

## CONCLUSIONS

1. It would have been preferable if an inquiry into the decision-making concerning Dutch political support for the Iraq war had been conducted earlier.
2. All political parties represented in the Lower House, with the exception of GroenLinks (Green Left) and later the SP (Socialist Party), supported the us-British military action against Iraq between 1991 and February 2001, including those elements that were not authorized by the Security Council. All the Dutch administrations of that period, regardless of their political composition, were similarly supportive of that action, although there was some cabinet opposition to Operation Desert Fox at the end of 1998 voiced by dissenting members of the cabinet. Public dissent was notable by its absence.
3. In the period 2002-2003, debate regarding the Iraq question took place in the Netherlands against a backdrop of turbulent social and political developments. In this politically unstable situation, the Netherlands was preoccupied with domestic matters. As a result, there was no major public debate about Iraq, although the subject was addressed by certain circles in the media.
4. The Dutch government's decision to take no active military part in the war against Iraq was consistent with the majority view of the Dutch public, as reflected in opinion polls of the time. The decision to express political support for the war, despite the fact that it had not been mandated by the Security Council, was inconsistent with the majority view of the Dutch public, as reflected in opinion polls.
5. In early August 2002, De Hoop Scheffer, the new Minister of Foreign Affairs, consulted his civil servants about the Iraq question. This consultation was the basis for the policy principles described in the minister's first written statement to the Lower House on this subject (4 September 2002). Neither the Cabinet, nor Prime Minister Balkenende, nor Defence Minister Korthals were previously consulted about the content of this written statement. The written statement formed the basis for the government policy that was ultimately set out in the policy document of 18 March 2003.
6. The Prime Minister took little or no lead in debates on the Iraq question; he left the matter of Iraq entirely to the Minister of Foreign Affairs. Only after January 2003, did the Prime Minister take a strong interest in this issue. However, by that time, the stance defined by the Ministry of Foreign Affairs was firmly established as government policy.
7. At an early juncture, the Netherlands aligned itself with the us-British position, which was ultimately to lead to the invasion of Iraq. However, the Netherlands took the view that the strategy of regime change advocated by the us had no basis in international law. Dutch policy therefore continued to be directed towards neutralization of the Weapons of Mass Destruction (WMD) that Iraq was supposed to possess, and later towards securing compliance with the Security Council resolutions. It was inevitable, however, that the us-British action would result in regime change. The Dutch government lent its political support to a war whose purpose was not consistent with Dutch government policy. It may therefore be said that the Dutch stance was to some extent disingenuous.
8. In the policy principles laid down by the Minister of Foreign Affairs in August 2002, the question of legitimacy under international law was subsidiary. Similarly, insufficient importance was attached to the information provided by the intelligence services and the weapons inspection reports.
9. The government and the coalition parties were so determined to maintain the stance adopted in September 2002, that there was no substantial exchange of ideas between government and Parliament with regard to the policy on Iraq.
10. The subject of Iraq did not feature in the coalition negotiations between the PvdA (Labour Party) and the CDA (Christian Democratic Party). Balkenende and Bos reached no clear

agreement regarding the PvdA support for the government's decision to express political support for the invasion of Iraq by the us and the uk.

