

Letter to the House of Representatives from Minister of Foreign Affairs Hanke Bruins Slot and Minister of Defence Kajsa Ollengren presenting the government's response to the AIV advisory letter, 'Ukraine – Resolve, Resilience and Prospects for the Future', 28 June 2024

We are writing in response to the AIV advisory letter 'Ukraine – Resolve, Resilience and Prospects for the Future', which was published on 22 February of this year. The government appreciates the AIV's broad consideration of Russia's war against Ukraine, and it values the AIV's thoughtful and cogently argued recommendations. The recommendations are in line with the government's broader efforts with respect to Ukraine and the wider implications of the Russian war of aggression for the security of Europe, and thus the Netherlands as well.

The AIV offers six recommendations:

1. Be resolute and support Ukraine with sufficient resources
2. Work proactively to ensure public support for providing resolute assistance to Ukraine
3. Actively help make Europe more resilient
4. Help make the Netherlands more resilient
5. Create future prospects for Ukraine within the European and transatlantic systems
6. Invest in a shared global consensus on the war in Ukraine and in a common vision on a stable Global South security order and a just peace for the long term.

Below, the government will address the AIV's recommendations in detail.

1. Be resolute and support Ukraine with sufficient resources

The government appreciates the AIV's broad consideration of Russia's war against Ukraine. The advisory letter dovetails with the government's letter to parliament of 23 February 2024 on the state of the war in Europe (Letter to parliament 21 501-20 no. 2019), which states that predictable, multiannual, substantial support to help Ukraine defend itself against Russian aggression is not only the right thing to do but also necessary from the point of view of enlightened self interest¹ – not least because the outcome of this war will affect the future of Europe, including the Netherlands.

Scenarios

The government thanks the AIV for the four scenarios it outlined in its letter.² In line with the AIV's advice, and the motion by MP Laurens Dassen, the Netherlands is actively preparing for various scenarios, both independently and within the EU and NATO. The Netherlands' government ministries (including the Ministry of Foreign Affairs and the Ministry of Defence) and security services are continually devising various scenarios which can regularly be modified on the basis of developments at the front or in Russia. The government agrees that the most desirable scenarios are a Ukrainian victory or the strongest possible position for Ukraine at the start of any negotiation process. Because these scenarios would also be in our own interest, the government is working closely with partners and allies to bring them about. With due regard for confidentiality, the government continues to update parliament on its efforts in this area and the considerations that inform them.

Defence expenditure

¹ Letter to parliament on the state of the war in Europe, 23 February 2024 (Letter to parliament 21501-20 no. 2019/p. 4 Peace Formula.)

² (1) A total victory by Ukraine: Russian troops are expelled from the eastern provinces and ultimately from Crimea. (2) A total victory by Russia, radically limiting Ukraine's territorial sovereignty and continued existence as a country, with dire consequences for the local population. (3) A stalemate, which could take a variety of forms. (4) Any of these variant stalemates could lead to a fourth scenario: negotiations. In the face of a persistent 'mutually hurting stalemate', the parties are essentially forced to the negotiating table.

The AIV offers three recommendations to secure defence expenditure: comply with the NATO 2%-norm, set aside additional resources to support Ukraine over the long term, over and above the 2%-norm, and draw up a defence plan applicable to successive governments.

Like its fellow NATO allies, the Netherlands committed itself in Vilnius to the Defence Investment Pledge, promising to invest at least 2% of its GDP in defence. The Netherlands must do what is necessary to enhance deterrence and defence and to meet the demands of NATO's new military defence plans. It is important for the defence sector to have certainty about long-term financial resources. Among other things this enables the defence industry – whether national, European or beyond – and its financiers to structurally scale up their operations on a multiannual basis and to deliver their products on time. Scaling up the European defence industry is a prerequisite for strengthening Europe's armed forces and increasing European responsibility for the continent's own security. Given the deteriorating global security situation, as the AIV notes in its letter, the Netherlands must take account of scenarios in which defence expenditure of over 2% of GDP is necessary, both for our defence and to comply with national and international obligations that stem from our constitutional duties.³ The armed forces and defence personnel will benefit from the multiannual financial certainty created by raising defence spending to at least 2% of GDP over the long term. Relatedly, in its Spring Memorandum the government decided to make an additional investment in enhancing air defences and in ammunition for the Dutch armed forces. The Netherlands needs to both strengthen its own armed forces and continue providing steadfast support to Ukraine. These two tracks go hand in hand. In line with the AIV's advisory letter, the government has set aside an additional €4 billion for military support for Ukraine for the 2024-2026 period. In this way the government is demonstrating the Netherlands' full commitment to supporting Ukraine in the months and years ahead in its fight against Russian aggression.

