



Utrecht University

“MAYDAY MAYDAY” - NATIONAL DISASTERS TAKE INTERNATIONAL FLIGHT

*Foreign Policy Analysis of the Netherlands After Two Aviation Incidents:
El Al Flight 1862 and Malaysia Airlines Flight 17*

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ABSTRACT

The impact of the crash in Eastern Ukraine of a commercial airliner was felt deeply in Dutch society: 196 citizens lost their lives. Twenty-two years prior, another crash had shook the country when a cargo plane crashed into a high-density residential area of the nation's capital. This research conducts a historical comparative case study of the crash of El Al Flight 1862 in the Amsterdam area of the Bijlmermeer and the crash of Malaysia Airlines 17 in Eastern Ukraine, to examine on the one hand to what extent the pre-existing interstate relationship was of influence to the handling of the crash, and on the other hand to what extent the crash influenced the subsequent interstate relationship between the Netherlands and the involved foreign state.

Using an approach based on Foreign Policy Analysis combined with social constructivism, this study begins with a survey of the history of the interstate relationship of the Netherlands with respectively Israel and Russia. The initial response to, the diplomatic actions after, the process of truth finding and international context of both crashes are examined and compared. This study concludes that the pre-existing relationship was a large influence of the way political leaders responded to the crash, already apparent in the initial reaction and persistent in the years after the accidents. The interstate relationship is therefore a strong indicator of the response to a crash with involvement of a foreign state actor. Since the crash itself was of minimal impact to the subsequent relationship in both cases, it can be concluded that the pre-existing relationship (and economic interests) is persistent through an impactful event. Due to the high societal impact of both these cases, an interesting aspect for future research would be the influence of public opinion on the actions of the political leaders.

ACKNOWLEDGEMENTS

This thesis, like so many, was born out of personal interest. As I was living in Amsterdam at the time of the *Bijlmerramp*, debris of the ill-fated plane came down in the playground of my kindergarten. Twenty two years later, like many in the Netherlands, I felt the impact of MH17 on the whole of the society as someone in my network was deeply personally affected by the crash. The product of a combination of personal interest and my chosen field of study lies before you. In short months I feel like I have become the expert in killing my darlings, for there is so much to both these cases and there is only so much I can offer in my presented research. I only hope I have been able to do both of them justice.

As with most important undertakings, it takes a village to reach the finish line. My thanks go to my own, colorful village: Bob de Graaff, for his early enthusiasm and Laurien Crump for the chance to start the final leg of this process. Hilde for the confidence and believe in my own abilities, even when I could not. Jorne and Bianca for your help in structuring and keeping me focused when I wanted to do a million things, preferably all at once. Caro, Niels and Dionne, thank you for allowing me to allot the time necessary to write this thesis. My spiritual twin Fé, I thank you for all the moral support provided during international calls. Laura, your critical eye was equal parts helpful and confidence-building. Last but not least, thank you Merel, Alistair and Fenn for being there like only family can.

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LIST OF ABBREVIATIONS

EEC = European Economic Community

EU = European Union

FPA = Foreign Policy Analysis

JIT = Joint Investigation Team

MH17 = Malaysia Airlines Flight 17

OSCE = Organization for Security and Co-operation in Europe

US = United States

1. INTRODUCTION

Amsterdam, the Bijlmermeer, Sunday night October 4th, 7:30 PM [...] Suddenly, hell on earth. Khaled Mohamed waits for the red elevator to go to his apartment and hears a terrible uproar. A Boeing 747 crashes into the apartment building; a blow, an explosion, a shockwave, a fire. It was sudden, immense and all-encompassing.¹

Images of children's toys being tossed around, luggage being opened or passports being shown, are turning our grief and mourning into anger. We demand unimpeded access to the terrain. We demand respectful treatment of the crash site. We demand dignity for the victims and the multitudes who mourn their loss. I call on the international community, on the Security Council, on anyone with influence on the situation on the ground: allow us to bring the victims' remains home to their loved ones without any further delay.²

After the “disaster-free” 1980s, the Netherlands were reminded of their vulnerability in the *Year of Disasters* in 1992. In this year, the country saw an earthquake in Limburg, an explosion at chemical company Cindu, a fire at a homeless hostel in the Hague, a gas explosion in Utrecht and a train derailment at Hoofddorp.³ The disaster with the largest impact that year however, was without a doubt the crashing of El Al Flight 1862 – in Dutch subsequently colloquially known as the *Bijlmerramp* (“Bijlmer disaster”). A total loss of life of 43, which is a remarkably low number taking into account the awesome nature of the incident: a cargo plane crashed into an apartment building in one of the most densely populated neighborhoods in the country's capital city.⁴ The nature of the event has also led to the deep impact in Dutch society, shown for example in the issue of instructions to fly flags half mast, which were generally observed by the public as well.⁵ Notably, the government chose to decidedly *not* declare it a day of

¹ Th.A.M. Meijer, *Enquête vliegcrash Bijlmermeer. Eindrapport Bijlmer Enquête*. (Den Haag: Sdu Uitgevers, 1999): 15.

² “Meeting of the Security Council, New York, 21 July 2014. Statement by Frans Timmermans, Minister of Foreign Affairs of the Kingdom of the Netherlands” Government of the Netherlands, last modified July 22, 2014, <https://www.government.nl/documents/speeches/2014/07/22/meeting-of-the-security-council-new-york-21-july-2014>.

³ Marcel Bayer, “Rampjaar 1992”. *Alert*, January 1993, p.1.

⁴ Meijer, *Een beladen vlucht*, 104.

⁵ Algemeen Nederlands Persbureau (ANP), “Waarom Nederland geen nationale rouw (meer) kent,” *Volkskrant*, March 16, 2012, <https://www.volkskrant.nl/buitenland/waarom-nederland-geen-nationale-rouw-meer-kent~a3226068/>

national mourning since the planned date fell on a Sunday.⁶ To this day, a public memorial is held yearly around “the tree that saw it all” (*de boom die alles zag*) – a tree at the crash site that survived the blast and subsequent fire.⁷ Unanswered questions that lingered years later regarding the freighter’s cargo and men in white suits witnessed at the crash site left many without closure. More than six years after the disaster, the continued attention for these questions in media and politics led to a parliamentary inquiry to finally provide answers.⁸

Twenty-two years later, Dutch society was again shaken up by a major plane crash. This time however, most casualties were passengers in the commercial airliner that was shot down over eastern Ukraine. Since the flight departed from Amsterdam, out of 298 victims, 196 held the Dutch nationality. The victims of the crash came from all layers of society, as Dutch Prime Minister Mark Rutte stressed to the UN Security Council on 25 September 2014, two months after the crash: “Everyone knew someone in that plane, directly or indirectly, and we will feel the pain for years to come.”⁹ The immense impact on Dutch society as a whole is reflected in the fact that for the first time since the assassination of President John F. Kennedy, over fifty years prior, a day of national mourning was announced: on Wednesday 23 July 2014, the day of the repatriation of the first Dutch victims of MH17.^{10,11} After the crash, the main issues centered around the access to the crash site by forensic experts, initially made impossible by (Russian) separatists and the subsequent identification and repatriation of victims. Images of victims’ body’s being looted and passports being shown in online videos caused emotional uproar under the victims’ relatives and led to a call for international pressure to secure the crash site.

