The Dutch Parliament and the Decision-Making Process on Military Missions

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## Inhoudsopgave

INTRODUCTION ................................................................................................................. 3

THEORETICAL FRAMEWORK .......................................................................................... 4

METHOD ............................................................................................................................. 8

DEBATES IN PARLIAMENT ............................................................................................... 10

Debate on the Korea war (30 June 1950) ........................................................................ 10

Debate on the Dutch participation in the UN peace mission in Lebanon (1 February 1979) .... 12

Debate about the results of the committee on the decision-making process concerning foreign military missions (11 October 2000) ................................................................................... 15

Debate about the police-training mission in Afghanistan (27 January 2011) ....................... 19

THE DEBATES ON THE DECISION-MAKING PROCESS PARLIAMENT DISCUSSED .... 22

CONCLUSION ...................................................................................................................... 25

APPENDICES .................................................................................................................... 27

Appendix 1 ......................................................................................................................... 27

Appendix 2 ......................................................................................................................... 28

SOURCES/LITERATURE .................................................................................................... 29

Sources ............................................................................................................................... 29

Literature .......................................................................................................................... 29
Introduction

Since 1953 the Dutch constitution states that either the King (before 1983), or the government (since 1983), should promote and improve the international legal order. Article 90 in the constitution provides for this obligation. Based on this article the government joined in a number of military missions around the world. The first mission was even before this article was introduced, during the Korean War in 1950 when the Netherlands joined the mission initiated by the Security Council and the United States. After this mission many several missions followed. The government has to decide whether or not the Dutch military will take part in an international military mission. But how does the government decide and what is the role of the Parliament in this decision? Members of Parliament (MPs) and ministers often describe these decisions as the hardest to make. Military peace missions tend to be dangerous and lives of soldiers are at stake, as seen in Korea where 125 Dutch lives were lost. The government’s decision whether or not to join a mission is difficult.

As the Netherlands is a parliamentary democracy, one would expect that the Parliament has the greatest influence in the decision-making process. However, for a long time the government made key decisions with regard to foreign affairs and defence policies. But from 1950 onwards the role that Parliament plays in the decision making process on whether or not to join a mission appears to become increasingly important. During the 1970s, when it was decided to join the UNIFIL mission, the Parliament debated on the execution of the mission, but the fundamental question whether the Netherlands should join the mission was hardly debated. When the minister of Defence was asked why he did not ask Parliament whether UNIFIL should have been joined earlier, the minister answered simply that is was not a suitable question. Today this answer would be inappropriate and unimaginable, since in the 1990s and 2000s changes were made to the constitution which required the government to follow a protocol on risk assessment. In the year 2000 Article 100 was added to the constitution, which required the government to inform the Parliament after deciding to join a mission. Over the years the decision itself remained legally a government matter, but in practice a shift was taking place. During the debates about later missions, such as the police-training mission in Kunduz, Afghanistan, the government clearly asked for support in Parliament. This would be unimaginable during the 1950s and 1970s. It is a remarkable development since foreign affairs and defence historically were considered to be a matter of the government. This interesting history leads to the following research question: Why and
how did the role of the government and Parliament change in the decision-making process concerning/with regard to the Dutch military missions abroad after the Second World War?

Theoretical Framework

To explain the legitimacy of Parliament and government, and thereby establish a basis for this thesis, theories on legitimacy are crucial to discuss.

Legitimacy is a widely discussed topic and different definitions are given. The main discussion is about what gives rulers the right to rule. Different authors have different perceptions of this and therefore many definitions on legitimacy exist. Max Weber (Beetham 1991, 6) was an influential author within the debate on legitimacy, stating that legitimacy is the belief of the people in the legitimacy of their rulers. During the twentieth century critiques arose on the theories of Weber, arguing that legitimacy is not about the belief of the people, but that legitimacy consists of different elements. Rosanvallon, Beetham and Barker had a great impact on the debates on different forms of legitimacy.

An important aspect in these discussions is the difference between legality and legitimacy, as Thomas Aquinas already pointed out long ago; a law can be proclaimed completely in accordance with the constitution, but if the people do not agree with that law, it will not be seen as legitimate (Bokhorst 2014, 19). This can also be observed when looking at Dutch military missions. The law is very clear: the government only has to inform the Parliament about the missions. No explicit approval of the Parliament is needed. During the last decades, however, it can be clearly observed that the government, with respect to Dutch missions abroad, not only informs the Parliament, but also asks for consent. The government is legally entitled to make the decision, but decides to ask for the opinion and approval of the Parliament.

Beetham (1991, 15) states that the crucial idea of understanding legitimacy lies in the recognition that legitimacy is a multidimensional phenomenon. He states that power is legitimate when it conforms to three dimensions which all have their own characteristics.

The first dimension is the conformity to rules; the second dimension is the justifiability in terms of shared beliefs and the third dimension is legitimation through expressed consent. These characteristics can all differ from each other and can be different in each case. The legitimacy of a decision, such has on participation in a military mission, depends on a judgement where all the different characteristics are considered (Beetham 2013, 20). The dimensions, described above, are merely focussed on the connection between
legitimacy and the people, in other words, are the government and the decisions they take legitimate according to the people. In one of the added chapters in the latest edition of his book however Beetham also discusses, next to these dimensions of legitimacy, the importance of the legitimation of governments by themselves (Beetham 2013, 254).