Reconstruction

The government shares the AIV's analysis with regard to the reconstruction of Ukraine (section 5) and takes to heart the recommendation to work towards a broad and inclusive recovery. Dutch aid to Ukraine is channelled through those units of the ministries that are responsible for regular international cooperation, whether bilateral, EU-related or multilateral. This helps guarantee an inclusive approach and a focus on institutions, such as the EU, that represent shared values. In this respect the government actively incorporates lessons learned from other contexts, as formulated by the US, the OECD-DAC and other parties.⁴

The government would stress the importance of accountability: perpetrators of war crimes committed in Ukraine must not be allowed to escape punishment and must be held accountable in court. The Netherlands has contributed to these efforts by deploying a forensic investigation team from the Royal Military and Border Police, under the aegis of the International Criminal Court, to Ukraine on four occasions. The Netherlands will continue to support the ICC in 2024 as well.

Given the increasing number of military veterans in Ukraine, veteran care is another key issue. The Netherlands is committed to supporting Ukraine in this area too. A tangible example is the assistance being provided to dozens of Ukrainian veterans at the Military Rehabilitation Center in Doorn.

³ Article 97, paragraph 1 of the Dutch Constitution: There shall be armed forces for the defence and protection of the interests of the Kingdom, and in order to maintain and promote the international legal order.

⁴ For example, the report by the US Special Inspector General for Afghanistan Reconstruction (SIGAR) (which recommends, among other things, that the Netherlands coordinate interministerial and international donors, which is done via the task force coordinating Dutch support and reconstruction aid to Ukraine (CSOEK) and the donor platform MDCP); and the OECD-DAC/EvalNet paper 'Evidence from Evaluation for Ukraine' (which recommends, among other things, practising fair monitoring, establishing the HR capacity needed for this purpose, and conducting thorough impact evaluations; capacity has been set aside in the CSOEK and the IFIs.

The government endorses the importance of creating the right conditions for local small and medium-sized enterprises (SMEs) and eventually working to restore a level economic playing field and promote the involvement of Dutch businesses in the reconstruction process. At the House's request, in summer 2023 a Special Envoy for Business and the Reconstruction of Ukraine was appointed to take stock of Ukraine's needs and to work with the Dutch business community to see what relevant expertise the Netherlands can offer. Dutch support is focused on the same sectors recommended by the AIV: agriculture, water management and drinking water supplies, along with the healthcare sector. In 2023, public-private platforms were set up for the purpose of shaping the efforts of Dutch businesses to help with the recovery and reconstruction of Ukraine in these three sectors. In addition, the Netherlands set up the Ukraine Partnership Facility via the Netherlands Enterprise Agency (RVO) with a ceiling of €25 million. The aim of this grant is to stimulate partnerships between Dutch and Ukrainian companies and/or civil society organisations in these sectors. Since January 2024 an export credit insurance policy for Ukraine has been available via Atradius Dutch State Business, making it possible to insure €120 million worth of transactions against financing risks. It should be noted that the Dutch private sector also had good ties with Ukraine in these areas prior to 2022.

An agreement has been reached at EU level on setting aside and siphoning off exceptional and unexpected interest from immobilised assets of the Central Bank of Russia for the purpose of supporting Ukraine. This does not constitute the levying of a European tax. Agreement has also been reached on the use of these proceeds to support Ukraine. For 2024 this entails military support via the European Peace Facility (90%) and support for recovery and reconstruction via the EU's Ukraine Facility (10%). The government has expressed its support for swift follow-up steps to ensure that the interest can indeed be siphoned off and used to benefit Ukraine. The government believes in the power of an ambitious agenda and is also urging that the EU carefully explore other options, including the use of the underlying assets. Obtaining the cooperation of G7 partners, such as the US and the UK, is vital in this regard.

2. Work proactively to ensure public support for providing resolute assistance to Ukraine

The AIV advises the government to be transparent about where the Netherlands stands on the conflict and the political considerations underpinning Dutch support. According to the flash poll taken every month by the National Coordinator for Counterterrorism and Security, over two years after the start of the invasion, Dutch public support for the government's policy remains largely the same. Good communication via the Senate and the House of Representatives and directly with the Dutch public about the conditions, strategies and goals associated with the Netherlands' support is (and will remain) essential for maintaining that support, particularly now there is a broader realisation that the war may last much longer than many had previously thought. The government feels encouraged by the AIV's recommendations on this point, and also by the broad support in the House for the policy it has pursued to date.

3. Actively help make Europe more resilient

The AIV recommends strengthening the European security architecture by working to advance the following objectives: a European pillar within NATO, a structural and planned expansion of European defence capabilities and a European Security Council.