Both these aviation incidents have earned a place in collective memory due to their major and lasting impact on society and are remembered vividly in monuments, commemorations and

⁶ National Archives, The Hague (NL-HaNA), Ministerraad, access number 2.02.05.02, inventory number 6469, 2.

⁷ “Herdenking Bijlmerramp”, Gemeente Amsterdam, Accessed June 6, 2017.
<https://www.amsterdam.nl/toerisme-vrije-tijd/evenementen/herdenkingen/herdenking-0/>.

⁸ Meijer, *Een beladen vlucht*, 378.

⁹ “Address to the 69th Session of the United Nations General Assembly by Mark Rutte.” Government.nl, held at September 25, 2014,
<https://www.government.nl/documents/speeches/2014/09/26/address-to-the-69th-session-of-the-united-nations-general-assembly-by-mark-rutte>.

¹⁰ *Telegraaf*, “Nationale rouw in ons land.” November 25, 1964: 3.

¹¹ “Woensdag 23 juli dag van nationale rouw.” Rijksoverheid.nl, last modified July 22, 2014.
<https://www.rijksoverheid.nl/actueel/nieuws/2014/07/22/woensdag-23-juli-dag-van-nationale-rouw>.

public discourse.¹² The incidents are paralleled in one decidedly poignant detail: with both incidents, a foreign administration was involved. And in both cases, the foreign government has impeded the investigation into exactly what happened or what was involved with each incident. For El Al Flight 1862, this foreign actor was Israel, whose government actively withheld information on the freighter's exact cargo load even after social unrest rose over this uncertainty. Only seven years later, under pressure of the parliamentary inquiry, documents were released with details of 25 tons of freight.¹³ For Malaysia Airlines 17, the opposing foreign actor was Russia. Whereas the incident took place in Ukraine, it was soon believed to be the Russian-backed (and weaponized) separatists who took aim and shot down the commercial airliner. Moreover, the crash site was located in rebel-held eastern Ukraine and during the crucial first days after the crash was not made available for the international forensic team to recover the bodies of victims and their personal belongings. In a "decidedly intense" phone conversation, Prime Minister Rutte held President Putin responsible and urged him to use his influence to recover the bodies quickly and soundly.¹⁴

Political scientist Andrew Rigby identified four factors that impact the ability of a society to reconcile with past loss, the second of which is *truth*.¹⁵ Moreover, as the researchers of the parliamentary inquiry into the crash of El Al Flight 1862 concluded, due to unanswered questions and a need for adequate information, Dutch society as a whole did indeed not yet have closure over the disaster.¹⁶ Considering the impact of both this crash and the downing of MH17 in Dutch society, a hindering of the investigation into the incidents by a foreign actor can be expected to yield a backlash from said society and in turn, backlash from those in power. Interestingly, the reaction to both foreign actors have been decidedly different in both cases. Whereas the Netherlands imposed economic sanctions on Russia almost immediately after the crash in Ukraine, Minister of Foreign Affairs Van den Broek praised the new Israeli government

¹² Celesta Kofman Bos, Susann Ullberg, and Paul 't Hart. 2005. "The Long Shadow of Disaster: Memory and Politics in Holland and Sweden." *International Journal of Mass Emergencies and Disasters* 23, no. 1 (March 2005): 5.

¹³ *Volkscrant*, "Kok en Lubbers gegriefd door houding Israël na Bijlmerramp." March 22, 1999. Accessed June 15, 2017. www.volkscrant.nl/archief/kok-en-lubbers-gegriefd-door-houding-israel-na-bijlmerramp~a534264/.

¹⁴ Anne-Marie Spermon, "Rutte tegen Poetin over MH17: 'Jij moet er nu alles aan doen'." *Elsevier Weekblad*, July 19, 2014, www.elsevierweekblad.nl/Nederland/nieuws/2014/7/Rutte-tegen-Poetin-over-MH17-Jij-moet-er-nu-alles-aan-doen-1563329W/.

¹⁵ The other three factors are *security*, *justice* and *time*. See: Andrew Rigby, "How do post-conflict societies deal with a traumatic past and promote national unity and reconciliation?" in *Peace and Conflict Studies: A reader*, eds. C. P. Weber & J. Johansen, (Abingdon: Routledge, 2012): 239.

¹⁶ Meijer, *Een beladen vlucht*, 378.

for its positive impulse in the peace process in the Middle East, making no reference to the devastating crash in the heart of the capital less than two months prior.¹⁷

1.1 Aims of the study

Comparing these two incidents requires a wider view than just looking at the immediate aftermath or even just the few years before and after. For an in-depth explanation, both incidents have to be put in the appropriate international, political and historical context and by subsequently examining the response to the incident in word and actions by relevant political leaders of the Netherlands government the following central question can be answered:

“To what extent did the interstate relationship influence the Netherlands’ foreign policy after two major aviation incidents involving Dutch citizens in 1992 and 2014, respectively the crash of El Al Flight 1862 and Malaysia Airlines Flight 17, and what was the influence of each crash on the subsequent interstate relationship?”

Apart from the aspect of a wider time frame to answer this question, it is important to take a closer look at how and where the strategic decisions regarding foreign policy are made, namely the human decision makers in the government. Classic International Relations (IR) theory tends to treat the government as a ‘black box’, in which the decision makers and their interests are made equal to the state(‘s interests). A subfield of IR actually centralizes the human decision makers in an agent-oriented theory put forward in Foreign Policy Analysis (FPA). Valerie M. Hudson poses that the subfield’s most important contribution to IR is ‘to identify the point of theoretical intersection between the most important determinants of state behavior: material and ideational factors. The point of intersection is *not* the state, it is human decision makers.’¹⁸ According to Hudson, FPA is based on the premise that ‘all that occurs between nations and across nations is grounded in human decision makers acting singly or in groups.’¹⁹

¹⁷ *Verslag der handelingen van de Tweede Kamer der Staten Generaal* (afterwards: *HTK*) 1992-1993, 282092.

