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The Rt Hon the Lord Goldsmith KC
Chair of the House of Lords International
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15th March 2024

Dear Peter,

Thank you for your letter of 1st March, regarding Parliamentary scrutiny of the UK-Ukraine Agreement on Security Cooperation, signed by the Prime Minister and President Zelenskyy when they met in Kyiv in January.

As you note in your letter, the Agreement is not legally binding. We considered carefully how to title the document during negotiations with Ukraine. It was important to frame the document as an agreement, to underline the enduring importance of the text both to the UK and Ukraine and ensure a common approach to our closest partners. As the FCDO guidance states, although using the term agreement can be taken to signal a document's legal status, it is not the only determining factor. Throughout the text, it is clear both in form and terminology that this is not a legally binding document, setting out commitments rather than obligations. As the Agreement is therefore not a treaty, it is not subject to the Constitutional Reform and Governance Act.

I fully agree with the importance of drawing Parliament's attention to non-legally binding instruments which raise questions of public importance. That is why the Prime Minister made a statement to the House of Commons on 15 January, immediately after his return from Kyiv, repeated in the House of Lords the same day. The Agreement was also published online.

I am proud that the UK was the first country to deliver a bilateral security arrangement with Ukraine. The Agreement delivers on the commitment we made last year through the Joint Declaration on Support to Ukraine, alongside 32 countries and the EU. France, Germany, Denmark, Italy, Canada and the Netherlands have now also made similar commitments, and many more partners will finalise their own over the coming weeks and months. Collectively, our agreements signal to President Putin that Ukraine's partners are resolute in supporting Ukraine for as long as it takes.

Yours,

David.