2002 Fortuyn was murdered outside a radio studio in Hilversum by a radical environmental activist, his death throwing his party into disarray and removing any chance of a wide-ranging re-assessment of Dutch foreign policy.

Since then there has been a return to normalcy. As the author of the ‘loyal ally’ thesis, Alfred van Staden, remarked in a think-piece in late 2006, any workable international order requires American cooperation, and attempting to achieve anything without the United States would only encourage its unilateralist tendencies. In his view the EU offers no opportunity for alternatives since the malaise surrounding the constitution took hold (a malaise which the Netherlands played a central role in with the negative result of its referendum in June 2005). Only those nations that remain allies can expect to function as ‘correcting-mechanisms’ to reconcile US power with the demands of international law and legitimacy.<sup>52</sup> This continues to be the dominant line in the Netherlands today. The special relationship, despite accumulating criticism, remains intact.

## Notes

- 1 Joris Voorhoeve, later Foreign Minister, has characterized Dutch foreign policy as having been driven since the seventeenth century by three predominant themes: Neutralist abstentionism, maritime commercialism, and internationalist idealism. See J. Voorhoeve, *Peace, Profits and Principles: A Study of Dutch Foreign Policy*, The Hague: Nijhoff, 1979, pp. 42–53.
- 2 A. Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, Berkeley: University of California Press, 1968. Although the Communist Partij Nederland (CPN) did poll 10.6 per cent in the 1946 elections, a sustained anti-communist campaign by successive Dutch governments, combined with a decline in the CPN’s popularity due to events such as the Soviet invasion of Hungary, meant the party never again gained a similar level of success.
- 3 B. Zeeman, ‘Belgium, the Netherlands, and Alliances 1945–49’, PhD dissertation, Leiden University, 1993.
- 4 H. A. Schaper, ‘Het Nederlandse veiligheidsbeleid, 1945–50’, in N. C. F. van Sas (ed.) *De Kracht van Nederland*, Haarlem: Becht, 1991, pp. 150–70; W. Klinkert and G. Teitler, ‘Nederland van neutraliteit naar bondgenootschap. Het veiligheids-en defensiebeleid in de twintigste eeuw’, in B. de Graaf, D. Hellema, and B. van der Zwan (eds) *De Nederlandse buitenlandse politiek in de twintigste eeuw*, Amsterdam: Boom, 2003, pp. 9–36.
- 5 A. van Staden, *Een Trouwe Bondgenoot: Nederland en het Atlantisch Bondgenootschap 1960–1971*, Baarn: In den Toren, 1974; A. van Staden, ‘De rol van Nederland in het Atlantisch Bondgenootschap: Wat veranderd en wat uiteindelijk blijft’, in van Sas (ed.) *De Kracht van Nederland*, pp. 219–31; The issue of whether the Netherlands has an