¹⁸ Valerie M. Hudson, *Foreign Policy Analysis: Classic and Contemporary Theory*. (Plymouth: Rowman & Littlefield, 2014): 8.

¹⁹ Valerie M. Hudson, “Foreign Policy Analysis: Actor-Specific Theory and the Ground of International Relations.” *Foreign Policy Analysis* 1 no. 1 (March 2005): 1.

1.2 Methodology

Looking at both context, using the approach of social constructivism (of Alexander Wendt), and the actor-oriented agency of the approach of FPA (Hudson) this historical comparative case study will strive to provide insight into the interchanging influence of international incidents on interstate relationships and vice versa, taking into account both the individual agency and social constructs of involved politicians and institutions.

The first step is to explore the historical context of the respective interstate relationship, for this provides the backdrop against which the Dutch response to each of the incidents takes place. Both the history of the Dutch-Israeli relationship and the Dutch-Russian relationship will be examined. In order to look at both the social constructs and individual agency and decision making of the political leadership of the time and compare the Dutch foreign policy response in the two events, each case study will be subdivided in four themes. First, immediate and short-term reactions of the relevant political actors will be explored. The initial response will show their focus and shape their considerations in the future decision making process. Then, diplomatic actions and possible retaliation will be looked at to show how (and if) the government agents decide to act upon their initial response. As mentioned earlier, truth finding is essential to the process of reconciliation in a society, so the endeavour of truth finding and the cooperation (or lack thereof) by the foreign actor is an important aspect to be considered. Lastly, as the relationship between states does not operate in a vacuum, the international context will be taken into account.

Apart from comparing the relationship between the Netherlands and the two countries before and after the incident, and thereby the influence (if any) of the incident on each relationship, the case studies will also be compared with one another.

1.3 Introduction case studies

The two case studies under scrutiny were selected for their historical significance: they are two of the deadliest airplane crashes taking Dutch lives. One on Dutch territory, namely the crash in the Amsterdam neighbourhood the Bijlmermeer, (El Al Flight 1862) and one involving the highest number of victims with the Dutch nationality since the Tenerife airport disaster in 1977

(Malaysia Airlines Flight 17, or MH17).²⁰ Both were of serious impact to Dutch society as a whole and in both cases, a foreign government was an impeding factor in the process of truth finding, though for differing reasons. As with any historical comparative case study, the cases are not identical. Characteristics that differ between the two cases are the nature of the bilateral relationship at the time of the crash and the (influence of the) international context. Moreover, different individual actors were at play as well. Lastly, whereas neither crashes were a deliberate act of aggression, in the case of MH17 the question of guilt has been an important factor in the subsequent bilateral relationship, more so than in the case of El Al Flight 1862. Comparing the Dutch response to these two incidents can provide answers to the influences of these differing characteristics, or point to other influences outside of the differing characteristics.

Though influence is not a measurable concept and can therefore be difficult to substantiate, a historical comparative case study can shed light on contributing factors, as posited by Juliet Kaarbo in 2003: “It is necessary to compare foreign policies over time, space, and issues to understand the general explanatory power of [...] various influences on governments’ behavior”.²¹

1.4 Sources

The sources that the study is based on can be divided into internal and external sources. Here, government documents such as minutes from public meetings in the House of Representatives (*Tweede Kamer*) are internal sources. Though many government documents are freely available, the minutes of the Council of Ministers are for example sealed for twenty years. In the case of the crash in the Bijlmermeer, these minutes are available on account of those twenty years have passed. Because these minutes are initially sealed, the political leaders speak more freely and provide a valuable insight in their decision-making process. For the Dutch political leaders’ response to the downing of MH17, these high level minutes are still under seal. For the insight into their agency and decision making this study used the freely available minutes of the House of Representatives. These provide valuable insight as well as the political leaders have

²⁰ Menno van Duin and Vira Wijkhuijs, *Vliegramp MH17*, Instituut Fysieke Veiligheid, September 11, 2015. <https://www.ifv.nl/kennisplein/Documents/20151109-IFV-Crisis-9-MH17.pdf>. Accessed July 19, 2018.

²¹ Juliet Kaarbo, ‘Foreign Policy Analysis in the Twenty-First Century: Back to Comparison, Forward to Identity and Ideas’ in: Jean A. Garrison (ed), ‘Foreign Policy Analysis in 20/20: A Symposium’ *International Studies Review* 5, no. 2 (2003) 157.

to argue and defend their decisions in parliament, thereby laying bare (at least part of) the decision making process. In both cases, external sources were also used to gain insight. Under this type fall press conferences and investigations by independent research teams. For both case studies, research teams have published their findings. A powerful tool in the research into the case study of the crash in the Bijlmermeer is the parliamentary inquiry. As the most powerful instrument of Dutch parliament to scrutinize the government's work, this type of inquiry allows insight into the considerations of the high-level officials involved in a specific topic. The witnesses are questioned under oath.²² The wealth of the inquiry lies apart from the thorough investigation, in the fact that the involved policymakers were explicitly asked to reflect on their thought processes in the duration of the matter. For the more recent case of MH17, there is no such insightful document available. For this case study, apart from the minutes of the House of Representatives, mostly external sources have been used to provide insight into the agency and decision making process of political leaders.

²² House of Representatives. "Parliamentary inquiry." n.d. <https://www.houseofrepresentatives.nl/how-parliament-works/parliamentary-inquiry>. Accessed August 10, 2018.

2. A HISTORICAL OVERVIEW: THE DUTCH-ISRAELI RELATIONSHIP

In order to determine the impact of an event on a relationship, a closer examination of that relationship is necessary. The Netherlands has longstanding relationships with both Israel and Russia (successor state of the Soviet Union from 1991), though the nature of the relationships has been disparate. A historical overview will help contour the relationship with both countries at the time of the respective events in 1992 and 2014 and put the subsequent responses in (historical) context.

Albeit a relatively short history as a nation for Israel, the relationship with the Netherlands quickly has grown to be quite intimate. After some initial hesitation, the sympathies felt in the Netherlands towards the Jewish state were soon expressed in military and political support where necessary. Israel endured political ostracism and even boycotts by other nations. The unwavering support of the Netherlands at the time constituted a rare divergent voice, interesting when the general postwar Dutch foreign policy was based mostly on Western alliances. The open support has been replaced by a more covert approach since this international isolation of the oil boycott in the 1970s.

