

# National Restrictions on the Use of Military Force: A Conceptual Framework

Patrick A. Mello

Willy Brandt School of Public Policy, University of Erfurt &  
TUM School of Governance, Technical University of Munich  
patrick.mello@uni-erfurt.de

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## *Abstract*

Recent scholarship in security studies has started to explore the causes and consequences of various forms of national restrictions in multinational military operations (MMOs). This paper aims to make a conceptual contribution to this literature by developing a theoretical framework of national restrictions on the use of military force that distinguishes between *structural*, *procedural*, and *operational* restrictions. The paper argues that these types of restrictions are governed by different causal mechanisms that need to be kept analytically separate. For instance, structural restrictions are relatively stable over time and can exert an effect on deployment decisions irrespective of other factors. Procedural restrictions, on the other hand, can generate a *veto point* against a deployment only in combination with distinct political preferences. Finally, operational restrictions directly affect a country's rules of engagement. The paper illustrates the three types of restrictions with empirical examples from a range of countries and sketches their impact on MMO deployment decisions and mandates.

Recent scholarship in security studies has started to explore the causes and consequences of various forms of national restrictions on the use of force and participation in multinational military operations (MMOs).<sup>1</sup> Works in this vein have surveyed parliamentary accountability and parliamentary war powers (Born and Hänggi 2004; Dieterich et al. 2010; Wagner et al. 2010), constitutional and legal restrictions (Ku and Jacobson 2003; Nolte 2003), as well as national caveats in alliance operations (Auerswald and Saideman 2014; Frost-Nielsen 2017; Saideman and Auerswald 2012). Against the backdrop of these studies, several questions arise. Which kinds of constitutional and political restrictions exist and how, exactly, do these constrain foreign policy decision-making? Furthermore, to which extent can we observe variation across democracies with regards to their constitutional provisions and parliamentary involvement? Finally, does the initial decision *whether* to deploy forces relate to the formulation of mandates, as in *how* a country partakes in an operation?

This paper aims to make a conceptual contribution to this literature by developing a theoretical framework of national restrictions on the use of military force that distinguishes between *structural*, *procedural*, and *operational* restrictions. The paper argues that these types of restrictions are governed by different causal mechanisms that need to be kept analytically separate. For instance, structural restrictions are relatively stable over time and can exert an effect on deployment decisions irrespective of political or societal context. This is not to say that the underlying legal and institutional structures cannot be changed, but this change usually requires longer timeframes. Procedural restrictions, on the other hand, can generate a veto point against military deployments only in combination with resonating political preferences. As such, they can provide an opportunity for the political opposition and dissenting members of governing parties to voice their disagreement with a planned military operation.<sup>2</sup> Finally, operational restrictions, or national caveats, directly affect a mission's mandate or a country's rules of engagement in MMOs. These were most visible during NATO operations in Afghanistan, where coalition members put forth reservations that affected their area of operations, tasks and functions, military decision-making procedures, and other areas. While it can be argued that operational restrictions enable countries to take part in

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<sup>1</sup> There is a burgeoning literature on various aspects of national contributions to MMOs (e.g. Davidson 2011; Haesebrouck 2016; 2017; Kreps 2008; 2010; Massie 2016; McInnis 2016; Reykers and Fonck 2015; Saideman 2016; Schade 2018; von Hlatky 2013).

<sup>2</sup> A widely-studied case was the British veto against military action in Syria in 2013 (e.g. Gaskarth 2016; Kaarbo and Kenealy 2016; Strong 2015).

MMOs where they would otherwise abstain, it is apparent that caveats pose a hindrance to the effectiveness of MMOs and the achievement of operational goals.

The next section briefly outlines established institutionalist approaches with a focus on various conceptions of institutional constraints that have been suggested as explanations for the conflict involvement of democracies. The main part then introduces the paper's conceptual framework of national restrictions on the use of military force, distinguishing between *structural*, *procedural*, and *operational* restrictions. This is followed by a discussion of the interaction of these restrictions and a conclusion with directions for future study.

## **Institutional Constraints in Research on Democracy and Conflict Involvement**

Studies have long emphasized the centrality of “institutional constraints” as an important part of the explanation for the democratic peace phenomenon and democratic conflict behavior more generally (Hayes 2011). Institutional arguments variously stress the intricate nature of democratic processes, leaders' need to gather public support for decisions on war involvement, and the institutionalization of political competition as reasons why democracies ought to be less war-prone than non-democracies (Maoz and Russett 1993; Morgan and Campbell 1991; Reiter and Stam 2002).

However, although institutionalist arguments tend to focus on the democratic peace and regime-type differences, they also imply that the existing *institutional variation* among democracies ought to have an effect on their external conflict behavior. Maoz and Russett mention this in passing, when they state that their theoretical argument suggests that “[p]residential systems should be *less constrained* than parliamentary systems, in which the government is far more dependent on the support it gets from the legislature. Coalition governments or minority cabinets are *far more constrained* than are governments controlled by a single party” (1993, 626; emphasis added). It follows that differences across democratic subtypes and in the number of veto opportunities should, in principle, affect the likelihood of war involvement. Yet, taken as a whole, the democratic peace literature has rather neglected this source of variation among democracies.<sup>3</sup>

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<sup>3</sup> Notable exceptions include the studies by Auerswald (1999; 2000) and Elman (2000).