Barker discusses the self-legitimation of governments, a subject touched upon by Weber, but further not widely discussed in the literature (Barker 2004, 5). Self-legitimation was not a very popular subject of research during the twentieth century in which the development and value of democracy was more fashionable. Only after the collapse of the communist states in Eastern Europe the debate was explored again. Legitimation is not only about whom the people prefer as ruler, but also about leaders who actively have to legitimize themselves. The leaders have to claim that they have a specific right to rule (Barker 2004, 24). Self-legitimation justifies and explains the actions of rulers to a large extent (Barker 2004, 136). Rulers tend to legitimize themselves in the immediate environment of the government, such as the Parliament, but this does not mean that the other components of legitimacy and the people are not important. Self-legitimation is one of the activities of the government (Barker 2004, 137). Barker describes legitimacy as an activity of the government and not as an abstract quality (Barker 2004, 2). By performing certain important tasks a government can legitimize itself. A historical example of the activity of legitimation Barker gives is the coronation of the wife of Napoleon as the Empress Josephine. A famous painting made by Jacques-Louis David depicts Napoleon placing the crown on the head of the empress. Napoleon is exercising and expressing his own authority. He is legitimate because he legitimizes his wife, not the people, not God, but Napoleon (Barker 2004, 5). Not only in history, but also in today’s politics self-legitimation is ubiquitous in the language, etiquette and rituals (Barker 2004, 6).

Rosanvallon (2011) also discusses legitimacy and states that consent by the people is not enough, and on its own does not explain the legitimacy of power. Legitimacy can exist in different forms and ways, also ways that are at first glance not particularly democratic, but Rosanvallon uses a broader definition of democracy. Legitimacy is flexible and can change over time. Rosanvallon describes three new forms of legitimacy that appeared during the 1980s (Rosanvallon 2011, 6). These three new forms of legitimacy are: legitimacy of impartiality, legitimacy of reflexivity and legitimacy of proximity. Legitimacy of impartiality is about institutions not elected by the people, but which can be legitimate because no other institution or body can fulfil its function. The Inland Revenue, for example, is not elected by the people, but can nevertheless be legitimate because no other organ is allowed or able to
carry out its function. The legitimacy of reflexivity means that the democratic system is made more complex to include a contingency plan, should a part of the democratic system fail and jeopardise democracy and justice. A constitutional court reconsidering the decisions of the government in an example of such a safety net. Legitimacy of proximity means that politics should also take into account what is peculiar, not only the majority of the people is important but also individuals have to be taken into account. These new forms of legitimacy describe that political institutions can be legitimate in more ways than just by election of the people.

Considering Beetham, Barker and Rosanvallon, Barker is the one most concentrating most on self-legitimacy. As this thesis will focus on government and Parliament and how they consider themselves as an institution, the theory of Barker will be leading in this research, since Barker focuses on the activity of legitimation. The activity of legitimacy as explained by Barker (2004, 137) is considered very important by government actors (Barker 2004, 17). This activity can be observed and comprises all the actions government actors take to demonstrate that they are justified in the pattern of actions that they follow (Barker 2004, 30). Barker calls this the rituals of rule (Barker 2004, 31). These rituals of rule are mostly presented in the public face of the government. Legitimation is conducted in the first place within groups and in the second place between groups (Barker 2004, 31). Politicians do and say things to legitimize themselves and to justify why they have or don’t have the power to take a decision. In a similar way MPs and the government make statements on their own role in the decision-making process of military missions. They try to legitimize themselves within their own group, namely in Parliament.

This research takes a historic institutionalist approach. Historical Institutionalism focuses mainly on how institutions and decisions now influence the decision-making process in the future (Lowndes 2010, 65). Historical institutionalists tend to have a distinct perspective on historical development as they rely on path dependency. This means that contextual features of a given situation are often inherited from the past (Hall & Taylor 1996, 941). In their view, institutions are seen as the most important features of the political landscape and one of the central factors pushing historical development along a set of paths. In this thesis crucial Parliamentary debates in recent history could lead to the decision-making process today, meaning that what happened in the past can have great influence today and in the future. This could have had great influence in the decision-making process itself and how these decisions and the role of the Parliament are legitimized in the case of Dutch military missions abroad.
Critical junctures are historical events that have a long-term and transformative impact (Soifer 2012, 1572) on the decision-making process. Events that were so important and had such an impact that it influenced future decisions were for example a war or a catastrophic event. I expect that two critical junctures had such an influence on the decision-making process in this research. One of the critical junctures in this thesis is the fall of the Berlin Wall in 1989 and the collapse of the Soviet Union in 1992. After these events the most important enemy of the Netherlands and the Western world disappeared. As a result debates on the role of the military and NATO became important. Would NATO still be important? And is NATO still necessary to defend its members? Different authors describe a different or no role for NATO in international security because of the shifts in power after the fall of the Berlin Wall (Rynning 2011, 173). Not only NATO was an important point of discussion, also the use of national forces was discussed. The military services in the western world were downsized. However conflicts arose that were overlooked during the Cold War (Noll 2005, 1). In a way these conflicts guided NATO members in finding their new role. Peacekeeping and peace enforcement became just as important as traditional territory defence. Before the collapse of the Soviet Union the Western world feared a new war and therefore decisions on military missions were for security reasons carried out before becoming public. The Parliament accepted this situation before the end of the Cold War, but as the Soviet Union was changing and was thought to be less of a real threat to NATO members Parliaments demanded a bigger role and more transparency when deciding on military missions.

The other critical juncture is the tragedy of Srebrenica in 1995. The Dutch military mission failed to protect the Bosnian civilians against violence in the so-called safe areas. As a result approximately 7000 men where deported and murdered. Soon after this tragedy questions and Parliamentary debates followed whether the Dutch could have prevented the massacre, if the Dutch should have joined the UNPROFOR mission in Bosnia under these conditions and whether the mission was prepared properly. I expect that such a tragedy in the history of Dutch military missions has lead to changes in the role of Parliament in the decision making process and the way government and Parliament see their role (Bovend’Eert 1998, 1595).