11. At the cabinet meeting held on 17/18 March 2003, the precise meaning of 'political support' was not made clear. That opened the door to misunderstanding. This scope was increased by the fact that the written statement submitted to the Lower House on 18 March included no explicit reference to 'political support'. Those words were used, however, in the subsequent exchanges in the Lower House.
12. On 17 March 2003, Balkenende informed Bos (PvdA leader and prospective coalition partner) that no action would be taken to include the Netherlands as a member of the so-called 'coalition of the willing'. The fact that the Netherlands was nevertheless listed amongst the coalition's members was due to the failure of the Ministry of Foreign Affairs to provide the Dutch ambassador in Washington with the instructions he requested.
13. The us benefited from the political backing expressed by the Netherlands and other countries, since it increased support for the invasion at the global level (the coalition of the willing). The us did not need to exercise a great deal of pressure to secure the Netherlands' political and (defensive) military support. The Netherlands made an explicit distinction between political and military support; this distinction was not always recognized by the us.
14. The decision to support the invasion of Iraq was based mainly on international political considerations. First, there were the largely unspoken Atlantic solidarity considerations. Second, there was a desire for continuity in Dutch policy on Iraq. Such continuity was dubious, however, since by 2003 the us and Britain were pursuing a very different objective from that which they had pursued in the 1990s. They had moved from action designed to penalize aggression to intervention that had to result in the foreign occupation of Iraq.
15. The Committee found no evidence that the expression of political support for the US-British invasion of Iraq was motivated by Dutch commercial interests. It was nevertheless the case that the Dutch business community stood to gain from the existence of a level playing field in postwar Iraq.
16. A common EU stance was unlikely, since there was a dichotomy of opinion within the union. By adopting a pro-US-British position, the Netherlands lost its ability to fulfil its preferred role as intermediary between, primarily, the uk on one side and Germany and France on the other. In the period examined by the Committee, the 'Atlantic reflex' prevailed over a Eurocentric response.
17. Within NATO, the Netherlands took the us-British side. The Netherlands backed efforts to build consensus in favour of providing protection to Turkey; yet the Netherlands acted alone when already at an early stage it made Patriot missiles available to Turkey, in response to a request from the us.
18. The Security Council resolutions on Iraq passed during the 1990s did not constitute a mandate for the us-British military intervention in 2003. Despite the existence of certain ambiguities, the wording of Resolution 1441 cannot reasonably be interpreted (as the government did) as authorizing individual Member States to use military force to compel Iraq to comply with the Security Council's resolutions, without authorization from the Security Council.
19. The Netherlands made it very clear that it attached great importance to a so-called 'second resolution', but this position was toned down because the government consistently added that a second resolution was politically desirable, but not legally indispensable.
20. The Dutch government's often-repeated view that a second resolution was 'politically desirable, but not legally indispensable' is not easy to uphold. The wording and scope of

- Resolution 1441 cannot be interpreted as such a second resolution. Hence, the military action had no sound mandate under international law.
21. The interpretation of international law adopted within the Ministry of Foreign Affairs was not based on a thorough, up-to-date legal analysis. The difference of opinion that existed within this ministry regarding the legitimacy of using force against Iraq was extremely unfortunate.
  22. Generally speaking, arrangements should be made – in the form of an improved organizational structure, for example – to ensure that advice on international law is properly considered in the decision-making process within the Ministry of Foreign Affairs and subsequently by the government as a whole. Such arrangements would be consistent with a long tradition in Dutch foreign policy and the government's constitutional duty to promote the development of the international rule of law.
  23. In early 2003, the Netherlands did not argue for the weapons inspectors to be given more time to ascertain whether Iraq had disarmed.
  24. The Netherlands urged the us to accept that the United Nations should be given a prominent role in the postwar stabilization and reconstruction of Iraq. Although the Dutch government was aware that us preparations for the post-conflict phase were wanting, this knowledge played no part in the decision to offer political support for the war.
  25. The Dutch government was selective in its interpretation of reports by UNMOVIC. Thus, the Ministry of Foreign Affairs did not reflect the nuances of the UNMOVIC reports.
  26. Within the Dutch intelligence services, neither the AIVD (General Intelligence and Security Service) nor the MIVD (Military Intelligence and Security Service) possessed any significant amount of independently sourced information about Iraq's WMD programme. Both services based their assessments largely on the reports of the UN weapons inspectors and information supplied by foreign intelligence services.
  27. The MIVD initially subjected incoming information to its own military-technical analysis. In the context of that analysis, Iraq's limited capacity to make use of WMD was highlighted. However, after early 2003, no further critical analysis of incoming information was made.
  28. The AIVD performed little internal analysis of Iraq's WMD programme. Nevertheless, the AIVD did observe Iraqi attempts at procurement within the Netherlands in the context of its non-proliferation remit.
  29. Over the period as a whole, the MIVD and the AIVD were more reserved in their assessments of the threat posed by Iraq's WMD programme than government ministers were in their communications with the Lower House.
  30. The reports made by the AIVD and in particular the MIVD concerning WMD were more nuanced than the public reports from other countries. These nuances were not reflected by the relevant ministers or departments; rather, ministers and departments extracted those statements from the intelligence services' reports that were consistent with the stance already adopted. In its depiction of Iraq's WMD programme, the government was to a considerable extent led by public and other information from the us and the uk.
  31. Before the war, there was no significant debate in the Lower House regarding the threat posed by Iraq's WMD programme. It was not until after the war, when no WMD were found and critical reports started to appear concerning the performance of the intelligence services in other countries that debate began in earnest. When debate did begin, the government's statements to the Lower House ascribed a greater role to the AIVD and the MIVD than these services actually had played.