### *Democratic Subtypes*

Two distinguishing institutional characteristics of democracies are the sources of executive authority and the structure of the electoral system. The first criterion yields the distinction between presidential and parliamentary democracies, which has been of central concern among comparativists (Lijphart 1992; Linz 1990a; 1990b). Whereas presidents obtain their political authority through direct elections and separate from the legislature, executives in parliamentary democracies are dependent upon legislative confidence. The second criterion, the electoral system, is known to have a mediated influence on the party system because majoritarian electoral rules favor two-party systems while proportional representation fosters multiparty systems (Duverger 1951). Because of the link between electoral rules and the party system, differences in the former tend to affect the very nature of political competition in a country, ranging from a “winner takes all” mentality in two-party systems to more compromise-oriented politics in multiparty systems. In sum, based on the balance of executive-legislative relations and the proportionality of the electoral system, the “classical subtypes” of democracy can be derived (Collier and Levitsky 1997, 435).

Security studies have examined various institutional settings in relation to conflict behavior. While the theoretical assumption is widely-shared that presidential democracies should be less constrained and thus more war-prone than parliamentary democracies, quantitative studies report no significant results for the parliamentary-presidential distinction (Leblang and Chan 2003; Reiter and Tillman 2002). Yet these studies find that proportional representation systems are less likely to get involved in war (Leblang and Chan 2003) and that increased electoral participation reduces the likelihood of conflict initiation (Reiter and Tillman 2002). As to the effects of cabinet structure in parliamentary democracies, studies have not reached a consensus. Some argue that coalition governments should be more restrained in their conflict behavior than single-party governments (Auerswald 1999), while others find that coalition governments are more likely to reciprocate disputes than single-party governments (Prins and Sprecher 1999). Still others find no evidence for differences in the conflict initiation propensity between single-party and coalition governments but indication that minority governments are less likely to initiate conflicts (Ireland and Gartner 2001; Palmer et al. 2004).

## *Veto Players and Veto Points*

Whereas research on democratic subtypes emphasizes institutional differences and focuses on subsets of democratic systems, veto player and veto point approaches analyze the political and institutional configurations that constrain democratic governments in their ability to enact policy. This allows for a comparison that spans across distinctions between presidential and parliamentary regimes, single-party and coalition cabinets, or majority and minority governments.

Institutional *veto points* are conceived as “political arenas” in which policy proposals can be overturned. Whether or not a political arena constitutes a veto point in a given situation hinges foremost on its constitutional right to veto. Additionally, intraparty cohesion and the partisan composition of the executive and the legislature need to be considered (Immergut 1990, 396-97; Immergut and Abou-Chadi 2010, 8). Veto points can arise along the chain of decision-making, beginning with the executive arena, where a coalition partner could block a policy proposal if it runs counter to her party’s preferences. Likewise, in the legislative arena an unstable majority could threaten the adoption of a piece of legislation when influential MPs speak out against the bill and party discipline is low. Finally, unpopular policies could be overturned in the electoral arena if instruments of direct democracy, such as referenda, are a part of the political system.

*Veto players* are defined as the “individual and collective actors whose agreement is necessary for a change in the status quo” and be further divided into institutional and partisan veto players, where the former are constitutionally created and the latter refer to actors that are “generated by the political game” (Tsebelis 2002, 19). One central premise of veto player theory is that an increase in the number of veto players fosters policy stability, as in a preservation of the status quo (Tsebelis 2002, 25). Yet, since policy preferences are also taken into account, not all veto players are equally important. Assuming a one-dimensional scale of policy preferences, veto players whose preferred policy is located between other veto players’ ideal points are “absorbed”, since these have no effect on policy stability (Tsebelis 2002, 28-29).

Because of their analytical reach and parsimony, veto point and veto player approaches have seen wide application by comparativists (e.g. Ganghof and Bräuninger 2006; Henisz and Zelner 2006; König et al. 2010). Security-related scholars, however, have been slow to adopt the veto point and veto player frameworks. This could be, quite simply, because there is less legislative activity in foreign and security policy when compared to public policy. Another

explanation could be that governments enjoy greater autonomy in foreign affairs, which corresponds to a far lower number of veto players when compared to domestic policy.

That being said, some have applied veto concepts to security issues (e.g. Choi 2010; Reiter and Tillman 2002). For instance, Reiter and Tillman (2002) explore the effects of various constraints on conflict initiation. But while their article refers to veto players (2002, 813), it does not assess these directly. Instead, a variable is introduced that measures whether international treaties need to be ratified by the legislature, which is taken as an indicator of legislative “foreign policy-making power” (2002, 819). Reiter and Tillman find that among countries with such legislative power, conflict initiation does indeed become less likely, which resonates with the traditional view of institutional constraints (2002, 822). The study by Choi (2010) aims to test Tsebelis’ theory by investigating the effect of veto players on executive conflict behavior in democratic, non-democratic, and mixed dyads. Choi uses an indicator of institutional constraints that resembles the veto player approach, based on a dataset by Henisz (2000).<sup>4</sup> The study concludes that “rising legislative constraints decrease the likelihood of conflict”, which is interpreted as confirmative evidence for the constraining effect of legislative constraints and the veto player argument (Choi 2010, 463).

Despite advances in the extension of veto approaches to conflict studies, empirical research has for the most part neglected differences in the issue-specific authority of veto players, which varies substantially across political systems and policy areas. Moreover, most of the established and widely-used measures of institutional constraints seem to be fairly remote from actual processes of decision-making in security policy. However, some of these shortcomings are addressed by recent work on parliamentary war powers, constitutional restrictions, and national caveats – studies that specifically investigate legislative veto rights, legal constraints in the field of security and military deployment policy, and political restrictions on military operations.