Ideally these two critical junctures would have a considerable stable period of time between them, but since these events succeeded each other so closely, this was not the case. Between the collapse of the Soviet Union in 1992 and the Srebrenica tragedy in 1995 only the UNPROFOR mission was discussed in Parliament. Since the first debates about a possible mission where held early 1992 before the Soviet Union collapsed it would be possible that
these debates interfered with each other and therefore it’s hard to say if the collapse of the
Soviet Union had effect on the decision-making process. Therefore these two critical
juncture will be considered as one. To make a distinction between the two critical junctures,
the events should be mentioned explicitly by the MPs.

A third possibility that could have changed the decision making process is a change in
the balance of power. In 1950 the liberals in Parliament only held 8% of the seats, while in
2011 the liberals held 27% of the seats in Parliament. The Christian Democrat parties had a
majority of seats in 1950 and just 21 seats in 2011. Furthermore, the last decade other new
parties emerged and won a considerable number of seats in Parliament. These changes in the
balance of power could change the way Parliament thinks about itself. Even if the different
political parties separately do not change their views it could lead to a different majority
because of the shift in power.

These expectations lead to three possible hypotheses. The first is that the massacre in
Srebrenica had such a great impact on Dutch politics that it also changed the way MPs think
about their own role during the decision making process of military missions. The second
hypothesis is that the fall of the Berlin wall and the Collapse of the Soviet Union changed the
decision-making process and the third hypothesis is that the changed in Parliament were
caused by a change of the balance of power.

**Method**

To research the question how and why the role of the Parliament changed in the decision-
making process concerning military missions and to research if this changed because of one
or a combination of the three hypotheses. The theory of Barker, as discussed earlier, will be
used. The activity of legitimation in commonly preformed and can be observed perfectly
during debates. Therefore debates in Parliament are chosen to conduct my research. The
debates are recorded and are public and this is also the arena where the MPs discuss the most
important issues among each other. When a subject is not discussed during Parliamentary
debates the subject will most likely not be important enough.

From debates it can be deduced how government and Parliament view their own role
in the decision-making process and how their perception of their role in the decision-making
process changes over time.
In this research the sole focus will be on debates between government and Parliament related to or directly about military missions, or closely related topics. Plenary debates are the core of my research and any other meetings are not included in my research as there was no evidence that this was needed to get my research question answered.

In this research four different debates in the Second Chamber of Parliament will be discussed. Due to time constrains this number of debates was chosen. Discussing more debates would not be feasible and beyond the scope of any thesis project. The four different debates will consist of discussions and accompanying documents, such as relevant letters and reports, about the decision-making process with regard to Dutch military missions. In order to get the best understanding of any changes over time two debates were selected on the basis that they included ample discussion on the role of Parliament and government in the decision-making process. After the critical junctures Dutch participation in military missions had become more of a hot topic and was therefore more often debated than before the critical junctures.

The first debate discussed will be about the decision of the government to join the military mission in Korea in June 1950. In the proceedings of the Second Chamber (Proceedings Second Chamber 1950, 2118) comments are made on this decision-making process. The Korean War was the first time the Dutch were wending troops for a safety mission abroad. The second debate discussed will be the mission in Lebanon. During these debates a discussion arose that the government should inform the Parliament beforehand and not after the decision to join a military mission (Second Chamber proceedings 1979, 3019). These debates can tell something about the way Parliament and government thought about the role of Parliament in such a process. Together these are the two main Dutch missions abroad before the critical junctures, with the most soldiers deployed and most casualties. As the two most important missions it will be likely that these missions will be heavily debated in Parliament.

After the critical junctures two debates between government and Parliament have been picked. The first debate is a debate between the Parliament and the government about a committee report on the decision making process before the military mission to Srebrenica. It is not as the other debates a debate before a mission. During this debate the decision-making process is examined by most parties in Parliament and the government. The second debate after the critical juncture is the debate will be the police-training mission in Kunduz, Afghanistan in 2011. This mission was heavily debated in Parliament and it was the first time that a mission was initiated by a motion in Parliament instead of the government. I will
discuss the debate that took place after the ‘proposal’ of the government and not the debate at the time when motion was tabled, because when the motion was tabled not all parties nor the government were informed in such a way they could debate on the subject. The debate that took place after the government’s proposal however, was much more informative as both government and Parliament were well enough informed to fully address all relevant issues during the debate. From such a full debate it should be possible to conclude as to whether the decision-making process had changed and find out how Parliament legitimized itself. Furthermore it should become clear whether or not self-legitimation as discussed by Barker played a role in the legitimation process. Barker argued namely that governments and other governmental institutions actively legitimize themselves mostly within their own environment like the Parliament. Equally the Parliament by legitimizing itself can claim that it has a specific right to rule and make decisions concerning Dutch military missions (Barker 2004, 136).

**Debates in Parliament**

**Debate on the Korea war (30 June 1950)**

| Source allocation of seats: | http://www.parlement.com/id/vh8lnhronx6/zetelverdeling_tweede_kamer_1946_heden |
On 30 June 1950 the Parliament debated about the Korea War and the decision of the Dutch government that it had the intention to join the UN mission in Korea. In 1950 the government consisted of the following political parties: KVP (Katholieke Volkspartij), PvdA (Partij van de Arbeid), CHU (Christelijk-Historische Unie) and the VVD (Volkspartij voor Vrijheid en Democratie). The prime minister at the time was Willem Drees (PvdA).