- identifiable tradition in foreign policy (Voorhoeve), including its loyalty to the transatlantic alliance (van Staden), has been a contested issue in Dutch historiography since the early 1980s. See for instance the different points of view in B. Bot et al., *Lijn in de Buitenlandse Politiek van Nederland*, The Hague: Sdu, 1984.
- 6 J. W. Honig, *Defence Policy in the North Atlantic Alliance: The Case of the Netherlands*, Westport CT: Praeger, 2003.
  - 7 A. Kersten, 'Neutralising Political Poker Play with a Cardboard Pistol: Dutch Reactions to France's Withdrawal from NATO's Integrated Defence (1966)', in M. Vaisse, P. Mélandri and F. Bozo (eds) *La France et l'OTAN 1949–1996*, Armées: Interventions, 1996, pp. 451–67.
  - 8 '1968 – State of US–Netherlands Relations', 16 January 1968, and 'Annual Policy Assessment', 27 September 1968, Box 2363, POL 1 NETH-US, Subject-Numeric Files, RG 59, National Archives, College Park, Md.
  - 9 See F. Zuijdam, *Tussen Wens en Werkelijkheid: Het Debat over Vrede en Veiligheid binnen de PvdA in de Periode 1958–1977*, Amsterdam: Aksant, 2002, pp. 133–216. New Left opposition to NATO was an outgrowth of several factors: Criticism of the Vietnam war; rejection of NATO membership for rightist regimes such as Greece, Portugal, and Spain; and the aim to re-configure East–West relations through recognizing the GDR in particular and Detente in general.
  - 10 M. Kuitenbrouwer, 'Een Realistische Idealist: Max van der Stoel (1973–77 en 1981–82)', in D. Hellema, B. Zeeman, and B. van der Zwan (eds) *De Nederlandse Ministers van Buitenlandse Zaken in de Twintigste Eeuw*, The Hague: Sdu, 1999, pp. 243–56.
  - 11 See B. J. van Eenennaam, *48 Kruisraketten*, The Hague: Sdu, 1988.
  - 12 W. Laqueur, 'Hollanditis: A New Stage in European Neutralism', *Commentary*, 71, August 1981, pp. 19–26; R. van Diepen, *Hollanditis: Nederland en het Kernwapendebat 1977–1987*, Amsterdam: Bert Bakker, 2004.
  - 13 D. Hellema, 'Een Charmant Bewindsman: H.A.F.M.O. van Mierlo (1994–98)', in D. Hellema, B. Zeeman, and B. van der Zwan, *De Nederlandse Ministers* (eds), pp. 295–307.
  - 14 R. Russell, 'The Atlantic Alliance in Dutch Foreign Policy', *Internationale Spectator*, 1969, vol. 23, pp. 1189–1208.
  - 15 'Nederlanders martelden Irakezen' [The Dutch tortured Iraqis], *De Volkskrant*, 17 November 2006.
  - 16 Under pressure to explain itself, the *Volkskrant* published the background to the case. The paper had been put onto the story by a retired General who wanted the facts to come out. 'De Missie van Generaal X', *De Volkskrant*, 10 February 2007, p. 28.
  - 17 A full summing-up of the Iraq issue in Dutch politics is J. Boom, 'Explosief Materiaal', *De Groene Amsterdammer*, 13 April 2007, pp. 10–12.
  - 18 K. van Wolferen and J. Sampiemon, *Een Keerpunt in de Vaderlandse Geschiedenis*, Amsterdam: Meulenhoff, 2005, p. 117.
  - 19 <[http://www.novativ.nl/index.cfm?ln=nlandfuseaction=artikelen.detailsandachtergrond\\_id=5168](http://www.novativ.nl/index.cfm?ln=nlandfuseaction=artikelen.detailsandachtergrond_id=5168)> (accessed 27 March 2007).
  - 20 J. Oranje, 'Hollandse Oorlogslogica', *NRC Handelsblad*, 12 June 2004, <[http://www.nrc.nl/binnenland/article380237.ece/Hollandse\\_oorlogslogica](http://www.nrc.nl/binnenland/article380237.ece/Hollandse_oorlogslogica)> (accessed 6 April 2007).
  - 21 Ibid., 'Daar zag men aankomen dat Nederland, dat weliswaar een Atlantische traditie heeft, maar ook een reputatie als voorvechter van het internationaal recht, voor een principiële keuze kwam te staan. Kon Den Haag de VS steunen als die, zonder specifiek mandaat van de Veiligheidsraad, op eigen houtje een oorlog zouden beginnen?'
  - 22 H. Jaspers, 'Geheime Nederlandse steun aan de oorlog van Bush'. <<http://www.openheidoverirak.nu/databank/Geheime%20Nederlandse%20steun%20aan%20de%20oorlog%20van%20Bush.html>> (accessed 6 April 2007).
  - 23 K. Colijn, 'Kwestie-Irak blijft kabinet plagen', *Vrij Nederland*, 31 March 2007, pp. 15–16.