### **National Restrictions on the Use of Military Force**

Against the backdrop of institutionalist arguments, this paper suggests a conceptualization of national restrictions on the use of military force that distinguishes between three types of constraints: (1) *structural restrictions*, which circumscribe the legal and/or political

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<sup>4</sup> As Tsebelis points out, Henisz’ dataset uses different counting rules for the number and distance between veto players, which results in “significantly different assessments” of countries (Tsebelis 2002, 205).

requirements of a military operation, (2) *procedural restrictions*, which focus on the involvement of veto players, namely the legislature, in the formal decision-making process, and (3) *operational restrictions*, as in national caveats, that are reflected in a mission’s mandate and/or its rules of engagement and which constrain the behavior of the armed forces in the field.

Before moving on, it is important to note the variance concerning the origins of national restrictions – which can be rooted in policy tradition or have a legal foundation. Many of those countries that harbor restrictions on the use of military force have placed these in their constitutional documents. However, in some states political practice suggests that certain restrictions on the use of the armed forces are taken into account once deployments are considered by government, even when there is no strict legal requirement to do so. With regards to the assumed causal effect of each type of restriction, however, I assume that there is no substantial difference between constitutional and “mere” political restrictions if the latter are firmly embedded in a country’s political culture. Table 1 displays the suggested types and areas of restrictions and their expected causal effect, as discussed below.

*Table 1. Types of National Restrictions on the Use of Military Force*

Type of Restriction	Area of Restriction	Causal Effect
Structural	International law Organizational frameworks Permissible tasks	Veto against deployment if it would conflict with restrictions
Procedural	Parliamentary veto rights	Veto against deployment if it would conflict with political preferences
Operational	Mandate, rules of engagement	Limitations on permissible behavior of the armed forces

### *Structural Restrictions*

As their name implies, structural restrictions on the use of military force refer to the most rigid forms of institutional constraints in contemporary democracies. In fact, these constitutional or political boundaries often establish a “structural veto” against military engagements, irrespective of the momentary distribution of preferences in government or among the public (Mello 2014, 185).

What sort of constraints do structural restrictions entail? Drawing on established categories in law and security studies (Jakobsen 2006; Ku and Jacobson 2003; Nolte 2003), I distinguish three main areas of structural restrictions. The first area refers to legal provisions that restrict or prohibit military involvement in reference to public *international law*. A weak restriction in this area could, for instance, formally bind the armed forces to act in accordance with the rules proscribed by public international law of war (*jus ad bellum*). While this would under regular circumstances not constrain military involvement in any meaningful way, it can pose a constraint when missions are conducted in a gray area of international law or when operations are outright illegal. Restrictions of this kind can be found, for instance, in Belgium (d'Argent 2003, 190). However, a much stronger form of restriction in this area could require a UN mandate, understood as authorization through the UN Security Council, before a deployment could be considered by a country's government. This is the case in Finland and Ireland, among several other countries (Wagner et al. 2010).

The second area of constraints circumscribes the use of force outside specific *organizational frameworks*. This can mean that unless particular international organizations are involved in a military operation, such as the UN or regional organizations such as NATO or the EU through its Common Foreign and Security Policy (CFSP), the respective country would not be allowed to deploy forces to participate in an engagement. A firm restriction in this area would also rule out any participation in *ad hoc* coalitions or "coalitions of the willing" as in Iraq 2003 or the fight against Daesh since 2015. For example, Austria prohibits participation in military operations outside UN, OSCE or EU frameworks, whereas Denmark opts out of EU operations and Germany requires military involvement of the *Bundeswehr* to happen inside multilateral organizational frameworks (Mello 2014, 34-37).

Finally, some constitutional documents define a set of *permissible tasks* for a country's armed forces. These restrictions can prohibit, for instance, offensive military operations, such as the use of force beyond self-defense. Depending on the specific circumstances of a conflict, this restriction could either ban any involvement in an operation or limit the functions and tasks that can be assumed during the mission. Examples include Japan, Sweden, and Switzerland, all of which prohibit offensive operations, whereas the German constitution restricts the use of force to defensive purposes (Nolte and Krieger 2003; Shibata 2003; Wagner et al. 2010).

How do structural restrictions influence executive decisions on the use of military force? In short, whether certain restrictions function as a veto against a deployment depends foremost on the political circumstances of the case at hand. For instance, if we examine the

wars in Kosovo, Afghanistan, and Iraq – as some of the most recent and controversial military engagements of Western democracies – we can see how some countries’ restrictions turned into a structural veto against military participation.<sup>5</sup> To begin with, these conflicts displayed dissimilar characteristics in terms of their legality, legitimacy, and the involved multilateral organizational frameworks. Whereas NATO’s Kosovo campaign “Allied Force” was highly controversial and received no authorization from the UN, it was also widely considered a legitimate recourse to the use of military force at the time. Hence, in this case the most salient restriction would be in international law, though permissive tasks could restrict the extent to which a country took part in the operation. For example, the governments of Germany, Norway, and Portugal all decided to contribute aircraft to Operation Allied Force in support of NATO air strikes, but their planes were not equipped to strike targets. Instead, German Tornados carried anti-radiation missiles to suppress Serbian air defenses, whereas Norway ruled out ground attacks for their F-16 fighter planes. Likewise, the Portuguese government decided to restrict the role of their F-16s to escort and patrol operations, due to a lack of political consensus over Kosovo (Mello 2014, 63-99). These restrictions resonate with legal provisions in Germany and Norway at the time and they reflect political considerations in Portugal. By contrast, the Iraq War, initiated by an *ad hoc* coalition of states without a Security Council mandate, violated international law and lacked legitimacy in world opinion. Here, any single area of structural restrictions could constitute a veto against involvement. Finally, the invasion of Afghanistan was based on the legal principle of individual and collective self-defense, manifest in Article 51 of the UN Charter, but it had neither an explicit UN authorization nor a formal involvement of NATO during the initial stages of the operation. This implies that a strict requirement of UN authorization or mandatory international organization involvement could have posed a veto against the operation in a country with the respective restrictions.