In the Dutch coalition agreement of the ascending government in 2010 one country is singled out and it is not the Transatlantic ‘big brother’, the United States, nor is it the foremost trading partner, Germany. Under section two, Foreign Policy, the new Dutch government mentions their standing with only one country specifically as follows: “The Netherlands intends to further invest in their relationship with the state of Israel.”²³

Sixty-two years earlier, with the horrors of the Second World War still fresh in mind, Israel officially declared independence in 1948.²⁴ Whereas major players on the world stage like the United States and the Soviet Union recognized the newest member of the international community within days and even mere hours,²⁵ the Netherlands were not so quick to do so. This

²³ VVD & CDA, *Vrijheid en verantwoordelijkheid* (The Hague, 2010), 8. Last edited September 30, 2010. <https://www.rijksoverheid.nl/documenten/rapporten/2010/09/30/regeerakkoord-vvd-cda>. Accessed June 13, 2018.

²⁴ Israel Ministry of Foreign Affairs, *Declaration of Establishment of State of Israel*. n.d. <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx>. Accessed June 15, 2018.

²⁵ Philip Marshall Brown, ‘The Recognition of Israel’ *The American Journal of International Law* 42, no. 3 (July 1948), 620.

delay in public support was not due to any animosity felt towards the new state, but more in line with their economic interests. the acknowledgement of a new (Jewish) state would do nothing to stabilize the already precarious situation in predominantly Muslim Indonesia, while it was felt the retention of the Dutch East Indies as a colony was vital for the struggling post-war economy and reconstruction of the country. It was only after the recognition of the independence of their former colony and preceded by other West-European countries that the Dutch government granted full recognition to Israel in January 1950.²⁶

The 1960s are put forward as the heyday of Dutch Atlanticism by Duco Hellema, with the strive for unity in NATO under American leadership as the focal point in Dutch foreign policy of the decade. He explains this focus as a need for protection against the looming threat of the Soviet Union at the time and the belief that an American-European alliance provided the best safeguard against Soviet expansionist aspirations.²⁷ This alliance also put the Netherlands on the same side as Israel, for the US had acted as a protector for the young state. According to historian Van Staden, Dutch loyalty to the United States was not only enforced by the loom of Soviet threat, but also by the pull of a powerful protector in the emerging arena of European politics, to combat the larger West-European states, like France, in their tendency to try to dictate the course of European integration.²⁸

The US government had regarded Israel as a political and economic ally in the Middle East since the creation of the state of Israel, thanks in large part to the Israeli's effort to follow the Western democratic tradition.²⁹ Notably, in 1961, Deputy Foreign Minister Van Houten argued that in the midst of the Cold War, the foremost task of the Dutch government was to uphold "national integrity" which could only be guaranteed by aligning Dutch foreign policy (and defense) with that of the United States. Van Houten furthermore reiterates that in the policies discussed by the Six (the number of members of the European Community at the time), care had to be taken to not divulge in 'NATO topics' so as not to exclude the American and the

²⁶ R.B. Soetendorp, 'The Netherlands and Israel: From a Special to a Normal Relationship' *Internationale Spectator*, 43 no. 11 (November 1989), 698.

²⁷ Duco Hellema, *Nederland in de Wereld. De buitenlandse politiek van Nederland*. (Houten 2014), 219.

²⁸ Alfred van Staden, 'De rol van Nederland in het Atlantisch Bondgenootschap. Wat veranderde en wat uiteindelijk bleef', in N.C.F. van Sas (ed.), *De kracht van Nederland. Internationale positie en buitenlands beleid* (Haarlem 1991), 220.

²⁹ John J. Mearsheimer and Stephen M. Walt, 'The Israel Lobby and U.S. Foreign Policy', *Middle East Policy* 13 no. 3 (Fall 2006), 30.

English allies.³⁰ This seems to support the notion of both Hellema and Van Staden that at the time, Atlantic unity was prioritized over European integration.³¹ Fred Grünfeld adds that sharing an ‘Atlantic orientation’ has further strengthened the relationship between Israel and the Netherlands.

Historian Grünfeld furthermore earmarked five constants in the sixty-year relationship between the Netherlands and Israel in 2008, explained in a ranking of main objectives. The first and foremost goal is ‘security and recognized borders for the (Jewish) state Israel.’³² Whereas Grünfeld presents this goal as constant throughout the sixty years, he also notes that in the years 1948-1956, the Dutch were cautious in their support and only in 1956 provided active military support during the Suez Crisis. Despite the later addition the Dutch maintained their support even after Great Britain and France retreated from Israel’s Sinai Campaign. Consequently, the Netherlands lend their helping military hand in crucial conflicts in 1967 (Six Day War), 1973 (Yom Kippur War) and 1991 (Gulf War).³³

In 1973 Egyptian and Syrian forces launched a joint attack in order to retake Israeli-occupied territories. The Israeli, taken by surprise, found themselves in a precarious position. Within three days, the Dutch government issued a statement that Egypt and Syria had initiated hostilities, thereby unilaterally breaching UN Resolution 242 of 1967.³⁴ Hellema asserts that in the way the statement was phrased, the Dutch government’s interpretation of the resolution shone through, which was by Arab countries seen as pro-Israeli: Israel had a right to safe, secure borders and corrections were thereby not to be excluded beforehand.³⁵ Because of the Dutch now open support of Israel, by the end of the month, the twelve members of the Organization of Arab Petroleum Exporting Countries (OAPEC) targeted (among others) the Netherlands with an oil embargo – a serious threat, as more than 60% of Dutch imported oil came from the Middle East.³⁶ The high prices and expected shortage of oil resulted in measures taken by the Dutch

³⁰ *Verslag der Handelingen van de Eerste Kamer der Staten Generaal* 1960-1961. 38ste vergadering, 24 mei 1961, 329.

³¹ Hellema, *Nederland in de Wereld*, 218.

³² Fred Grünfeld, ‘Zestig jaar Nederland-Israël’ *Internationale Spectator* 62 no. 12 (December 2008) 680.

³³ Grünfeld, ‘Zestig jaar Nederland-Israël’, 681. The following objectives are (ranked): 2 A feasible state for the Palestinians; 3 Real support for Israel but a reluctant diplomatic position; 4 Avoiding Dutch vulnerability by way of EU cooperation in foreign policy making; 5 No thwarting of the American policy towards the Middle East.

³⁴ UN Security Council, *Security Council Resolution 242 (1967)* November 22, 1967 S/RES/242 (1967) <http://www.un.org/en/sc/documents/resolutions/1967.shtml>. Accessed June 15, 2018.