After the Second World War the Soviet Union occupied the northern territory of Korea and the United States the southern part. As early as 1948 it became evident that the tension between North and South Korea could lead to a civil war. North Korea attacked by surprise on 25 June 1950. With the support of a UN military mission the United States managed to gain ground. The Dutch military mission was part of the UN military mission.

During this debate on the decision, by the government, to join the mission in Korea was discussed in detail. The CPN (Communistische Partij van Nederland) took centre stage with some controversial statements on the United States. The debate also included some interesting statements about the role of the government and Parliament in this decision-making process.

MP Korthals of the VVD mentioned the role of the Parliament in the most explicit in this debate. In a question to the government he described the vision of the VVD very clearly. He asked the government if the committee of foreign affaires was going to be informed before the government made any decisions. MP Korthals stated that it would be desirable if the committee could be informed beforehand. According to the MP the committee’s opinion would be valuable to the government and therefore should be heard, but should not be binding in any way. Furthermore he clearly stated that the responsibility of the decision remains with the government and that the Parliament should not govern. At the beginning of his speech MP Korthals is also the only MP who complimented the government on having given the information at an early stage. The VVD therefore wished to be informed at an early stage but the responsibility has to be with the government (Proceedings Second Chamber 1950, 2118).

MP Klompé represented the biggest party in Parliament, the KVP, in this debate. In her speech she mostly concentrated on the importance of the mission itself. Statements on the role of the Parliament she did not make directly, but in her speech she noted the importance of this debate and the importance of the subject. Another statement she made in her speech was that the statement made by the government was a decision and not a proposal, but she never suggested a different role for Parliament or government.
MP Tilanus of the CHU and MP Bruins Slot of the ARP (Anti-Revolutionaire Partij) both acknowledged the government’s decision and supported it, each in their own way. MP Bruins-Slot (ARP) said it was God’s decision to make, in other words not the peoples decision, from which you can deduce that he didn’t think that Parliament had a role to play in the decision-making process (Proceedings Second Chamber 1950, 2123)

The PvdA, the second biggest political party at the time, did not mention the role of the Parliament or the government at all. Both MP van der Goes van Naters and later during the debate MP de Kadt did not mention it and focused on the lawfulness of the decisions made by the Security Council and not by the government.

The only real sceptical party was the CPN. MP de Groot’s Communist ideology was apparent in his distrust towards the United States as initiator of the intervention. The MP did not question that is was a decision that had to be made by the government. He did not want to make the decision but advised the government to revise its opinion. From this we can deduce that MP de Groot thought that it was was the government’s role to make the decision.

Prime Minister Drees, a PvdA politician, reacted to the questions and remarks made by the Parliament on the decision. As a reaction to the question of MP Korthals, Prime Minister Drees answered that the committee of foreign affairs was not informed beforehand, but that it would be desirable to inform the committee before the decision is made when possible. On the other hand Prime Minister Drees was very certain about the decision the government made. Another distinctive feature was that the Parliament was satisfied with very little information. As an answer to the question how big the role of the Dutch military would be, Prime Minister Drees answered that it would be modest and small. The Parliament accepted and did not question any further.

At the end of the debate two motions were tabled. A motion tabled by CPN to let the government reconsider its decision was rejected. MP Romme made a motion of order that was adopted; this one approved the decision made by the government. In his statement prior to his point of order he explained that it was usually not necessary in the Netherlands to approve such a decision in Parliament, but since this decision is of international significance the Parliament should make clear that they agree on this case.

Debate on the Dutch participation in the UN peace mission in Lebanon (1 February 1979)
The Dutch Second Chamber debated on 1 February 1979 about the UN peace mission in Lebanon. In 1977 Cabinet van Agt I was formed and consisted of CDA and VVD.

The debate took place after the government made their intention to participate in the UN peace mission to Lebanon public. In 1975 a civil war broke out in Lebanon because of national tensions. The Muslims in the country were dissatisfied with the privileged position of the Christian population. A couple of issues were important during this debate. One of the main issues was the use of conscripted soldiers during peace missions. The other much debated issue was the role of the Parliament during the decision making process, on which the focus will be in this research.

The debate started with a statement made by PvdA MP van den Bergh. The government’s decision to join the peace mission took him by surprise. The decision was first covered by the NOS in their news bulletin and during a NCRV TV broadcast. The government issued a letter, but too little information was given according to MP van den Bergh. The MP stated that the Parliament should be informed earlier and be given more detail. MPs van den Bergh and de Vries (PvdA) tabled a motion, namely that the government

Table 2 Source allocation of seats:
http://www.parlement.com/id/vh8lnhronvx6/zetelverdeling_tweede_kamer_1946_heden
should have informed the Parliament before they made a decision (Proceedings Second Chamber 1979, 2939). In this way, so argued the PvdA, the government could have gained as much support as possible, which is very important in such cases, because during missions the lives of soldiers are at risk. The PvdA did not question the decision to join the mission itself, but the way the government acted and bypassed the Parliament was a wrongful act, according to the MP.

A smaller party, D66 (Democraten 66), expressed similar thoughts, but less critical of the government’s handling than the PvdA. MP Brinkhorst devoted a significant part of his speech to the role of the Parliament and how it should be. D66 shared the opinion of the PvdA that the Parliament should have been informed in advance. On the other hand they emphasize that it is the responsibility of the government to govern. MP Brinkhorst did not understand why the Parliament is consulted on all kinds of military decisions, such as weapon deliveries or important issues at NATO, but is almost completely side-lined during the domestic decision-making process on peace missions. According to the MP this could harm the relationship between Parliament and government. D66 questioned the government on the mission at an earlier stage, but the government’s answers were not satisfactory to MP Brinkhorst. The minister of Defence answered namely that it was not always feasible to consult the Parliament beforehand and the minister of Foreign Affairs called it not suitable to consult the Parliament before a decision is made. D66 did hope that this was the last time that such a decision was made without approval of the Parliament. MP Brinkhorst also tabled a motion in which he emphasizes the argument above.