### *Procedural Restrictions*

When comparing decisions on the use of force across countries, it becomes apparent that some executives face no legislative constraints in sending the military abroad, whereas others are bound by constitutional requirements or government practice to seek parliamentary approval before authorizing troop deployments. Rather than abstract notions of executive-

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<sup>5</sup> For a detailed analysis of these cases, see Mello (2014, Chapters 5-7).

legislative relations as an “institutional constraint” to democratic governments, the concept of “parliamentary war powers” refers to the concrete authority of the legislature in the field of military deployment policy (Peters and Wagner 2011). In distinction from the previously discussed restrictions, mandatory parliamentary involvement in decision-making on the use of force poses a *procedural restriction* on democratic governments’ participation in MMOs.

In recent years, a literature has emerged that focuses on parliamentary veto rights in the context of democratic accountability and as an institutional explanation for democracies’ (non-)involvement in military operations. These studies have provided an important specification of democratic foreign policy processes, identifying sources of variation among democracies that have long been ignored in research on democracy and the use of force (Born and Hänggi 2005; 2004; Dieterich et al. 2010; Wagner et al. 2010). Parliamentary veto rights are in analytical terms closer and therefore more salient for decisions on the use of force than abstract measures of institutional constraints that merely differentiate between constitutional systems. Moreover, these veto rights are also distinct from the constitutional right to declare war, which is obsolete at best at a time where armed conflict is prevalent but formal declarations of war are virtually extinct. This also implies that surveys on the formal constitutional right to declare war should be considered inadequate as a measure of parliamentary influence on foreign and security policy (cf. Fish and Kroenig 2009).

Additionally, though plenty of studies have examined differences between presidential and parliamentary democracies in terms of conflict behavior, researchers are only beginning to explore the concrete involvement of legislatures in decision-making on the use of force.<sup>6</sup> Studies demonstrate, however, that substantial variation exists beyond the common parliamentary-presidential distinction. In this view, it is rather the extent of legislative involvement in military deployment decisions that can reduce war participation if certain preconditions are met (Dieterich et al. 2015; Kesgin and Kaarbo 2010). In their study of Europeans’ involvement in the Iraq War, Dieterich, Hummel, and Marshall (2015) find that countries that took part militarily lacked parliamentary veto rights, whereas those with substantial war powers made no contribution beyond logistical support. This is seen as confirming evidence for the “parliamentary peace” hypothesis, according to which countries with wide-ranging parliamentary war powers abstain from military participation under the precondition of a war-averse public (Dieterich et al. 2015).

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<sup>6</sup> On the involvement of eleven different parliamentary bodies in security matters, see the contributions to a recent special issue (Mello and Peters 2018).

The key question for the presence of parliamentary war powers is whether the legislature holds a veto right over government decisions on military deployments. In its strongest form this right gives parliament an *ex ante* veto over all types of military operations. In their survey of 49 democracies, Wagner et al. (2010, 22) identify 21 countries with a parliamentary *ex ante* veto right, though four of these eventually curbed parliamentary involvement. Examples include Denmark, Finland, Germany, and Sweden, among many others. By contrast, an *ex post* veto grants the legislature the right to end ongoing operations through a parliamentary vote. However, it is apparent that this is a much weaker form of influence, because the material and reputational costs for repealing a decision are substantial and make it unlikely that members of parliament are willing to use this power except under severe circumstances. This is akin to “audience costs” that leaders need to take into account before backing down on a public commitment (Fearon 1994). For instance, the contested U.S. War Powers Resolution essentially grants Congress an *ex post* veto right (Grimmett 2010). A similar clause can be found in the Czech Republic, where parliamentary veto rights were substantially reduced through a constitutional amendment in 2000, leaving in place a retrospective oversight clause (Wagner et al. 2010, 46). Finally, at the low end of parliamentary war powers are informational rights that give the legislature no binding veto but a right to be informed regularly by the executive and to initiate hearings and parliamentary debate (Dieterich et al. 2010; Wagner et al. 2010).

Under which conditions do procedural restrictions such as parliamentary veto rights affect government decision-making on the use of force? Whether parliament constitutes a *veto point* to executive decisions on military deployments, as in a political arena where government proposals can be blocked (Immergut 1990), depends foremost upon the presence of either a formal constitutional right that enables legislators to overturn executive decisions or a firmly embedded policy tradition of seeking legislative authorization for military deployments.<sup>7</sup> Furthermore, party discipline, the preference distribution in parliament, and public opinion need to be taken into account (Mello 2012). By contrast, structural restrictions establish a veto point against military deployments irrespective of the preference distribution in parliament or public support for military participation.

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<sup>7</sup> On the emergence of parliamentary war powers in the United Kingdom, see Strong (2018).

## *Operational Restrictions*

Operational restrictions, also referred to as national caveats, are provisions that directly affect the mandate or rules of engagement of a country's contingent of forces in MMOs. A central concern of political and military decision-makers is that caveats can pose a hindrance to the effectiveness of MMOs and might ultimately undermine operational goals, especially for coalitions of twenty or more different countries where each national contingent brings along its own reservations and rules of engagement. Coordination problems of this kind already haunted NATO operations in Kosovo where influential member states disagreed about the military strategy for Operation Allied Force, starting with the question whether to consider a ground intervention, to the selection of targets for strike missions, and the proper timing of a bombing pause – all of which threatened to undermine the military effort (Clark 2001).