³⁵ Hellema, *Nederland in de Wereld*, 275.

³⁶ *Ibidem*, 274.

government. This meant that regular Dutch citizens' lives were directly impacted by the choices made in the international arena by the Netherlands' diplomats. On November 4, 1973, the first 'car-free Sunday' was imposed. A month later, on December 1, Prime Minister Den Uyl announced in a televised speech that gasoline would be rationed.³⁷ Even though the oil embargo was only lifted in July 1974, it did not result in any real shortage of oil. This was largely due to the interference of the large oil companies (among others, Shell), which divided the shortages among member states of the European Economic Community (EEC). In fact, compared to other West-European countries, the Netherlands were not in bad shape economically. This led to the situation that whereas the Netherlands were the target of boycott, the burden of the boycott was shared by the whole European community. This left the Dutch in an unfavored isolated position and the bilateral relationship with France (who were a pro-Arab force in the EEC) in particular became strained.³⁸

An interesting note was made by journalist Frans Peeters who found interpersonal reasons for the military aid in 1973. He describes in his 1997 book the personal inclination to help the Jewish state under duress by the Minister of Defense at the time, Vredeling. The Minister provided Israel with weaponry in a solo action, without involving the Prime Minister or Minister of Foreign Affairs. Peeters notes that there were no political reasons for his unorthodox approach, since there was enough parliamentary support for the ammunition exchange. He puts forward the personal reasons for this by quoting Vredeling in 1993: "Israel was threatening to sink, so to speak. I needed to be absolutely certain that Israel would be helped. I had seen the Jews drift away once, when I could do nothing to prevent it. I thought: I will not let that happen again. So I used my authority."³⁹ An explanation for this is presented by Remco Raben, who posits that international relations have a cultural dimension as well, apart from their political or economic dimension. Dealings between countries are not solely dictated by practical considerations or *Realpolitik*, but also by mentalities or perceptions.⁴⁰ The Second World War and Israel's right to exist are inextricably connected and are a rightly influence.

³⁷ Anne van Mourik, 'Politieke inconsistentie en speciale banden: Nederlandse Europapolitiek en het pro-Israëliëse standpunt tijdens de Oktoberoorlog' *Historisch Tijdschrift Aanzet* 2 no. 29 (October 2013), https://isgeschiedenis.nl/longreads/politieke-inconsistentie-en-speciale-banden#_ftn16. Accessed June 7, 2018.

³⁸ Hellema, *Nederland in de Wereld*, 279

³⁹ Frans Peeters, *Gezwoenen Vrienden: het geheime bondgenootschap tussen Nederland en Israël*, (Amsterdam 1997), 204-205.

⁴⁰ Remco Raben, 'Nederland en de (post)koloniale wereld' in: Jacco Pekelder, Remco Raben and Mathieu Segers (eds.), *De wereld volgens Nederland: Nederlandse buitenlandse politiek in historisch perspectief* (Amsterdam 2015), 171. Raben makes his argument in reference to the Dutch colonial

The October War, its practical (economic) repercussions felt in everyday life, and above all, the isolation from international neighbors, were reasons for a more covert strategy for the Netherlands in their support for Israel. After 1977, the Netherlands would follow the policies of other EEC countries more and more. Hellema concludes that the ‘special relationship’ with Israel was becoming less influential, in favor of a focus on European integration.⁴¹ Historian R.B. Soetendorp agrees, adding that the “display of benevolence” towards the Palestinians widened the gap between the Netherlands and Israel further. Grünfeld disagrees that support for Palestinian rights (based on international law) decidedly means a decline in sympathies felt for Israel – dubbing this contraposition too simplistic: he argues both safe borders for Israel and a feasible state for the Palestinians are constants in the Dutch foreign policy, but posits that the Dutch rank the former goal over the latter. Grünfeld agrees with Hellema and Soetendorp that the October War is a turning point after which European partners are prioritized over the Atlantic allies, and that after the oil embargo, the Netherlands would not publicly distance themselves from their European community again to avoid vulnerability. However he argues that, supported by a still pro-Israeli public opinion, Dutch foreign policy today is not less pro-Israel than in the past sixty years.⁴²

After the October War, in accordance with the shift from unilateralism to multilateralism, the next time the Netherlands provided Israel with military support, it was in an international coalition, spearheaded by the United States; their contribution to the Gulf War in 1990/1991 was largely logistical at first, allowing American aircrafts to refuel at Dutch airbases, but turned military when Israel accepted (after an initial refusal earlier in the conflict) the Netherlands’ offer of a Patriot quad to combat the Iraqi Scud missile attack, which could reach Israeli territory from occupied Kuwait.⁴³ Israel and its American-led coalition would ultimately come out of the conflict victorious.

experience and its influence on international relations, but the Dutch experience in the Second World War can arguably also be characterized as an influential experience to have a similar impact.

⁴¹ Hellema, *Nederland in de Wereld*, 341.

⁴² Fred Grünfeld, ‘Zestig jaar Nederland-Israël’ *Internationale Spectator* 62 no. 12 (December 2008), 680.

⁴³ Ministerie van Defensie, ‘Het Nederlandse aandeel in de Golfoorlog,’ n.d. <https://www.defensie.nl/onderwerpen/historische-missies/missie-overzicht/1990/golfoorlog/nederlands-aandeel>. Accessed 11 June 2018.

2.1 Conclusion

For the period covered by his chapter, the Netherlands' relationship with Israel can be characterized as positive and supportive, even through adversity. After an initial hesitation due to colonial interests, under the American influence, in Soviet threat and with the Second World War only a few years ago, an alliance formed. Even reaching for the heaviest weapon in a diplomat's arsenal, the Dutch lent military support in defining conflicts for the survival of the young Jewish state. After the October War in 1973 the alliance grew more covert, with both political and economic interests strong influences for this transition. The Dutch also found themselves stronger bound within the structure of the multilateralist approach to international relations. By 1992, the (economic) bonds within the European Union had become even stronger with the Economic and Monetary Union and its later introduction of the euro. However, just the previous year, the Dutch had again aligned themselves within an American-led coalition, sanctioned by the United Nations, to aid Israel in Operation Desert Storm (1990-1991)⁴⁴, at which time some historians argue the relationship had lost some of its special tendencies due to international pressures, but a certain baseline was maintained, which departing Israeli ambassador to the Netherlands, Michael Bavly, described in 1995 as follows: 'When Israel does something wrong, a Brit or a Frenchman will say 'Didn't I tell you?' whereas when Israel does something good, a Dutchman will say 'Didn't I tell you?''⁴⁵ This level of trust is telling, considering that three years before, in 1992, a Boeing 747, or Jumbo Jet, had crashed in a densely populated residential area, in the capital of the Netherlands. However, judging by the actions and remarks of the political leaders that will be explored in a later chapter, Ambassador Bavly was not wrong.

