



NATO PARLIAMENTARY ASSEMBLY

# COMMITTEE ON DEMOCRACY AND SECURITY (CDS)

POLITICAL COMMITTEE (PC)  
Sub-Committee on Transatlantic  
Relations (PCTR)

## MISSION REPORT\*

The Hague, Netherlands  
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This Mission Report is presented for information only and does not represent the official view of the Assembly. This report was prepared by Nathan Robinson Grison, Director of the Committee on Democracy and Security, and Andrius Avizius, Director of the Political Committee.

## I. INTRODUCTION

1. On 11-13 May, NATO Parliamentary Assembly's Committee on Democracy and Security (CDS) and the Sub-Committee on Transatlantic Relations (PCTR) conducted a joint visit to The Hague. The visiting delegation, which consisted of 29 members of parliament representing 16 member states, was headed by Lord Hamilton of Epsom (United Kingdom), Chairperson of the PCTR and Angel Tilvar (Romania), Chairperson of the CDS. The parliamentarians received briefings from and engaged in discussions with government officials, military leaders, academic and civil society experts regarding the Dutch perspective on:

- The Future of NATO and the new Strategic Concept;
- Strategic and Legal implications of Russia's war in Ukraine;
- The Chinese challenge and the EU strategy on the Indo-Pacific;
- Societal resilience, and
- The Women, Peace and Security agenda.

## II. STRATEGIC IMPLICATIONS OF RUSSIA'S WAR IN UKRAINE

2. Russia's war of aggression in Ukraine has sent shockwaves across Europe, including the Netherlands. Senior Dutch politicians noted that, since 24 February, the Netherlands has played a critical role in Allied efforts to deter and defend against Russia's aggressive behaviour. In addition, the Netherlands has, as one official put it, "done more than its fair share" to support Ukrainian armed forces with weaponry, provide humanitarian aid and help Ukrainian refugees.

3. In addition to addressing immediate security challenges, the longterm strategic implications of Russia's growing belligerence will define the way NATO operates in the years and decades to come, the delegation heard. Dick Berlijn, the former Chief of the Netherlands Defence Staff and Tim Sweijts, Director of Research at the Hague Centre for Strategic Studies, both argued that the Alliance needs to revisit and bolster its defence and deterrence posture. Accordingly, the Alliance will need to refocus its core task and re-prioritise collective defence in response to Russian belligerence. Other core tasks of the Alliance, such as crisis management and cooperative security, should be supportive of the task of collective defence. According to the Dutch interlocutors, bolstering NATO's deterrence capabilities must involve:

- Increasing the level of military readiness and mobility;
- A commitment to 2% defence spending in NATO members' budgets;
- Bolstering existing military capabilities;
- Maintaining and increasing NATO forward defence presence, and
- Securing military and economic supply chains.

4. Lessons from Ukraine and the resilience of Ukrainian society against the Russian invasion show the importance of investing in the resiliency capabilities of NATO's neighbours, the delegation heard. The Alliance must mobilise resources to protect vital physical infrastructure and protect critical supply chains to resist outside attack. In addition, future strategic documents must reinforce commitment to common democratic values and strengthen the ideals of democracy within the Alliance.

5. According to the Minister of Defence of the Netherlands, Kajsja Ollongren, while the Russian threat is of utmost importance and must be factored in NATO's new Strategic Concept, the Alliance must also maintain focus on longer-term challenges such as the growing challenge posed by China, emerging disruptive technologies, and climate change. This will require Allies to simultaneously balance their attention and resources to meet a variety of challenges.

### **III. CHALLENGES FACING EUROPE IN THE PACIFIC AND THE WAY FORWARD**

6. China's rise is a unique economic and political challenge. Paul van Hooft, Senior Strategic Analyst at the Hague Centre for Strategic Studies, noted that on the one hand, the trade flow between Europe and Asia is substantial. The European Union's trade volume has reached USD 1.5 trillion and daily trade per day between the EU and China has surpassed USD 1 billion, pointing to deep economic integration between European and Asian economies. On the other hand, China is attempting to undermine this trade order and revisit the governing rules of the existing world economic system. In addition, Mr. Van Hooft cautioned that Chinese cyber activities are noticeably transitioning from purely economic to political. It continues to undertake espionage and cyber attacks against NATO members and allies, targeting their defence industries and beyond. Crucial maritime routes that EU-Asia trade relations depend on are particularly vulnerable to China's disruptive activities.

7. The importance of the Indo-Pacific region is reflected in European policy statements and strategic outlooks of key naval powers such as France, the Netherlands and the United Kingdom. There is already some European naval presence in the Indo-Pacific which points to a clear sign of interest in the region. The latest examples include a British carrier group that included a Dutch vessel, a French-led carrier group and a series of German port visits in the region. However, the current naval capabilities of European powers are insufficient to carry out significant freedom of navigation missions in the Indo-Pacific, Mr. Van Hooft maintained.