However, the topic of national caveats became truly salient after NATO took over the ISAF mission in August 2003. Newspaper reports and press statements by NATO officials soon suggested that alliance efficiency in Afghanistan was stifled primarily because of a plethora of national caveats.<sup>8</sup> On November 11, 2004 at a Council on Foreign Relations briefing in New York, NATO Secretary General Jaap de Hoop Scheffer addressed the issue of national caveats and placed these in the context of parliamentary war powers. His statement seems to support the notion that national caveats originate primarily from parliamentary interference, as in war powers, whereas countries without procedural restrictions tend to also have fewer operational restrictions on the use of force:

I think we have bettered the alliance in the meantime. The national caveats have been lifted to a certain extent, but national caveats are a big problem in NATO. [...] National governments limit the scope of activities of their forces, and that's a problem in Afghanistan, [...] it was a problem in Kosovo as well, as you well know. So my fight is a permanent fight against national caveats and in favor of lifting as many caveats as we can.

But given the fact that many countries have fairly heavy parliamentary procedures before their soldiers are going to be sent abroad, unlike the United States or unlike Great Britain or France, but take my country, the Netherlands, there's a very heavy – I was a member of Parliament for 16 years – a very heavy parliamentary procedure before soldiers can be sent abroad, and from time to time, parliaments place the caveats. Now, you can say governments should fight those parliamentary caveats. That's right. But I know from experience that that is not always easy (CFR 2004).

As a response to the increased attention on operational restrictions, NATO's Parliamentary Assembly adopted a resolution on November 15, 2005, which called for the reduction of national caveats. The document expressed concern about the fact that “military commanders

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<sup>8</sup> For instance, see Schmitt (2005), Tempest and Sturcke (2006), and Borchgrave (2009).

of NATO forces in Afghanistan consistently cite national caveats as a significant impediment to the planning and execution of their mission”. Yet, emphasis was placed on the eradication of “undeclared caveats” in order “to allow the restrictions on a national contingent to be taken into consideration during the force planning process”.<sup>9</sup> The 2006 progress report by the Parliamentary Assembly notes that some major caveats have been abolished, but the document also points out that other restrictions remain, particularly concerning combat operations, which several countries have prohibited their forces from engaging in (NATO-PA 2006, 3).

Although the prevalence of national restrictions in MMOs both raises intricate theoretical questions and contains obvious policy implications, it has so far received little attention in academic studies. Exceptions include an article by Saideman and Auerswald (2012), later turned into a book-length study on NATO’s involvement in Afghanistan (Auerswald and Saideman 2014), and a recent article by Frost-Nielsen (2017). Examining ISAF contributions and operational restrictions across a range of NATO member states, Saideman and Auerswald (2012) find substantial variance in caveats, which they explain on the basis of differences in political institutions (the distinction between coalition government and presidential or single-party government), but also as a function of individual preferences, namely whether decision-makers focus their attention on outcomes or on behavior. Emphasis on the former means that individuals’ primary aim is mission success, irrespective of the means necessary to achieve this. Behavior-oriented leaders, on the other hand, concentrate on military conduct in the field, seeking to avoid an overstepping of boundaries or outright misconduct they would have to explain to their superiors (2012, 71). With regards to institutions, the authors suggest that Lijphart’s (1999) conceptualization of consensus and majoritarian democracies can be extended to help explain the presence or absence of these caveats. Accordingly, Saideman and Auerswald argue that coalition governments tend to impose greater restrictions on the armed forces once deployed, while presidential or majoritarian parliamentary governments tend to give the military more discretion over operational decisions in the field (Auerswald and Saideman 2014, 69-82).

Frost-Nielsen (2017) provides a comparison of Danish, Dutch, and Norwegian contributions to NATO’s intervention in Libya in 2011 and the respective caveats that some of these countries imposed. His study suggests explanations for these caveats on the basis of domestic political bargaining, alliance considerations, and risk-aversion on the side of

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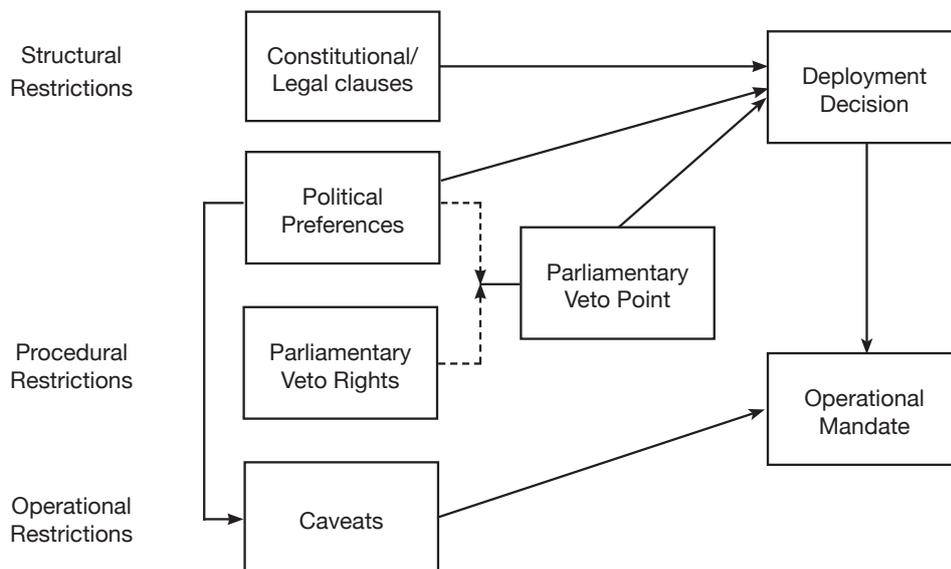
<sup>9</sup> The resolution can be accessed through: <http://www.nato-pa.int/>

executive leaders (Frost-Nielsen 2017, 4-8). While each theoretical model is able to account for at least one of the cases, Frost-Nielsen argues that “domestic factors” help to explain whether or not caveats are imposed, while “external pressure” accounts for the kind of caveats implemented (Frost-Nielsen 2017, 22).