European security architecture

The government recognises the need for stronger European defence capabilities. Europe needs to take more responsibility for its own security and, in doing so, reduce its dependence on the United States with respect to crucial capabilities like deep precision strike systems, strategic air transport and/or air and missile defence. The EU Strategic

Compass sets out how Europe can work to achieve this, with the help of instruments such as the Coordinated Annual Review on Defence (CARD), Permanent Structured Cooperation (PESCO) and the European Defence Fund, a greater focus on the joint purchase of defence capabilities and the enhancement of our military mobility with regular live exercises. Strengthening European cooperation on the procurement of defence equipment could lead to economies of scale. Moreover, joint procurement would reduce fragmentation in European arms systems, leading to improved interoperability between European armed forces. In order to strengthen European defence cooperation and the position of the Dutch defence industry, the government also wishes to accede to the trilateral treaty on arms export policy between France, Germany and Spain.⁵

The government supports this further enhancement of the Common Security and Defence Policy (CSDP). It will result in efficient cooperation between allies, and thereby will strengthen NATO further. In connection to that, the government is in favour of better EU-NATO cooperation.

The idea of a European Security Council that can function as a 'political playmaker', as the AIV puts it, and on which the UK, France and Germany would have permanent seats while other countries would not, raises questions about the mandate, representativeness and (military) capabilities involved. The same goes for the relationship of such a council to NATO, as the cornerstone of our collective defence, and to an EU of ever greater geopolitical significance. Both domestically and within the EU, the government will continue to reflect on the most effective ways and instruments to strengthen Europe's geopolitical power and in doing so will examine the options for a European Security Council.

European defence and security industry

The AIV recommends strengthening the European defence and security industry by using the economies of scale that the single market offers and by opposing impediments like national security exceptions, giving priority to product lines that are currently important to Ukraine, and focusing on effective and result-driven industrial policy.

To maintain our military support for Ukraine and expand the readiness of our own armed forces, we need to invest in European production capacity. With this goal in mind, the Task Force on Production Security is formulating concrete proposals to increase production and delivery security for military equipment, in regard not only to our own operational readiness, but also for military support to Ukraine. In June 2024 the House will be informed further by letter about the comprehensive approach and the initial results of this Task Force.

The EU has created instruments to promote joint research and development (European Defence Fund) and joint procurement (EDIRPA). This will help reduce fragmentation of arms systems and increase interoperability. The EU is also encouraging investment in expanded manufacturing capacity through the Act in Support of Ammunition Production (ASAP). In addition, on 5 March the European Commission presented a European Defence Industry Strategy (EDIS) and a European Defence Investment Programme (EDIP), with the aim of strengthening the European Defence Technological and Industrial Base (EDTIB). The Commission is issuing proposals to further encourage the joint procurement of defence equipment by member states, and to increase the European defence industry's manufacturing capacity and security of supply. The government considers this both necessary and urgent, in order to maintain support for Ukraine and to improve the readiness of the EU's own armed forces in light of the deteriorating security situation. A stronger European defence industry will also help strengthen Europe's contribution to NATO. In addition the government feels strongly about the need

⁵ See the government's letter to parliament on measures to promote European defence cooperation and further European convergence of arms export policy (Parliamentary Papers 22 054, no. 395) of 14 July 2023.

for rules regarding cross-border cooperation on joint purchasing, capacity development and other forms of partnership involving defence equipment. It has also been proposed that Ukraine could participate in this programme. On 28 March the House received an assessment of the proposals by the Working Group for the Assessment of New Commission Proposals.⁶

4. Help make the Netherlands more resilient

The government shares the AIV's view that a whole-of-society approach is needed to address the challenge of hybrid threats. Given that such threats have an impact on all sections of society, it is not sufficient to rely on traditional security partners alone. Society as a whole, including business and industry, civil society and the public, must shoulder responsibility in this respect. Such an approach is not, however, limited to opposing hybrid threats; we will also need to be prepared for a military threat. More and more voices are warning that a military conflict is a real risk. In order to be prepared for this, arrangements must be made *in peacetime* between public and private parties, and also with the general public. The main objective of such a whole-of-society approach is to boost society's resilience. Various policy processes are currently in place to help achieve this. After the summer the government will send a letter to the House concerning societal resilience, setting out its efforts on this front. The government recognises the importance of taking an effective approach to disinformation. The progress report on the central government-wide strategy to effectively tackle disinformation, which the Minister of the Interior and Kingdom Relations and the corresponding State Secretary will soon be sending to the House, will address this issue in greater detail.