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- 24 'Nederland en de oorlog tegen Irak', KRO Reporter (text based on a television documentary aired on Sunday 25 March 2007), <<http://reporter.kro.nl/uitzendingen/2007/irakoorlog/LeesVerder.aspx>> (accessed 6 April 2007).
- 25 Colijn, 'Kwestie-Irak', pp. 16–17.
- 26 H. Hofland, 'Uruzgan als Nederlands Moeras', and Aukje van Roessel, 'Rekken en erbij Blijven', *De Groene Amsterdammer*, 20 January 2006, p. 7.
- 27 J. Boom, 'De Oorlog tegen het Rode Goud', *De Groene Amsterdammer*, 10 February 2006, pp. 16–17; 'Maar we laten ons niet afslachten', interview with Minister Henk Kamp, *De Groene Amsterdammer*, 9 February 2007, pp. 10–13.
- 28 <<http://www.nato.int/docu/review/2006/issue1/dutch/analysis.html>> (accessed 27 March 2007).
- 29 'Bucking US, Afghanistan won't Spray Heroin', Associated Press, 25 January 2007, <<http://www.msnbc.msn.com/id/16807707/>> (accessed 10 April 2007).
- 30 The former Defence Minister Joris Voorhoeve has himself entered the debate, calling for no extension beyond August 2008: 'Nederland moet niet in Uruzgan blijven', *Vrij Nederland*, 12 May 2007, pp. 22–23.
- 31 'Nederland moet blijven in Uruzgan', *NRC Handelsblad*, 23 November 2007, <[http://oruzgan.web-log.nl/uruzgan\\_weblog/2007/11/nederland\\_moet\\_.html](http://oruzgan.web-log.nl/uruzgan_weblog/2007/11/nederland_moet_.html)> (accessed 28 August 2008); A. van Roessel, 'Nederland heeft al ja gezegd', *De Groene Amsterdammer*, 2 November 2007, p. 11.
- 32 On the development of a post-Cold War and especially post-9/11 peacekeeping role for Dutch forces and the determination of the Dutch military to work closely with the United States, see C. Klep, 'Peacekeeping and the War on Terror 1989–2007', in H. Krabbendam, C. A. van Minnen, and G. Scott-Smith (eds) *Four Centuries of Dutch–American Relations*, Amsterdam: Boom & New York: State University of New York Press, forthcoming 2009.
- 33 On 17 January 2008 Defense Secretary Robert Gates claimed that some NATO partners were inadequately prepared for the kind of counter-insurgency tactics that Afghanistan demanded. By comparing the successful approach of US forces with other forces, it appeared that he was criticizing the Dutch, British, and Canadians operating in the southern provinces. Such an accusation was not appreciated in the Netherlands, which over the last decade has deliberately adapted its military for this kind of challenge, and Gates rescinded his comments with an apology. See 'Ongelukkige kritiek op een ongelukkige moment', *De Volkskrant*, 18 January 2008.
- 34 F. Slijper, 'JSF: Hoogvlieger of Zinkend Schip?', *Kleintje Muurkrant* 405, 26 August 2005, <<http://www.stelling.nl/kleintje/405/JSF.htm>> (accessed 10 April 2007).
- 35 F. Slijper, 'Vervolgbesluit JSF', *Kleintje Muurkrant* 418, 10 November 2006, <<http://www.stelling.nl/kleintje/418/JMYM1163165649.html>> (accessed 10 April 2007).
- 36 'Amerikaanse Gevechtsvliegtuig als Banenmotor', *NRC Handelsblad*, 10 November 2007, p. 13.
- 37 Voorhoeve, *Peace, Profits and Principles*, p. 15.
- 38 This has changed in recent years, the 'no' vote in the referendum on the EU constitution in June 2005 indicating that Dutch support for further integration was seriously waning. J. A. Schoneveld, *Tussen Atlantica en Europa: Over Opkomst en Ondergang van de Spagaat in de Nederlandse Buitenlandse Politiek*, PhD dissertation, Leiden University, 2000, pp. 30–39.
- 39 William R. Tyler, interview with Charles Stuart Kennedy, 17 November 1987, Foreign Affairs Oral History Collection of the Association for Diplomatic Studies and Training (hereafter cited as ADST), <[http://memory.loc.gov/cgi-bin/query/r?ammem/mfdip:@field\(DOCID+mfdip2004tyl02\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mfdip:@field(DOCID+mfdip2004tyl02))> (accessed 6 April 2007).
- 40 J. William Middendorf II, interview with Charles Stuart Kennedy, 28 July 1993, ADST, <[http://memory.loc.gov/cgi-bin/query/r?ammem/mfdip:@field\(DOCID+mfdip2004mid01\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mfdip:@field(DOCID+mfdip2004mid01))> (accessed 6 April 2007).



- 41 William J. Dyess, interview with Charles Taber, 29 March 1989, ADST, <[http://memory.loc.gov/cgi-bin/query/r?ammem/mfdip:@field\(DOCID+mfdip2004dye01](http://memory.loc.gov/cgi-bin/query/r?ammem/mfdip:@field(DOCID+mfdip2004dye01)> (accessed 6 April 2007).
- 42 For further details of the financial and economic relationship see the website of the Royal Netherlands Embassy, Washington D.C., <<http://www.netherlands-embassy.org/article.asp?articleref=AR00000237EN>> and <<http://www.netherlands-embassy.org/article.asp?articleref=AR00000718EN>> (accessed 6 April 2007).
- 43 B. Bot, 'Met Overtuiging en Berekening: Van Zuiver naar Realistisch Multilateralisme', *Internationale Spectator*, 2006, vol. 60, pp. 547–51.
- 44 'US Hague Invasion Act becomes Law', Human Rights Watch, <<http://www.hrw.org/press/2002/08/aspa080302.htm>> (accessed 6 April 2007).
- 45 J. van Buuren, 'Amerikaanse Bluf', *De Groene Amsterdammer*, 6 January 2006, pp. 10–11.
- 46 J. Boom, 'Een Nieuwe Ijstijd', *De Groene Amsterdammer*, 22 September 2006, p. 14.
- 47 Ibid.
- 48 Ibid., 'Bot biedt VS juridische hulp aan inzake Guantanamo Bay', *NRC Handelsblad*, 12 October 2007.
- 49 'Coalitieakkoord tussen de Tweede Kamerfracties van de CDA, PvdA, en ChristenUnie', 7 February 2007, pp. 13–15, <[www.regering.nl/dsc?c=getobjectands=objandobjectid=74638](http://www.regering.nl/dsc?c=getobjectands=objandobjectid=74638)> (accessed 7 February 2008).
- 50 Van Wolferen and Sampiemon, *Keerpunt*, pp. 98–103.
- 51 K. van Wolferen and J. Sampiemon, 'De Ondoordringbare Opiniemist', *De Groene Amsterdammer*, 6 October 2006, p. 28.
- 52 A. van Staden, 'Nederland en de Transatlantische Samenwerking: Apologie zonder Nostalgie', *Internationale Spectator*, 2006, vol. 60, pp. 568–72.