### The Interaction of Structural, Procedural and Operational Restrictions

Figure 1 sketches the interaction of structural, procedural, and operational restrictions and their impact on deployments decisions on MMOs and their operational mandate. These can be conceived of as a sequence. Structural restrictions, understood as constitutional or legal clauses with implications on the use of military force, directly affect a country’s deployment decision (whether or not to participate in the first place). In cases where no structural veto becomes manifest, decisions become a matter of political preferences and procedural restrictions. If a country holds parliamentary veto rights and the overall distribution of preferences in parliament opposes a military engagement, then this will create a veto point against MMO involvement. On the other hand, if a deployment decision is supported by a majority of MPs, then parliamentary veto rights will not stop the country from a military engagement (even in cases of public opposition). Finally, once a concrete deployment decision has been made, operational restrictions can affect a country’s terms of military participation and rules of engagement (both of which are subject to political preferences, in the aggregate as well as through individual decision-makers).

Figure 1. Structural, Procedural, and Operational Restrictions on the Use of Military Force



## Conclusion

Multinational military operations (MMOs) have become an important form of Western democracies' involvement in military conflict. As pointed out by commentators and political decision-makers, some of these coalition and alliance operations are widely-affected by national restrictions. This paper aimed to make a conceptual contribution to the emerging literature on the causes and consequences of various forms of national restrictions on the use of military force and MMO participation. As such, the paper developed a theoretical framework, illustrated with empirical examples, that distinguishes between structural, procedural, and operational restrictions. It is argued that these are governed by different causal mechanisms which need to be separated in analytical terms. Whereas structural restrictions are relatively stable over time and irrespective of political positions, procedural restrictions can generate a veto point against military deployments in combination with distinct political preferences. Finally, operational restrictions directly affect the mission's mandate and a country's rule of engagement.

The conceptual framework suggested in this paper seeks to bring into dialogue and make a step towards unifying heretofore separate streams of the literature to improve our understanding of democracies' involvement in MMOs and democratic foreign and security policy, more generally. This includes studies on legislative accountability, parliamentary veto rights, and parliamentary war powers (Born and Hänggi 2005; 2004; Dieterich et al. 2010; 2015; Peters and Wagner 2011; Wagner et al. 2010), constitutional and legal writings (Ku and Jacobson 2003; Nolte 2003; Nolte et al. 2002), and works concerned with the actual conduct of democracies as coalition partners in MMOs (Auerswald and Saideman 2014; Frost-Nielsen 2017; Saideman and Auerswald 2012).

Clearly, there is a need for further systematic-comparative work to broaden the basis of our understanding of the politics of MMOs. For example, recent empirical studies indicate that parliamentary veto power has only a modest effect on conflict participation (Wagner 2018) and that parliamentary involvement can yield unintended consequences that run counter to normative aims (Lagassé and Mello 2018). This indicates ample opportunities for further research.

## References

- Auerswald, David P. 1999. "Inward Bound: Domestic Institutions and Military Conflicts." *International Organization* 53 (3): 469–504.
- . 2000. *Disarmed Democracies: Domestic Institutions and the Use of Force*. Ann Arbor: University of Michigan Press.
- Auerswald, David P., and Stephen M. Saideman. 2014. *NATO in Afghanistan: Fighting Together, Fighting Alone*. Princeton, NJ: Princeton University Press.
- Borchgrave, Arnaud de. 2009. "'Caveats' Neuter NATO Allies." *Washington Times* July 15.
- Born, Hans, and Heiner Hänggi. 2005. *The Use of Force under International Auspices: Strengthening Parliamentary Accountability*. Geneva: Centre for the Democratic Control of the Armed Forces.
- , ed. 2004. *The 'Double Democratic Deficit': Parliamentary Accountability and the Use of Force Under International Auspices*. Aldershot: Ashgate.
- Council on Foreign Relations, (2004) *Conversation with Jaap de Hoop Scheffer (November 11, 2004)*. Council on Foreign Relations.
- Choi, Seung-Whan. 2010. "Legislative Constraints: A Path to Peace?" *Journal of Conflict Resolution* 54 (3): 438-70.
- Clark, Wesley K. 2001. *Waging Modern War: Bosnia, Kosovo, and the Future of Combat*. New York: Public Affairs.
- Collier, David, and Steven Levitsky. 1997. "Democracy with Adjectives: Conceptual Innovation in Comparative Research." *World Politics* 49 (3): 430–51.
- d'Argent, Pierre. 2003. "Military Law in Belgium." In *European Military Law Systems*, edited by Nolte, Georg: 183–231. Berlin: Gruyter.
- Davidson, Jason W. 2011. *America's Allies and War: Kosovo, Afghanistan, and Iraq*. New York: Palgrave Macmillan.
- Dieterich, Sandra, Hartwig Hummel, and Stefan Marschall. 2010. *Parliamentary War Powers: A Survey of 25 European Parliaments*. Geneva: Centre for the Democratic Control of Armed Forces.
- . 2015. "Bringing Democracy Back In: The Democratic Peace, Parliamentary War Powers and European Participation in the 2003 Iraq War." *Cooperation and Conflict* 50 (1): 87-106.
- Duverger, Maurice. 1951. *Les partis politiques*. Paris: Librairie Armand Colin.
- Elman, Miriam Fendius. 2000. "Unpacking Democracy: Presidentialism, Parliamentarism, and Theories of Democratic Peace." *Security Studies* 9 (4): 91–126.
- Fearon, James D. 1994. "Domestic Political Audiences and the Escalation of International Disputes." *American Political Science Review* 88 (3): 577–92.
- Fish, M. Steven, and Matthew Kroenig. 2009. *The Handbook of National Legislatures: A Global Survey*. Cambridge: Cambridge University Press.
- Frost-Nielsen, Per Marius. 2017. "Conditional Commitments: Why States Use Caveats to Reserve their Efforts in Military Coalition Operations." *Contemporary Security Policy* 38 (3): 371-97.
- Ganghof, Steffen, and Thomas Bräuninger. 2006. "Government Status and Legislative Behaviour: Partisan Veto Players in Australia, Denmark, Finland and Germany." *Party Politics* 12 (4): 521-39.
- Gaskarth, Jamie. 2016. "The Fiasco of the 2013 Syria Votes: Decline and Denial in British Foreign Policy." *Journal of European Public Policy* 23 (5): 718-34.
- Grimmett, Richard F. 2010. *War Powers Resolution: Presidential Compliance: RL33532*. Washington, DC: Congressional Research Service.