32. In its discussions with the parliamentary Intelligence and Security Services Committee (the ‘Secret Committee’), the government did not allude to the nuances of the reports made by the MIVD and the AIVD. Contrary to the facts reported by the Committee, the Minister of Defence asserted that the AIVD and MIVD reports were not inconsistent with the public statements made by ministers.
33. The government did not disclose to Parliament the full content of the request that the US made to the Netherlands on 15 November 2002, concerning cooperation with planning for the mobilization of a military force to compel Iraq to comply with Security Council Resolution 1441.
34. From the different interpretations of the US request made by ministers Kamp (Defence) and De Hoop Scheffer (Foreign Affairs), from the cabinet debate concerning military involvement and from the written statement by Deputy Prime Minister De Boer on 25 March 2003, it is apparent that, right up until the time of the invasion, there was confusion as to what the US had asked of the Netherlands and what policy was to be followed with regard to the US request. Ministers who were not directly involved were not adequately informed about the nature and content of the request.
35. In its negotiations with the US regarding the nature of the Dutch assistance to be provided in response to the US request, the Netherlands stipulated that any decision to provide actual military support would have to be made on the basis of the Netherlands’ own judgement. Thus, the Netherlands retained independent decision-making authority in relation to practical military support.
36. The distinction between offensive and defensive weapons made by the Dutch government, in the context of which the Patriot missiles were regarded as purely defensive, is questionable.
37. The government did not provide the Parliament with any information about the provision of Host Nation Support in fulfilment of national treaty obligations prior to its written statement of 17 February 2003 (the day that practical support began). The failure to communicate information sooner was inconsistent with the government’s undertaking to inform Parliament in good time.
38. In connection with Operation Enduring Freedom, the Dutch frigate HMS Van Nes was on a few occasions deployed in international waters off the Arabian Peninsula to escort vessels involved in the build-up of the US-British invasion force. By deploying the frigate, the Netherlands was seeking to protect its reputation as a reliable partner in international military operations. The Dutch submarine HMS Walrus was not involved in any way in the build-up of an allied invasion force.
39. The Committee found no evidence to support the rumours that the Netherlands had made an active military contribution to (preparations for) the invasion of Iraq.
40. The presence of a Dutch officer at a press conference held by US General Franks in Qatar on 22 March 2003 was the result of a misunderstanding and incorrect instructions. The officer in question was not to blame; Defence Minister Kamp was politically responsible insofar as the misunderstanding arose from organizational flaws within his department.
41. It would have been advisable for the Ministry of Defence to remove Dutch exchange officers from British warships sooner, rather than at the last moment before the start of the war. This would have prevented the unnecessary irritation caused to the Royal Navy.
42. When, on 17 March 2003, it was decided not to comply with a number of outstanding US requests for offensive support, such as the ‘re-labelling’ of a frigate for operations against Iraq, the government was accommodating the views of the PvdA.

43. In cabinet, the reasons cited for refraining back from active military participation included the absence of a US request for offensive military support and the lack of national support for involvement. In the Lower House, the government placed the emphasis on the lack of national support for involvement.
44. The ministerial statements made on behalf of the Kok I and Kok II administrations and during the period under examination to the Lower House regarding the application of Article 100 of the Constitution and the 2001 Assessment Framework for the commitment of Dutch military forces were mutually contradictory in some respects and not always clear. In the context of the Iraq debate, for example, it was sometimes assumed that Article 100 afforded the House a right to approve the governmental decision, while on another occasion it was (rightly) stated that this was not the case.
45. The government erroneously failed to apply Article 100 of the Constitution to the deployment of Patriot missiles and accompanying military personnel to East Turkey. The assertion that deployment was necessitated by the Netherlands' NATO obligations was inconsistent with both the wording of the article and its origins. The Ministry of Defence still adheres to the doctrine that Article 100 is not applicable to the deployment or availability of military forces in compliance with treaty obligations. The Committee does not share this view.
46. The wording of Article 100 of the Constitution is ambiguous as to its applicability in cases concerning the deployment or availability of military forces on Dutch territory. However, the 2001 Assessment Framework clearly states that the article is not applicable in such cases.
47. Article 100 of the Constitution was not applicable to the decision communicated to the Lower House by the written statement of 18 March 2003, since the decision did not relate to the deployment or availability of military forces.
48. The decision to provide political support for the Iraq War was not influenced by the possible appointment of Minister De Hoop Scheffer to the office of NATO Secretary General.
49. The Committee questions the classification of some state secret documents made available for its perusal. This policy is considered to impede historical research and fact-finding to an unreasonable extent. The Committee recommends the introduction of a system under which the classification of documents is subject to periodic review. This would seem to be an appropriate task for the National Archives and the Ministry of Education, Culture and Science, to which the latter archives belong.