MP Frinking (CDA) stated during his speech that it is of great importance to emphasize the responsibility of the government and Parliament. The government has to govern and the Parliament has to control the government’s decisions. However, in the case of military missions it is more difficult. When the government and other foreign governments or international organizations reach an agreement it would be impossible to control the government. The only thing you can do is to ask the government and agree to the decision. In these cases it is therefore desirable to inform the Parliament beforehand, just to strengthen the position of the government, as the MP stated.

The VVD declared that they agreed with the government in the way they decided to join the UN peace mission. MP Blaauw emphasized that he could understand why the government did not inform the Parliament beforehand, because they had to make a decision in such a short amount of time. The also made clear that the country was shocked by the government’s announcement, but the VVD agreed on the government’s decision. Furthermore
the VVD focussed on their role to control the government. The MP spoke mainly about the lawfulness and the political desirability of the decision.

The PSP (Pacifistisch Socialistische Partij) with just one seat in Parliament also tabled a motion. It wanted the government to revise its decision. As a Pacifist party this motion was hardly a surprise, since they opposed any military mission. It was the only political party that actually asked the government to revise their decision.

Minister of Foreign Affairs van der Klaauw (VVD) reacted to different questions and comments made during the debate. On the main questions, namely if the Parliament should have been informed and consulted at an earlier stage the minister answered that it was impossible to inform the Parliament at an earlier stage because of the speed of the decision-making process and the pressure to decide from outside. The minister argued that the army should be informed before the Parliament. Furthermore, the minister questioned the desirability to share confidential information with Parliament. The minister was concerned that MPs would leak important confidential information to the press.

The motion tabled by MP Brinkhorst (D66) passed with only two votes against the motion. This was remarkable because this motion obliged the government to consult the Parliament before a decision to join a UN peace mission is made. Only de Boerenpartij and MP van Dam (CDA) voted against this motion. This meant that the government had to consult the Parliament before they joined a mission. The decision remains entirely with the government, but the consultation is meant to gain support in Parliament. The VVD also mentioned that they would only support the motion if the decision remained entirely with the government.

Debate about the results of the committee on the decision-making process concerning foreign military missions (11 October 2000)
On 11 October 2000 the results of the committee on the decision-making process concerning military missions were discussed in Parliament. In 2000 the cabinet Kok II consisted of PvdA, VVD and D66.

After the Srebrenica massacre in July 1995 questions arose about the Dutch involvement in peacekeeping missions abroad and the role of the Parliament in this decision-making process. After critical coverage in the media and questions from different MPs, the Parliament decided that the Defence Committee should conduct an inquiry to find out whether or not the government fully informed Parliament on the mission in Srebrenica. After this inquiry the Defence Committee advised the Parliament to create another temporary committee to investigate the political decision-making process with regard to participation and continuation of peacekeeping missions. The missions to former Yugoslavia should be looked at in retrospect. This temporary committee (referred to as Committee Bakker) was created on 13 April 2000 and handed over their findings on 4 September 2000. As a result of this inquiry Parliament debated with Committee Bakker and government during the first two weeks of
October. During these debates the results and recommendations of Committee Bakker where debated and questioned.

Some of the results were heavily debated in Parliament, especially recommendations 11 to 13. It was common that the government informed Parliament after it made a decision and after it informally offered its services to the United Nations or any other international organization. After article 100 was added to the Constitution in 2000, the Committee Bakker argued that the Second Chamber lost the sole function of control in the case of peacekeeping missions. The Committee Bakker advised to inform Parliament at an earlier stage, to ensure no commitments were formally made before Parliament was fully informed and had a chance to assess the scope and risks involved in any suggested military commitment, as mentioned in recommendation 13. The decision-making process before and after the Committee Bakker’s recommendations can be found in appendix 1 and 2. The depicted diagrams clearly illustrate changes in the decision-making process, namely to now inform the Parliament after an informal offer to an International Organization instead of after an official decision in the Council of Ministers is made. These recommendations were heavily debated in Parliament, because this would mean more power and responsibility for the Parliament with regard to the decision to possibly join a military mission.

At the start of the debate MP Koenders of the PvdA mentioned at the beginning of his speech that this inquiry would never have taken place if the Srebrenica massacre did not happen and that this inquiry was the direct result of this massacre. After this observation MP Koenders shared his views on recommendations 11 to 13. The PvdA did want to strengthen the position of the Parliament, but had clear doubts on the reasoning and the recommendations the committee made, especially on recommendation number 13. MP Koenders proposed to make formal arrangements to inform the Parliament at a certain time. This could, according to MP Koenders, strengthen the role of the Parliament and could contribute to a joint-responsibility of Parliament and government. At the same time MP Koenders warned Parliament that this recommendation could disperse the governments responsibility. Furthermore, the Parliament should be careful not to govern instead, as that would clash with its function to check and challenge the work of the government. During his speech Koenders also went into discussion with MP van Middelkoop (GPV/RPF), on the question if an informal right of consent existed (Proceedings Second Chamber 2000, 11-714). MP Koenders thought that although a joint responsibility existed, there was no informal or formal right of consent.
MP Wilders (VVD) made the next statement. At that time MP Wilders was still a member of the VVD and was spokesman on Defense. Like MP Koenders, the VVD also stated that there were important lessons important to learn from Srebrenica. For example when in 1993 the then Prime Minister Lubbers offered Dutch military services to the UN to join the mission in Srebrenica, while at the time it was unclear if deployment of troops was feasible (Proceedings Second Chamber 2000, 11.716). In his statement he was very clear that the VVD was in favor of a clear separation of powers as Montesquieu described it. The VVD mentioned that the Parliament should be informed after the final decision is made, because only then the Parliament can execute its power to control the decisions of the government.