⁴⁴ Hellema, *Nederland in de wereld*, 350.

⁴⁵ NRC, 'Rede Beatrix verbeterde 'speciale relatie' Israel', July 6, 1995

<https://www.nrc.nl/nieuws/1995/07/06/rede-beatrix-verbeterde-speciale-relatie-israel-7273456-a685635>. Accessed 20 June 2018.

3. A HISTORICAL OVERVIEW: THE DUTCH-RUSSIAN RELATIONSHIP

Contrasting to the relationship with Israel, the diplomatic relationship with Russia has been decidedly more longstanding, from Peter the Great's visit to the Netherlands in 1697-8, the nature of this relationship has been less harmonious at times, notably during the Cold War and in the aftermath of the Crimea Annexation. In the case of both relationships a shift can be seen from a bilateral to a more multilateral approach, owing to the growing focus on multilateral collaborations such as the European Union and NATO in shaping the foreign policy of the Netherlands.

The rather arbitrarily timed "Netherlands-Russia Year" of 2013 was organized by invitation of the Russian president Medvedev during his visit to Amsterdam in 2009 to celebrate the 400 year history between the two countries: referring back to a visit by late Tsar Peter the Great to the Dutch Republic in 1716.⁴⁶

During a significant period of time when Russia was still the Soviet Union, the Cold War was overpowering in all dealings with the nation: the Netherlands viewed the Soviet Union as a security and ideological threat. At the time, only very limited economic relations existed.⁴⁷

1991 was an important year for both Russia and the Netherlands. After the disintegration of the Soviet Union into 15 different countries, Soviet president Gorbachev transferred power to Russian president Jeltsin on the first day of Christmas in 1991. During the same month, the Treaty was drafted that created the framework for a strengthened European Union in the Dutch city of Maastricht.⁴⁸ New actors were thus added to the world stage.

The end of the Cold War was the end of a worldview as the international community had known it for decades. The hard line between East and West had been erased, and with it, the set patterns

⁴⁶ Ministerie van Buitenlandse Zaken, 'Terugblik Nederland-Ruslandjaar 2013', June 11, 2014, available at <https://www.rijksoverheid.nl/documenten/brochures/2014/06/11/terugblik-nederland-ruslandjaar-2013>, 3. Accessed June 20, 2018.

⁴⁷ Tony van der Togt, 'Wantrouwen en betrokkenheid: het verhaal van een complexe relatie. Diplomatieke betrekkingen tussen Nederland en Rusland 1942-2013' in: Nicolaas A. Kraft van Ermel and J.S.A.M. van Koningsbrugge (eds.), *Nederland en Rusland, een paar apart? 400 jaar Nederlands-Russische betrekkingen*. (Groningen, 2013), 89.

⁴⁸ Christian Nasulea, Beatrice Cretu and Diana Florentina, 'How Sanctions on Russia Impact the Economy of the European Union', *Studies in Business and Economics*, 10, no. 3 (2015), 147.

and structures in the international community were shattered and in their place came insecurity and change. The foundations of the strong Atlanticism were herewith gone and made way for a more European-imbedded strategy. For the Dutch, these changes in international environment were cause for a ‘recalibration’ (*herijking*) of their foreign policy. Published in 1995, the Minister of Foreign Affairs Van Mierlo released a policy note to outline this recalibration: largely following the advice of the Scientific Council for Government Policy, Dutch foreign policy was to focus more on the neighboring countries and the integration of Europe. Moreover, in post-Cold War Europe, the Dutch should be mindful to their own interests as the suspension of pre-existing structures would influence the still forming European integration: the ‘new Europe’ would be characterized by more fluidity and thus more competition between nation-states.⁴⁹ According to the Scientific Council, the withdrawal of American leadership on the European continent called for a united European approach to establish stability and security by strengthening the European integration.⁵⁰ Van Mierlo preferred a supranational approach to the integration (with strong supranational institutions), as it would be most beneficial for the small country. In a more intergovernmental approach, the larger countries would soon define further policies and overshadow the smaller countries, leaving the Dutch without a say in the EU. Although Van Mierlo’s recalibration, in the form of his neighbor policy and stronger focus on European integration, strived to define Dutch foreign policy of the mid-nineties, it was only in the early 2000s that practical consequences followed, with the introduction of the euro in 2001 and its deepening of the European integration.⁵¹

Regarding policy towards Russia, the European Union felt optimistic that the defeated communist system would develop into a democracy, complete with market economy. After the rather cool relationship with the Soviet Union, in the 1990s state visits to Moscow and the Hague were no longer an exception. Although the Dutch remained critical of Russia with regards to human rights and perceived violations in the Caucasus, they took in a middle position in wider international issues like NATO-expansion in eastern direction. This meant the Netherlands remained a potential partner for Moscow. Historian Van der Togt noted in 2013 his assertion that despite the critical notes, the practical cooperation prevailed in the Dutch-Russian relationship in the 1990s. Van Mierlo’s recalibration of Dutch foreign policy contained

⁴⁹ *Herijking van het buitenlands beleid*, 7.

⁵⁰ Wetenschappelijke Raad voor het Regeringsbeleid, *Stabiliteit en veiligheid in Europa: het veranderende krachtenveld voor het buitenlands beleid* (Den Haag: Sdu Uitgeverij Plantijnstraat, 1995), 124.