- Haesebrouck, Tim. 2016. "National Behaviour in Multinational Military Operations." *Political Studies Review* (April 19, 2016): 1-11.
- . 2017. "NATO Burden Sharing in Libya: A Fuzzy Set Qualitative Comparative Analysis." *Journal of Conflict Resolution* 61 (10): 2235-61.
- Hayes, Jarrod. 2011. "Review Article: The Democratic Peace and the New Evolution of an Old Idea." *European Journal of International Relations* 18 (4): 767-91.
- Henisz, Witold J. 2000. "The Institutional Environment for Economic Growth." *Economics and Politics* 12 (1): 1-31.
- Henisz, Witold J., and Bennet A. Zelner. 2006. "Interest Groups, Veto Points, and Electricity Infrastructure Deployment." *International Organization* 60 (1): 262-86.
- Immergut, Ellen M. 1990. "Institutions, Veto Points, and Policy Results: A Comparative Analysis of Health Care." *Journal of Public Policy* 10 (4): 391-416.
- Immergut, Ellen M., and Tarik Abou-Chadi. 2010. "Political and Institutional Determinants of Social Legislation. The Role of Veto Points, Veto Players, and Electoral Pressure." *BGSS Working Paper, Department of Social Sciences, Humboldt-Universität zu Berlin* 1 (3): 1-29.
- Ireland, Michael J., and Scott Sigmund Gartner. 2001. "Time to Fight: Government Type and Conflict Initiation in Parliamentary Systems." *Journal of Conflict Resolution* 45 (5): 547-68.
- Jakobsen, Peter Viggo. 2006. *Nordic Approaches to Peace Operations: A New Model in the Making?* Oxon: Routledge.
- Kaarbo, Juliet, and Daniel Kenealy. 2016. "No, Prime Minister: Explaining the House of Commons' Vote on Intervention in Syria." *European Security* 25 (1): 28-48.
- Kesgin, Baris, and Juliet Kaarbo. 2010. "When and How Parliaments Influence Foreign Policy: The Case of Turkey's Iraq Decision." *International Studies Perspectives* 11 (1): 19-36.
- König, Thomas, George Tsebelis, and Marc Debus, ed. 2010. *Reform Processes and Policy Change: Veto Players and Decision-Making in Modern Democracies*. New York: Springer.
- Kreps, Sarah E. 2008. "When Does the Mission Determine the Coalition?: The Logic of Multilateral Intervention and the Case of Afghanistan." *Security Studies* 17 (3): 531-67.
- . 2010. "Elite Consensus as a Determinant of Alliance Cohesion: Why Public Opinion Hardly Matters for NATO-led Operations in Afghanistan." *Foreign Policy Analysis* 6 (3): 191-215.
- Ku, Charlotte, and Harold K. Jacobson, ed. 2003. *Democratic Accountability and the Use of Force in International Law*. Cambridge: Cambridge University Press.
- Lagassé, Philippe, and Patrick A. Mello. 2018. "The Unintended Consequences of Parliamentary Involvement: Elite Collusion and Afghanistan Deployments in Canada and Germany." *British Journal of Politics and International Relations* 20 (1): 135-57.
- Leblang, David, and Steve Chan. 2003. "Explaining Wars Fought by Established Democracies: Do Institutional Constraints Matter?" *Political Research Quarterly* 56 (4): 385-400.
- Lijphart, Arend. 1999. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven: Yale University Press.
- , ed. 1992. *Parliamentary Versus Presidential Government*. Oxford: Oxford University Press.
- Linz, Juan José. 1990a. "The Perils of Presidentialism." *Journal of Democracy* 1 (1): 51-69.
- . 1990b. "The Virtues of Parliamentarism." *Journal of Democracy* 1 (1): 84-91.