5. Create future prospects for Ukraine within the European and transatlantic systems

The AIV recommends offering future prospects to Ukraine in the form of EU and NATO membership, and by exploring scope for bilateral security guarantees. In the AIV's view this means that Ukraine needs to make preparations for accession. Momentum must be maintained in the accession negotiations, with transitional periods and phased accession as possible options. The AIV also argues that the EU should enact reforms with a view to enlargement.

EU membership

Ukraine is part of the European family. The European Council of December 2023 decided to open accession talks with Ukraine. The government acknowledges the efforts Ukraine has made to enact reforms under very difficult circumstances and will support Ukraine where possible throughout the procedure. Ukraine's progress in the EU accession process will depend on its own merits, and rule-of-law reforms will play a central role. The Netherlands will continue to actively support Ukraine in these efforts, in coordination with like-minded partners, both bilaterally (via social transformation (MATRA) programmes designed to build capacity and democratic institutions that respect the rule of law) and within the EU.

The government sees the current EU enlargement methodology as a solid foundation for assessing candidate countries on their merits. The methodology affirms the importance of the rule of law as the basis for a stable democratic system and links progress in other policy areas to progress on rule of law reforms. At the same time, the methodology also offers scope for accelerated or gradual integration of candidate countries, if progress on the requested reforms should necessitate that. The EU is already working closely with various candidate countries on a range of policy areas. Examples include the close cooperation with Frontex in the area of migration and with Eurojust with regard to the

⁶ Parliamentary Paper 22 112, no. 3919

justice system. The methodology and the Association Agreement therefore offer an adequate basis for closer cooperation with Ukraine within the framework of the accession process. Although the government is open to new ideas on cooperation with candidate countries, it is not in favour of rethinking the enlargement methodology. The government's approach to EU enlargement will remain strict, fair and engaged.

NATO membership

The AIV advises the government to remain committed to a clear prospect of NATO membership for Ukraine and suggests the NATO Summit in Washington in July 2024 and the following year's Summit in the Netherlands as ideal opportunities to make further agreements in this area. The government is projecting the message that Ukraine's future lies with NATO, and is supporting efforts to bring Ukraine closer to the alliance. Currently, cooperation between NATO and Ukraine is closer than ever. The NATO-Ukraine Council established at the previous NATO Summit in Vilnius enables Ukraine and the NATO allies to confer regularly with one another as equals.

In addition, the Comprehensive Assistance Package for Ukraine (CAP) is being used to reform the Ukrainian security and defence sector in preparation for Ukraine's future NATO membership. The government fully supports any further initiatives that NATO can take to establish such practical cooperation between NATO and Ukraine over the long term. In the run-up to the NATO Summit in Washington, various initiatives are being fleshed out that will contribute to that aim. The UDCG capability coalitions are one example. Both in its capacity as co-leader of the air force coalition and via the delivery of 24 F-16s, the Netherlands is actively contributing to the modernisation of the Ukrainian air force and thus Ukraine's interoperability with NATO allies. In this way we can ensure that Ukraine will genuinely be ready to join NATO at the moment the allies decide to issue a formal invitation. The House will be informed about the proposals put forward at the NATO Summit via the annotated summit agenda.

Bilateral security guarantees

The Netherlands has a bilateral security agreement with Ukraine, and will continue to support Ukraine over the next 10 years. This sends a clear signal to Ukraine, to our international partners and to Russia that the Netherlands will continue to stand behind Ukraine in the years ahead. In the coming months the Netherlands will focus on elaborating and specifying the agreements that have been made, for example in the area of military support and on stimulating the European defence industry. This too will contribute to Ukraine's future prospects in the years ahead.

6. Invest in a common vision on the war in Ukraine and a global security order

In line with the AIV's conclusions and recommendations, the government sees that the war against Ukraine has exposed various points of friction in the relationship between Europe and the Global South. Although the vast majority of UN member states (around 140 of them) have condemned the Russian invasion, support for Ukraine, whether in the form of military or financial aid or in the realm of sanctions or accountability, comes almost exclusively from the countries of the EU, the G7 and NATO. Russia's ongoing aggression and atrocities in Ukraine have not led to greater support for Ukraine from the Global South. The flare-up of the conflict in the Middle East has magnified existing accusations about double standards on the part of the West. The argument that Russia's war is a flagrant violation of the UN Charter (especially the ban on infringing on the territorial integrity of a sovereign nation), and thereby also touches on the interests of the Global South, is insufficient reason for many countries to put their relations with Russia at risk.

The government realises that the countries of the Global South are indispensable to achieving an eventual lasting resolution to this war, and for important discussions on

changes to the current world order. In all its bilateral talks with countries from the Global South, the government also highlights the role these countries could play in preparation for an eventual peace process. These discussions also touch on possible initiatives with Dutch involvement that could address the war's economic impact on the Global South.