CDA MP van der Knaap shared the Government’s opinion that the Parliament and the Government have a joint responsibility in the decision-making process on military missions. And he thought it was very important that the government informs the Parliament beforehand. In this way the Parliament can take its responsibility. During this debate the media spoke extensively about the possibility for the Netherlands to deploy soldiers in Eritrea and Ethiopia. The meetings between Dutch ministers and the ministers of the United States and Canada as well as meetings with the Secretary General of the UN were elaborately discussed in the media. MP van der Knaap made the remark that ‘the media is better informed about a possible military mission then the MPs’ (Proceedings Second Chamber 2000, 11.u736). During an earlier debate MP van der Knaap tried to get more information from the government at an earlier stage, but a majority in Parliament prevented this debate from taking place. The government itself was not to keen either to inform Parliament because of the little information the Prime Minister gave. Furthermore MP van der Knaap believed that the Parliament should be informed earlier to avoid information leaking to the media. The MP also asked the government if it shared the opinion of the Committee Bakker that the Parliament not only should control the government but also should share responsibility in the decision-making process on military missions. It can be derived from the debate that MP van der Knaap was in favor of recommendation 13, as opposed to PvdA and VVD.

During this debate MP van Middelkoop (GPV/RPF) took a leading role. Already years before this debate he advocated joint responsibility and a formal right of consent and also during this debate he advocated this right. Although the GPV was a small political party in Parliament his interruptions influenced debate and led to more discussion on the role of Parliament.

MP Vos (GroenLinks) stated that she was upset by the results committee’s results. She stated that both Parliament and Government made mistakes during the decision-making
process concerning the mission to Srebrenica. GroenLinks considered it undesirable that the Parliament only played a minor role during the decision-making process and urged that the Parliament’s role should be more substantive. Like GroenLinks, D66 MP Dittrich argued that the Parliament should learn its lessons from Srebrenica. Therefore the government should inform the Parliament at an earlier stage.

All political parties acknowledged that this inquiry and debate were a direct result of the Sebrenica massacre, and lessons should be learned from this tragedy. The Government shared the opinion of the Parliament’s opinion on this matter.

Debate about the police-training mission in Afghanistan (27 January 2011)

The debate on the police-training mission to Kunduz took place on 27 January 2011. After the elections in 2010 a new cabinet was formed. This was the first time the Netherlands was governed by a minority coalition of CDA and VVD, with the support of the PVV (Partij voor de Vrijheid). Mark Rutte (VVD) had become Prime Minister at the time.

As seen in earlier debates, the government usually decided that it wanted to join a mission. After this decision the government informed the Parliament and a debate followed in
Parliament. This time the situation was slightly different. When the Uruzgan mission was not extended and the fourth Balkenende Cabinet resigned, D66 and GroenLinks felt the need to remain active in Afghanistan. They tabled a motion whether it would be possible to deploy a police-training mission in Afghanistan. This motion was named motion Peters/Pechtold. When a couple months later the new cabinet was in office, the cabinet stated in its cabinet agreement that they intended to implement motion Peters/Pechtold. After the government’s decision it drafted a letter based on article 100 and did send it to Parliament. The letter was sent in January 2011 and series of debates followed, the one discussed here was the last of the debates between Parliament and Government. During these debates it became clear that the government not only wanted to inform the Parliament, but the government also wanted to win the consent of the Parliament before it made a decision. Since the PVV wasn’t supportive, the had to search for support from other parties. Clear opponents of the proposal were PvdA, PVV and SP. GroenLinks was undecided and it remained unclear for a long time if they were in favour of this proposal. Until the end it remained unclear if GroenLinks supported the mission. Its consent was so important to the Government that it revised their proposal several times during the week before this debate took place. To this new decision-making process MP Pechtold reacted as followed; ‘the Parliament took an extra responsibility’ (Proceedings Second Chamber 2011, 45-4-16).

MP Blok (VVD) started the debate with his statement. He acknowledged that it is the hardest decision for an MP to send soldiers abroad. Since the lives of people are at stake he repeated that such were always hard. After remarks on terrorism he continued by saying that the Parliament took a courageous decision by initiating this mission. Although in an earlier meeting his colleague MP Nicolaï (VVD) doubted the Parliament was governing (Proceedings Second Chamber 2010, 79-6738). Throughout his statement MP Blok called the decision to join the police-training mission a government’s proposal. At the end of his statement he asked all his colleagues to support this proposal.

The next statement was made by MP Cohen (PvdA). He opposed the decision of the government because he was afraid that this mission wouldn’t be a civil police-training mission, but a military mission. In contrast to the VVD MP Cohen did not call this decision a proposal but a decision throughout his statement. He did not touch on the decision-making process of the government any further, but was mainly focussed on why he opposed the mission.

MP Wilders was during his statement attacked because he did not support the decision of the government, although his party officially supports the government because of the
minority position of the government. Furthermore he did not touch on the position of the government and Parliament.