- Maoz, Zeev, and Bruce M. Russett. 1993. "Normative and Structural Causes of Democratic Peace, 1946-1986." *American Political Science Review* 87 (3): 624–38.
- Massie, Justin. 2016. "Public Contestation and Policy Resistance: Canada's Oversized Military Commitment to Afghanistan." *Foreign Policy Analysis* 12 (1): 47-65.
- McInnis, Kathleen J. 2016. *Coalition Contributions to Countering the Islamic State*. Washington, DC: Congressional Research Service.
- Mello, Patrick A. 2012. "Parliamentary Peace or Partisan Politics? Democracies' Participation in the Iraq War." *Journal of International Relations and Development* 15 (3): 420–53.
- . 2014. *Democratic Participation in Armed Conflict: Military Involvement in Kosovo, Afghanistan, and Iraq*. Basingstoke: Palgrave Macmillan.
- Mello, Patrick A., and Dirk Peters. 2018. "Parliaments in Security Policy: Involvement, Politicisation, and Influence." *British Journal of Politics and International Relations* 20 (1): 3-18.
- Morgan, T. Clifton, and Sally Howard Campbell. 1991. "Domestic Structure, Decisional Constraints, and War: So Why Kant Democracies Fight?" *Journal of Conflict Resolution* 35 (2): 187–211.
- NATO, (2006) *Lessons Learned from NATO's Current Operations*.
- Nolte, Georg, ed. 2003. *European Military Law Systems*. Berlin: Gruyter.
- Nolte, Georg, and Heike Krieger. 2003. "Military Law in Germany." In *European Military Law Systems*, edited by Nolte, Georg: 337–426. Berlin: Gruyter.
- Nolte, Georg, Heike Krieger, and Nolte-Krieger. 2002. *Europäische Wehrrechtssysteme: Ein Vergleich der Rechtsordnungen Belgiens, Dänemarks, Deutschlands, Frankreichs, Luxemburgs, der Niederlande, Polens, Spaniens und des Vereinigten Königreichs*. Baden-Baden: Nomos.
- Palmer, Glenn, Patrick M. Regan, and Tamar R. London. 2004. "What's Stopping You?: The Sources of Political Constraints on International Conflict Behavior in Parliamentary Democracies." *International Interactions* 30 (1): 1–24.
- Peters, Dirk, and Wolfgang Wagner. 2011. "Between Military Efficiency and Democratic Legitimacy: Mapping Parliamentary War Powers in Contemporary Democracies, 1989-2004." *Parliamentary Affairs* 64 (1): 175–92.
- Prins, Brandon C., and Christopher Sprecher. 1999. "Institutional Constraints, Political Opposition, and Interstate Dispute Escalation: Evidence from Parliamentary Systems, 1946-89." *Journal of Peace Research* 36 (3): 271–87.
- Reiter, Dan, and Allan C. Stam. 2002. *Democracies at War*. Princeton, NJ: Princeton University Press.
- Reiter, Dan, and Erik R. Tillman. 2002. "Public, Legislative, and Executive Constraints on the Democratic Initiation of Conflict." *The Journal of Politics* 64 (3): 810–26.
- Reykers, Yf, and Daan Fonck. 2015. "Who Is Controlling Whom? An Analysis of the Belgian Federal Parliament's Executive Oversight Capacities Towards the Military Interventions in Libya (2011) and Iraq (2014-2015)." *Studia Diplomatica* 68 (2): 91-110.
- Saideman, Stephen M. 2016. "The Ambivalent Coalition: Doing the Least One Can Do Against the Islamic State." *Contemporary Security Policy* 37 (2): 289-305.
- Saideman, Stephen M., and David P. Auerswald. 2012. "Comparing Caveats: Understanding the Sources of National Restrictions upon NATO's Mission in Afghanistan." *International Studies Quarterly* 56 (1): 67-84.
- Schade, Daniel. 2018. "Limiting or Liberating? The Influence of Parliaments on Military Deployments in Multinational Settings." *British Journal of Politics and International Relations* 20 (1): 84-103.

- Schmitt, Eric. 2005. "NATO Troops Will Relieve Americans in Fighting the Taliban." *New York Times* December 31.
- Shibata, Akiho. 2003. "Japan: Moderate Commitment within Legal Strictures." In *Democratic Accountability and the Use of Force in International Law*, edited by Ku, Charlotte and Harold K. Jacobson: 207–30. Cambridge: Cambridge University Press.
- Strong, James. 2015. "Why Parliament Now Decides on War: Tracing the Growth of the Parliamentary Prerogative through Syria, Libya and Iraq." *British Journal of Politics and International Relations* 17 (4): 604-22.
- . 2018. "The War Powers of the British Parliament: What Has Been Established and What Remains Unclear?" *British Journal of Politics and International Relations* 20 (1): 19-34.
- Tempest, Matthew, and James Sturcke. 2006. "NATO Countries Must Live Up to Pledges on Troops, Says Blair." *The Guardian* November 29.
- Tsebelis, George. 2002. *Veto Players: How Political Institutions Work*. New York: Russell Sage Foundation.
- von Hlatky, Stéfanie. 2013. *American Allies in Times of War: The Great Asymmetry*. Oxford: Oxford University Press.
- Wagner, Wolfgang. 2018. "Is There a Parliamentary Peace? Parliamentary Veto Power and Military Interventions from Kosovo to Daesh." *British Journal of Politics and International Relations* 20 (1): 121-34.
- Wagner, Wolfgang, Dirk Peters, and Cosima Glahn. 2010. *Parliamentary War Powers Around the World, 1989–2004. A New Dataset*. Geneva: Centre for the Democratic Control of Armed Forces.