⁵¹ Hellema, *Nederland in de wereld*, 383.

a preamble to the nature of the new relationship: after the Iron Curtain came down, the emerging economies of Eastern Europe beckoned.⁵² The main focus on their economic relationship was energy cooperation, with the Royal Dutch Shell closing a lucrative deal with support from Moscow. Dutch export figures to Russia rose from € 1 billion in 1990 to € 1,7 billion in 2000.⁵³

A change to Russia's newfound open foreign (and rather chaotic domestic) policy came with the ascension of Vladimir Putin to power in 1999. Soon it became clear that the new power in Moscow did not feel inclined to play second fiddle to an American dominated world order. The small opening of possible inclusion of Russia in NATO was vehemently closed – the West had taken advantage of Russia's weakened position in the nineties and that would now be put to an end.⁵⁴ The growing western influence in former Soviet territories led Putin to more assertive foreign politics. Historian Robert Kagan famously differentiated between the United States and Europe by their strategic cultures, influenced by their being a respectively 'strong' and 'weaker' power in his book *Of Paradise and Power*.⁵⁵ Being able to respond to threats, the stronger power is more prone to also perceive threats. A stronger power defines security differently, has different levels of tolerance for insecurity and would be more likely to consider force a useful tool of international relations.⁵⁶ A weaker power, as Europe is defined by Kagan, places less value on hard power and military strength and emphasizes negotiation, diplomacy, commercial ties and international law over the use of force.⁵⁷ In a later article in the Washington Post, Kagan compared Russia similarly to Europe.⁵⁸ Putin however, inherited a military with dramatic budgetary and personnel shortfalls, with dated Soviet-era equipment. Not until the 2014 Crimea annexation did the world see the surprisingly disciplined and well-equipped reformed Russian military.⁵⁹ So why did Russia act like the traditional hard power during the twenty years between Putin's ascension to power and Russia's military reemergence? Kagan explains this by historic circumstances. While the EU's soft power is a response to the 20th century conflicts,

⁵² *Herijking van het buitenlands beleid*, 15.

⁵³ Van der Togt, 'Wantrouwen en betrokkenheid', 83.

⁵⁴ *Ibidem*, 85.

⁵⁵ Robert Kagan, *Of Paradise and Power. America and Europe in the New World Order*, (New York 2004).

⁵⁶ *Ibidem*, 27.

⁵⁷ Kagan, *Of Paradise and Power*, 33 & 56.

⁵⁸ Robert Kagan, 'New Europe, Old Russia,' *The Washington Post*, February 6, 2008,

[http://www.washingtonpost.com/wp-](http://www.washingtonpost.com/wp-dyn/content/article/2008/02/05/AR2008020502879.html?noredirect=on)

[dyn/content/article/2008/02/05/AR2008020502879.html?noredirect=on](http://www.washingtonpost.com/wp-dyn/content/article/2008/02/05/AR2008020502879.html?noredirect=on). Accessed on June 12, 2018.

⁵⁹ Defense Intelligence Agency, *Russia military power. Building a military to support great power aspirations* (Washington DC: 2017), 9, 13. <http://www.dia.mil/Military-Power-Publications>. Accessed June 23, 2018.

as a stronghold against the nationalism and power politics caused them, Russia's hard power is driven by the "perceived failure of post-national politics" after the Soviet collapse. Kagan concludes: "Europe sees the answer to its problems in transcending the nation-state and power. For Russians, the solution is in restoring them."⁶⁰ With this in mind, it is not difficult to see the threatening development on the European continent when comparing the spheres of influence of Europe in 1990 and 2013 (see Figure 1).⁶¹

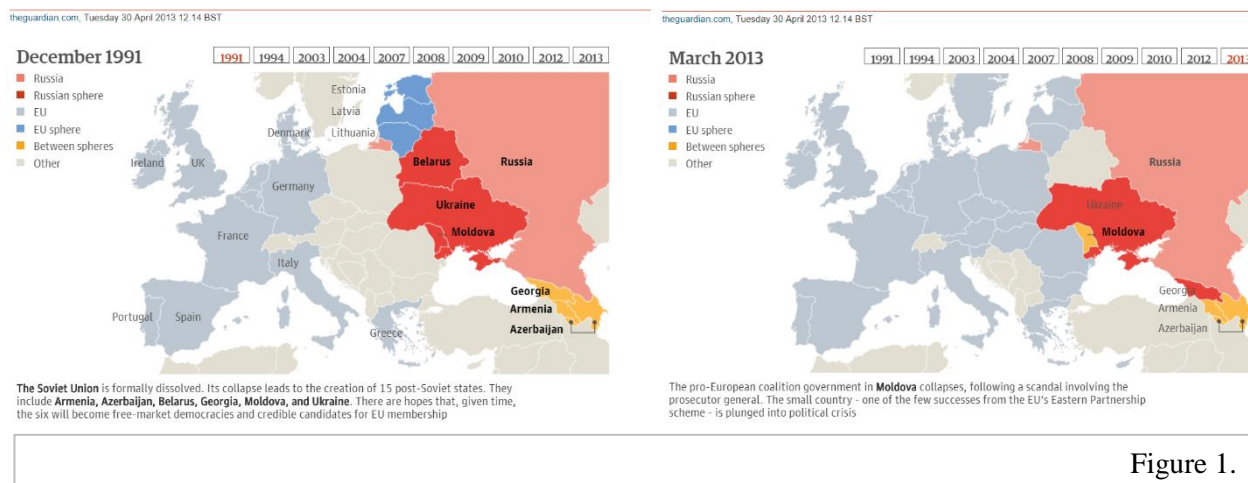


Figure 1.

The region into which the EU has 'expanded' eastward towards Russia was largely affected by the collapse of the Soviet Union, with stability the main object of the expansion. Russia is equally interested in stability in the region. However, in line with their differing views on international order, for the Europeans stabilization means Europeanization and democracy, while for the Russians it means keeping this area under influence.⁶² The differing approach leads to tensions in what is regarded by Putin as his backyard (and 'buffer zone' between mainland Russia and the rest of Europe), threatening his country's interests. Moreover, Russian leaders view EU expansion as a stalking horse for NATO expansion, which Russia still views suspiciously because of the role of the United States and the military element in the alliance.⁶³

Amidst these geopolitical tensions, the economic relationship of the Netherlands and Russia was expanding. In 2005, the Dutch Ministry of Economic Affairs expressed their ambition to become the 'Gas Hub' of North-West Europe by establishing the Netherlands as a major

⁶⁰ Robert Kagan, 'New Europe, Old Russia,' *The Washington Post*.

⁶¹ *The Guardian*, 'EU and Russian spheres of influence since 1991 – interactive' April 30, 2013, <https://www.theguardian.com/world/interactive/2013/apr/30/eu-russian-spheres-influence-interactive>. Accessed on June 10, 2018.

⁶² Maurizio Massari, 'Russia and the EU Ten Years On: A Relationship in Search of Definition.' *The International Spectator* 41, no. 1 (June 2007), 8.