8. Therefore, the European Indo-Pacific strategy should focus on expanding the existing base and port infrastructure in the region, coordinating the rotation of naval capabilities and strengthening their engagement with like-minded countries in the region.

### **IV. INTERNATIONAL LEGAL IMPLICATIONS OF RUSSIA'S WAR IN UKRAINE**

9. When Russia invaded Ukraine on 24 February, conventional wisdom posited that this violation of the most basic rule of the international legal order, the prohibition of the use of force against other states, marked the death of international law. However, the opposite is true, argued Christophe Paulussen, Senior Researcher at the Asser Institute. Mr. Paulussen noted that the Russian aggression triggered an increased attention to and mobilisation of international law. International law was arguably even alluded to by Mr. Putin himself when announcing the invasion. His speech started with a list of international law violations committed by Western states, after which he made references to what could be seen as individual and collective self-defence as well as humanitarian intervention. Mr. Paulussen pointed out that all these arguments are without merit, but that the very fact that President Putin attempted to justify his war of aggression in international law language shows that international law is still a relevant aspect of international affairs.

10. The speaker then presented a number of examples demonstrating the fact that international law is not dead, one example being that within days into the invasion, 39

members of the International Criminal Court (ICC) had referred the situation in Ukraine to the ICC, opening the pathway for an investigation into the situation in Ukraine from 21 November 2013 onwards, encompassing within its scope any past and present allegations of war crimes, crimes against humanity or genocide committed on any part of the territory of Ukraine by any person.

## **V. CYBER THREATS AND THE DUTCH RESPONSE**

11. Malicious cyber and espionage activities threaten Dutch society every day. These threats have grown to include targeting the civil society and the private sector, in addition to the traditional military and defence targets, said Major General Jan Swillens, the Director of the Defence Intelligence and Security Service of the Netherlands. Russia is an advanced cyber actor and continues to be a primary cyber threat to EU and NATO members as well as Ukraine. While China is not yet technologically autonomous and dependent on outside supply of know-how and technology, it also undertakes a multitude of cyber activities.

12. Netherlands Defence Intelligence and Security Service (DISS) and General Intelligence Security Service (GISS) are the main bodies to defend the Netherlands against such threats. GISS has a broader and more general mandate whereas DISS focuses on threats to defence and military assets. These two bodies actively work together to ensure the safety of Dutch society and military personnel, explained Mr. Swillens.

## **VI. THE MANDATE AND ACTIVITIES OF THE OPCW**

13. The delegation visited the Organization for the Prohibition of Chemical Weapons (OPCW), which was established in The Hague in April 1997 as the Chemical Weapons Convention (CWC) entered into force. The CWC prohibits the use, production, stockpiling, transfer and any other handling of chemical weapons. The delegation was greeted by Ambassador Fernando Arias, Director General of OPCW.

14. The scope of the convention is broader than disarmament, OPCW representatives explained. It also covers non-proliferation, assistance and protection against the use of chemical weapons, allows for investigating alleged uses of chemical weapons, foster international cooperation and capacity building in service of eliminating chemical weapons. North Korea, Egypt, and South Sudan are the only United Nations member states that are not a party to the convention. Israel is the only signatory country that has yet to ratify the convention.

15. OPCW only monitors the destruction of chemical weapon stocks that were officially declared. These declared stocks have been almost entirely destroyed, and the last remaining US chemical weapons are expected to be destroyed within the next year, the delegation heard. OPCW experts can detect traces of prohibited chemical substances, as was the case with a blood sample of Russian opposition leader Alexey Navalny, but it is up to CWC member states to act on these findings.

16. Discussing the case of Syria, OPCW representatives noted that Syria declared, on many occasions, that it has no chemical weapons. However, in August 2013, there was a chemical attack involving sarin gas that killed an estimated 1,000-1,500 people in Ghouta. As a result of international pressure and outrage, Russia and the United States reached a deal to ensure that Syria would join the CWC and hand over its entire chemical weapons program. As a result, OPCW facilitated the destruction of 1,300 tons of chemical weapons manufactured and owned by Syria, according to OPCW representatives.

## VII. GENDER CONSIDERATIONS IN PEACE AND SECURITY

17. Netherlands' peace and security agenda is built on the concept of resilience and building on the strength of diversity and common values to ensure equal rights and opportunities. The Netherlands, along with NATO, is a leader in translating the principle of equal rights and participation into practice, Marriet Schuurman, Director of the Department for Stabilisation and Humanitarian Aid of the Netherlands Ministry of Foreign Affairs, told the delegation. The Dutch view is that that long-lasting peace and security are not possible without inclusion and equal participation. Gender equality is fundamental to respond better and smarter to the many security challenges facing the Alliance today.