CDA member MP van Haersma Buma followed with a statement on the position of the CDA on the police-training mission. The MP was not concise in his words on the mission because he called the letter based on article 100 a proposal by the government, but also as a decision a couple of minutes later. When MP van Heersma Buma called letter based on article 100 a decision he also mentioned and emphasized that would be impossible to consider a decision of the government in only half an hour, since MP Cohen (PvdA) decided on the matter only half an hour after the government made the accouchement. He also stated that the CDA only could make this decision if it considered all details and if Prime Minister Rutte would answer all CDA’s questions.

The other parties also mentioned the role of Parliament and Government. MP Rouvoet (ChristenUnie) stated that these kinds of missions are a very hard decision for every MP, but such decisions come with the job. MP Pechtold (D66) shared the opinion that this decision is a big responsibility of Parliament. Furthermore he stated that this decision-making process was initiated by the Parliament and not by Government. By initiating this mission the Parliament took an extra responsibility. MP Pechtold ended his statement by saying ‘if this debate leads to sending Dutch soldiers and trainers to Afghanistan’ (Proceedings Second Chamber 2011, 45-4-17), from which could be derived that it’s the Parliaments decision to make.

Prime Minister Rutte reacted to all questions and remarks. He clearly stated that the letter based on Article 100 was a ‘proposal’ of Government and not a ‘decision’ by the Government. He repeated this various times throughout his speech. He tried to persuade the MPs to support his mission; he said let’s ‘give it a shot’ (Proceedings Second Chamber 2011, 45-4-30). Information was only given in case he could persuade MPs to support his proposal. Because GroenLinks held a key position, he directly asked its support by addressing MP Sap (GroenLinks) directly (Proceedings Second Chamber 2011, 45-4-28). It was clear that the Prime Minister did want the consent of Parliament first before a final decision was made.

PvdA and SP did initiate a motion at the end of the debate and asked the government to reconsider its decision and not deploy this mission in Kunduz. Prime Minister Rutte discouraged the MPs to vote in favour of this motion. The motion was rejected and the government won the consent of Parliament.

During the debate MP’s Blok (VVD) and van Haersma-Buma (CDA) both stated that we should not forget the Srebrenica massacre and should keep this in mind during the
decision-making process. Prime-Minister Rutte (VVD) agreed with both MPs. Even sixteen years after the Srebrenica massacre several MPs made statements on this dreadful event.

**The debates on the decision-making process Parliament discussed.**

In the theoretical framework I mentioned two critical junctures, which were also the first mentioned hypotheses: first the collapse of the Soviet Union and second the Srebrenica massacre. These events were considered that important that they could change the view of MPs and government about their role in the decision-making process. It was expected that the role of Parliament became more substantive after these two critical junctures. The third hypothesis is that the role of the Parliament in the decision-making process changed because of a change in the balance of power in Dutch politics.

To test the first hypothesis the collapse of the Soviet Union should be mentioned explicitly during the debates on the results of Committee Bakker and the Kunduz police-training mission. This could also be called the end of the Cold War or the fall of the Berlin Wall. Only MP van Middelkoop (GPV/RPF) slightly touched upon the subject during the debate on the results of Committee Bakker. The other MPs did not mention the collapse of the Soviet Union in any way during both debates. Since the collapse of the Soviet Union was hardly mentioned it can be assumed that the collapse of the Soviet Union was not a very important motive to change the decision-making process during these debates. From these results it can be deduced that the collapse of the Soviet Union is most likely not the cause of the change of the role of the Parliament on military missions.

The second hypothesis is that the Srebrenica massacre had such an impact that the role of the Parliament would change because of this occasion. Like the test on the first hypothesis it is important that MPs or the government made direct references to the massacre in Srebrenica. In both debates the massacre in Srebrenica was elaborately mentioned. In 2000 Committee Bakker was established to learn lessons from the massacre in Srebrenica, especially on the question how the Dutch decision-making process could be improved on military missions. The Srebrenica massacre was also discussed at great length by MPs during the debate on the results of Committee Bakker. All MPs mentioned the massacre in Srebrenica and, in this context, the importance to improve the decision-making process. MP Wilders (VVD) looked back on the decision-making process of the Srebrenica mission and
the mistakes made by then third Lubbers Cabinet and Parliament. MP Koenders (PvdA) explicitly mentioned that Committee Bakker was a direct result of the Srebrenica massacre. D66 spokesman MP Dittrich argued for a parliamentary inquiry as soon as all investigations on Srebrenica were ready. He also considered the massacre in Srebrenica as a painful part of Dutch history that would justify such a Parliamentary inquiry. MP van Middelkoop (GPV/RPF) also reflected on the decision-making process during the mission in Srebrenica and argued that the Dutch Parliament should learn from this situation. MP van der Knaap (CDA) also argued that more information is needed and a Parliamentary inquiry would be preferable.

The debate on Kunduz in 2011 was not a debate about the decision-making process as such, but a debate about a police-training mission in Afghanistan. The Srebrenica massacre was therefore less debated in Parliament but nevertheless different MPs and the government mentioned it. MP Blok (VVD) reminded the Parliament of the massacre in Srebrenica. He argued that the Parliament had learned its lessons and they should take care that this should never happen again in Dutch military. CDA considered it is also very important that the Parliament should have learned its lessons from the Srebrenica massacre as MP van Haersma-Buma stated. Prime Minister Rutte (VVD) reacted to van MP van Haersma-Buma and agreed with both MPs that Government and Parliament should keep Srebrenica in mind and that they should implement all lessons learned. Although the Srebrenica massacre was not debated as extensively as in 2001 it was clearly mentioned. Almost sixteen years after the Srebrenica massacre it was still a topic in Parliament and mentioned as the event that changed the way of thinking in Parliament.

