



Lord Cameron of Chipping Norton
Secretary of State
Foreign, Commonwealth and Development Office
London
SW1A 2AH

30 April 2024

Dear David,

Thank you for your response dated 15 March to my letter about the UK-Ukraine Security Cooperation Agreement.

The Committee welcomes the statement that you “fully agree with the importance of drawing to Parliament’s attention non-legally binding instruments which raise questions of public importance”. We consider however that the steps taken with respect to the Ukraine Security Cooperation Agreement were insufficient considering the importance of this instrument.

You indicate that the Agreement was drawn to Parliament’s attention through a statement made by the Prime Minister on 15 January and published on gov.uk the same day. The 15 January statement was entitled “Defending the UK and its Allies” and was primarily concerned with the military action taken the previous day against the Houthis in Yemen. The Prime Minister also talked about his recent visit to Kyiv and the provision of additional military support to Ukraine, but there was only a very cursory reference to the Security Cooperation Agreement:

“we are the first to keep the promise made at last year’s NATO summit, alongside 30 other countries, to provide new bilateral security commitments. Ukraine’s rightful place is in NATO, and NATO will be stronger with Ukraine in it, but these commitments will help bridge the gap until that day comes. Under the new agreement that we signed with President Zelensky, we are building Ukraine’s military capabilities; and if Russia ever invades Ukraine again, we will provide swift and sustained assistance, including modern equipment across land, air and sea.” (Hansard, 15/1/24 at column 578)

This brief reference can in no sense be said to have informed Parliament about the content of the Agreement to allow it to exercise its scrutiny function. Moreover, while the Agreement was published on gov.uk, this does not equate to providing information to Parliament.

The UK’s approach to informing Parliament is out of step with that of other G7 Allies which have concluded similar agreements:

- there was a debate in the Canadian Parliament on 20 March on the motion that “this committee take note of the Canada-Ukraine relationship and the newly signed strategic security partnership”;

- there was a debate in the French Assemblée Nationale followed by a non-binding vote on 12 March. As in the UK there was no legal obligation on the French Government to secure Parliamentary approval, but President Macron chose to submit the France-Ukraine Security Cooperation Agreement to the Assemblée;
- on 22 February the Italian Foreign Minister briefed the Italian Parliament on the Italy-Ukraine Agreement before it was signed and provided opportunity for debate.

The Agreements with Canada, France and Italy, like that signed by the UK, were not legally binding and therefore not subject to formal approval and yet the Governments of Canada, France and Italy took a more serious approach to scrutiny by their respective national Parliaments.

In the Government's 18 April response to the House of Commons Public Administration and Constitutional Affairs Committee report on the "Scrutiny of International Agreements in the 21st Century", the scrutiny of non-legally binding instruments is addressed more generally, as follows:

The Government recognises that non-legally binding instruments can contain important policy content. They should therefore be treated in the same way as other expressions and statements of government policy. Where non-legally binding instruments raise questions of public importance, the Government already draws such matters to the attention of Parliament in a variety of ways. For example, this may be done through a Written Ministerial Statement. (Government response to PACAC Second Report 2023-24, 18 April 2024)

It cannot be doubted that the Ukraine Security Cooperation Agreement raises questions of public importance. In its response to the House of Lords European Affairs Committee report the Government stresses the importance of the Agreement. Despite this, the Government failed to live up to its own rhetoric by the way in which it chose to engage Parliament when the Agreement was signed. Why did the Government not issue a WMS on the UK-Ukraine Agreement and present it to Parliament given its significance?

The Committee accepts that non-legally binding instruments can sometimes be a suitable foreign policy tool and in the case of the security guarantees offered to Ukraine, it seems that G7 partners decided collectively that these should be given in a non-legally binding form. But that does not lessen their political importance which clearly justified providing Parliament with more information about the Agreement than the cursory reference in the Prime Minister's statement of 15 January.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'The Rt Hon. the Lord Goldsmith', with a long, sweeping flourish extending to the right.

The Rt Hon. the Lord Goldsmith KC

Chair of the House of Lords International Agreements Committee