18. She also outlined Netherlands' National Action Plan on gender, which builds on these pillars:

- Promote equal and meaningful participation of women in decision-making on security issues;
- Prevention of conflict and gender-based violence;
- Protection of civilians and the most vulnerable populations affected by war, and
- Mainstream gender into recovery, relief and reconstruction efforts.

19. Ella van Den Heuvel, Gender Advisor to the Chief of Defence at the Ministry of Defence of the Netherlands, discussed the steps that must be taken to ensure gender-equal contribution to create resilient societies:

- Increase women's participation in the military to ensure a gender perspective in peace and security;
- Increase gender awareness in the Alliance and NATO militaries;
- Ensure gender equality across military organizations, including in leadership positions, and
- Train military personnel on the gender perspective in peace and security.

## VIII. VISIT TO THE NATO COMMUNICATIONS AND INFORMATION AGENCY

20. NATO Communications and Information Agency (NCIA) is a civilian-military organisation established in 2012 after the merging of five NATO organisations.

21. With its current form, NCIA aims to help NATO keep its technological edge and functions as the "technological arm of NATO in advancing communications, data science, cyber security and software development and technological solutions," according to NCIA General Manager Ludwig Decamps.

22. In particular, the NCIA provides critical support to NATO operations and activities by:

- Developing and delivering digital solutions and critical capabilities;
- Connecting NATO members and their military forces, including connecting weapons systems of Allies;
- Developing, operating, and defending NATO networks, including against cyber threats, and
- Providing rapid and direct support to operations and exercises.

23. Another key component of the NCIA is its support to ongoing military activities, including out of area operations and military exercises, said Major General Hans Folmer,

Chief of Staff of the NCIA. For example, the NCIA provided critical support during the Afghanistan evacuation efforts. It was present in Afghanistan until the last minute to ensure on-location connectivity and communications so that military personnel on the ground could safely and effectively evacuate.

24. On Ukraine, NCIA is committed to the support provided by NATO and Allies for Ukraine against Russian aggression. In doing so, NCIA established an operations centre to monitor the situation in Ukraine as the war unfolds.

## **IX. LEGAL DEVELOPMENTS SURROUNDING THE DOWNING OF MH17**

25. Parliamentarians were also briefed on the ongoing joint criminal investigation by the Netherlands, Australia, Malaysia, Ukraine and Belgium into the downing of MH17. One official stated that justice and accountability remain a top priority of the Dutch government with regard to the criminal trial.

26. Shortly after the downing of flight MH17 on 17 July 2014, a joint investigation team consisting of police and judicial authorities from the Netherlands, Australia, Malaysia, Ukraine and Belgium was formed. They found that:

- An artillery installation transported from the Russian Federation was used in the downing of MH17;
- The artillery was fired from an area in eastern Ukraine controlled by separatists;
- Following the downing of MH17, the installation was transported back to the Russian Federation with one missile missing, and
- The missile that shot down MH17 belonged to an Anti-Aircraft Missile Brigade of the Russian Armed Forces.

27. Following these findings, both the Netherlands and Australia publicly attributed international responsibility regarding the downing of MH17 which led to the formation of trilateral negotiations between the Netherlands, Australia and Russia. Following Russia's withdrawal from the negotiations, the Netherlands and Australia instituted international legal proceedings before the Council of the International Civil Aviation Organization against Russia's breach of the article three of the Convention on International Civil Aviation. The Netherlands also filed an interstate application against Russia to the European Court of Human Rights. However, Russia's expulsion from the Council of Europe complicates the legal proceedings. In a formal legal sense, Russia is bound by all obligations of the European Convention on Human Rights for all events originated during Russia's membership to the Council of Europe.

## **X. EUROPOL'S ACTIVITIES REGARDING THE WAR IN UKRAINE**

28. According to Europol's assessment, Russia's war of aggression against Ukraine not only brought armed conflict into the EU's neighbourhood, but it also led to new concerns about existing organised crime networks in Ukraine, Russia and Belarus. These networks are involved in criminal activity in various areas including extortion, drugs, arms and human trafficking as well as fraud schemes. These groups may try to exploit opportunities to infiltrate across borders and increase their presence in the EU. The fact that more than 5.5 million people from Ukraine have fled to the EU has compounded this criminal challenge.

29. In order to address these challenges, Europol has provided crucial law enforcement support to frontline European countries neighbouring Ukraine to protect the European Union

as well as Ukrainian refugees from criminal threats. Europol has deployed operational teams in Lithuania, Poland, Romania, Slovakia and Moldova to support national authorities with extra security checks and investigations to stop criminals and terrorists from exploiting a volatile and dynamic situation on the ground.

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