The Srebrenica massacre turned out to be an important event that changed the way the Parliament thinks about its own role. Inquires were insisted by MPs because the Parliament should learn its lessons and the Parliament should never let it happen again. Even sixteen years later it was still clear that the Srebrenica massacre made a huge impression on Parliament.

The third hypothesis is that the legitimation of Parliament changed because the balance of power changed. The major political ideologies in the Netherlands are the Christian Democrats, Social Democrats and Liberals. Over the years these three main ideologies hold majority of seats in Parliament, even in 2011 when the right-wing nationalist party PVV won 24 seats. Although the three main ideologies still hold a majority of seats in Parliament the balance of power did change considerably. In 1950 the VVD only hold 8 out of 100 seats in Parliament and the other liberal party D66 did not even exist. In 2011 these two parties
together hold 41 out of 150 seats. The Christian Democrat parties lost power over the years. In 1950 the KVP, CHU and ARP combined did hold 54 out of 100 seats in Parliament, CDA only hold 21 seats in 2011. The allocation of seats in Parliament changed considerably and therefore the balance of power shifted. This could also cause the change that Parliament gained power in recent history. Even if political parties individually did not change its views the majority vote could have changed. Did parties change their view on its power on military missions? The major political ideologies did change in the way they think about the power of the Parliament in military missions.

During the first debate on the Korean mission in 1950 most of the important parties did not question the role of the government. KVP, CHU, PvdA and ARP all stated that this was a decision by the government. The VVD however wished to be informed at an earlier stage, but also emphasized that the Parliament should not govern and that he did not mention this because he wanted to change the responsibility of Government.

During the debate on the Lebanon mission in 1979 both CDA and PvdA argued that the Government should inform the Parliament before the decision is made. PvdA argued for slightly more influence then CDA, it kept emphasizing that it is a decision made by the government, but it would strengthen the position of the government if it informed the Parliament at an earlier stage. Although the VVD asked for early information during the debate on the Korean mission, this time the VVD did not agree with the rest of the parties to be informed in advance. On the other hand the VVD supported the motion of D66 just like most parties. This motion stated that the Parliament should be informed before the decision in the council of ministers is made. Minister of Foreign Affairs van der Klauw (VVD) was much more critical on the motion and clearly did not trust the Parliament with confidential information on military missions.

During the debate in 2000 on the results of Committee Bakker the views of the parties in Parliament were elaborately discussed. CDA as well as D66 advocated a more influential role for Parliament and wanted to be informed about a possible decision of Government beforehand. PvdA and VVD were more reserved on the role of Parliament on military missions. PvdA wanted to strengthen the role of parliament, but also emphasized that the government should govern. If the parliament would be informed before a decision on military missions is made the parliament risked to govern instead of the Government, and therefore opposed recommendation 13 made by Comission Bakker. MP Wilders (VVD) did not want to change the role of Parliament at all. He argued that the Government should govern and Parliament should check and challenge the Government.
The last debate in 2011 on the Afghanistan mission was very different from the other debates, because the mission was initiated by Parliament and it was the first time that the Netherlands experienced a minority Government. Although it was officially a decision by the government and had to be checked and challenged by Parliament, most parties in Parliament spoke about a proposal instead of a decision of the government. The initiative and power was with Parliament. None of the main political parties argued an official right of consent on military missions although this could be a possibility since informal right of consent already existed in 2011.

The views of the main ideologies in Parliament changed often but a trend cannot be observed. As seen in Table 1 below there is no concise position of the different parties, except that none of the parties argued for official right of consent after an informal right to vote was introduced after the committee Bakker in 2000. Since none of the parties have a consistent opinion the shift in the balance of power cannot be argued as one of the causes of the change in power of the Parliament on military missions. VVD, for example, voted in 1979 in favor of motion Brinkhorst, in 2000 it did not want to be informed before a decision is made on military missions, motion Brinkhorst called exactly for this early information.

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Table 5: The position of the parties on their power in Parliament. + means a party wants more power for the Parliament, - means a party does not want to change the situation or wants to restrict the power of the Parliament. In 1979 the VVD argued against more power for the Parliament but voted in favor of the Brinkhorst motion. In 1950 CDA where the parties KVP, ARP and CHU and D66 did not exist yet.

**Conclusion**

This research was on how and why the role of Parliament changed on the decision-making process concerning military missions. Since the first mission to Korea in 1950 Parliament gained power in the decision-making process on military missions. It demanded a
substantially stronger role, but it seems that this power also had its limits, because none of the parties belonging to one of the main political ideologies wants to opt for an official right of consent. The tendency that Parliament gained more power started when the Brinkhorst motion was tabled and agreed upon in 1979. Even though the Brinkhorst motion was appointed, the situation did not change until 2000, Parliament would still be informed after Government made the decision. This changed rapidly after the Srebrenica massacre. The Srebrenica massacre had a major impact on the power Parliament wanted and gained. The results of the Committee Bakker where agreed upon by a big majority of votes and successfully led to an informal right of consent. This means that the government has a joint responsibility with Parliament and the Parliament will be informed before a definite decision to join a military mission is made, the Parliament is therefore involved in the decision-making process. The Srebrenica massacre was mentioned by MPs as one of the most important reasons for this change. Even sixteen years later MPs and Prime-Minister Rutte referred to this tragedy as an important example to keep in mind when Parliament decided on the police-training mission in Afghanistan.
Appendices

Appendix 1

Table 6. The decision-making process after the advise of the committee Bakker (List of questions and answers 2000,65)
Appendix 2

Table 7. The decision-making process before the Committee Bakker, *Doctrine Publieke Deel III, Koninklijke Landmacht* (list of questions and answers 2000, 64)
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