⁶³ John J. Mearsheimer, 'Why the Ukraine Crisis Is the West's Fault: The Liberal Delusions that Provoked Putin' *Foreign Affairs* 93 no. 5 (September/October 2014), 3.

junction for gas transportation, storage and eventual export, in order to secure the gas supply and maintain the Netherlands' key position in the energy market after the depletion of their own gas supply.⁶⁴ In line with this strategy, the Dutch company Gasunie purchased 9% shares of Russian pipeline Nord Stream (connecting Russian gas to Europe), tying it together with Gazprom, the Russian gas company with close ties to the Kremlin.⁶⁵

Export figures from 2011 show that the Dutch imported € 16,7 billion from Russia (mainly oil and oil products through the Port of Rotterdam) and exported € 6,4 billion to Russia (mostly machines and agricultural products).⁶⁶ The numbers also show a heavy reliance on Russia for the Dutch energy sector, something then Minister for European Affairs Timmermans warned of in 2007. Timmermans worried about the West-European dependence on Russia for its energy supply and favored energy relations in a broader European context over a bilateral approach, in order to avoid Dutch vulnerability: a united EU could make stronger energy deals than individual countries.⁶⁷

By 2013 however, the geopolitical tensions between the EU and Russia were further increasing and thus impacted the Dutch-Russian relationship negatively. Moreover, the Netherlands-Russia Year was punctuated with bilateral tensions and sensitive diplomatic incidents: the Kremlin passed anti-LGBT legislation (“gay propaganda laws”), which led to protests and an abundance of rainbow flags during Putin’s visit to Amsterdam, a Russian diplomat in The Hague was arrested, violating diplomatic immunity, followed by a Dutch diplomat being beaten in Moscow, and Greenpeace ship *Arctic Sunrise* (which sailed under the Dutch flag and had two Dutch crew members) was seized by Russian authorities and its crew detained.⁶⁸ Despite the tumultuous year, the royal couple, King Willem-Alexander and Queen Máxima, still went to Russia to officially end the Year on a positive note. Notably, the Netherlands sent a heavy delegation to the Olympic Games of February 2014 in Sochi, with both the Royal couple and

⁶⁴ *HTK*, 2011-2012, 33 292, nr. 2, p. 5.

⁶⁵ *Ibidem*, 10.

⁶⁶ Van der Togt, ‘Wantrouwen en betrokkenheid’, 87.

⁶⁷ Schilham, Bram, ‘Betrekkingen Rusland verdeelden kabinet’ *NOS*. Last modified January 22, 2011. <https://nos.nl/artikel/213484-betrekkingen-rusland-verdeelden-kabinet.html>. Accessed June 27, 2018.

⁶⁸ Harm Ede Botje and Thijs Broer, ‘Voorbij de gasdroom: onze ongezonde relatie met Rusland’, *Vrij Nederland*, July 27, 2014, <https://www.vn.nl/voorbij-de-gasdroom-onze-ongezonde-relatie-met-rusland/>. Accessed June 25, 2018.

the Prime Minister in attendance, despite calls for a less prestigious delegation or even a boycott.⁶⁹

Less than a month after the Olympic Games, to international outrage, Russia annexed the Crimea, an Ukrainian peninsula of strategic (military) importance. After Ukrainian president Yanukovich abandoned the Association Agreement with the EU at the eleventh hour in lieu of Russian loans, anti-governmental rallies broke out, most notably in Maidan Square, Kiev. The protests were violently shut down, but did ultimately lead to Yanukovich stepping down and an interim, pro-European government to be formed. Amidst these chaotic circumstances, Russia increased its military presence in the area and after a referendum, the annexation of the Crimea to Russia was complete.⁷⁰ Dutch Minister for Foreign Affairs Timmermans warned beforehand that Russia's actions constituted an unacceptable threat to Ukraine's territorial integrity and sovereignty.⁷¹ After the annexation, the international community scrambled to condemn the newest developments and issued sanctions. The EU, as a whole, immediately imposed travel restriction and freezes of international assets of individuals connected to the crisis, the scope of which was 'the highest Russia has ever been issued since the fall of the Soviet Union in 1991.' Perhaps not surprisingly, the Russia countered with its own sanctions, of which the ban of agricultural produce was particularly painful for the Dutch export.⁷² Furthermore, the Russian presence in the Crimea caused further unrest especially in Eastern Ukraine, as fights broke out between Ukrainian government forces and Russian separatists.⁷³

Both Prime Minister Rutte and Minister for Foreign Affairs Timmermans emphasized the importance of and their intended focus on streamlining the Dutch response with its international partners. Rutte named Germany, Britain and the US specifically, whereas Timmermans focused more on the EU context, endorsing High Representative Ashton as coordinator/mediator.⁷⁴ He furthermore stressed to steer clear from an East-West dichotomy and to maintain communications with Moscow – 'regardless of how unacceptable their current actions are'.

⁶⁹ NOS, 'Koning en Rutte naar Sotsji', January 10, 2014. <https://nos.nl/artikel/595781-koning-en-rutte-naar-sotsji.html>. Accessed June 27, 2018.

⁷⁰ NOS, 'Rusland annexeert de Krim', March 18, 2014. <https://nos.nl/artikel/624830-rusland-annexeert-de-krim.html>. Accessed June 29, 2018.

⁷¹ *HTK* 2013-2014, 140302, 1.

⁷² Christian Nasulea, Beatrice Cretu and Diana Florentina, 'How Sanctions on Russia Impact the Economy of the European Union', *Studies in Business and Economics*, 10, no. 3 (2015), 151

⁷³ Ostap Kushnir, 'Russian Geopolitical Advancements in the Black Sea Region: The Annexation of Crimea' *Athenaeum: Polish Political Science Studies*, 56 (2017), 112.

⁷⁴ NOS, 'Rutte: zorgen over situatie Krim', March 1, 2014. <https://nos.nl/artikel/617580-rutte-zorgen-over-situatie-krim.html>. Accessed June 29, 2018; *HTK* 2013-14, 140302, 3

Referring to (further) violations of international law and treaties, Timmermans did note that there were limits and such actions would not be without consequence.⁷⁵ Less than two months after this warning, the Dutch would get more intrinsically tied to the Ukrainian situation by the crash of MH17.

3.1 Conclusion

In Dutch foreign policy, an eternal struggle is presented between the *koopman* (merchant) and the *dominee* (minister). Richard G. Whitman and Ben Tonra, define this struggle as ‘the balance between economic and security imperatives with a rights-based foreign policy focusing on developmental aid and the promotion of human rights.’⁷⁶ Historian Hellema concludes that from 2007 onwards, Dutch foreign policy was leaning more towards the merchant by increasing focus on national interests, in particular economic gain, over more internationalist policy goals such as European integration and promotion of human rights.⁷⁷

After the collapse of the Soviet Union, the bilateral relationship between ‘new’ nation state Russia and the Netherlands was largely economic in nature. Due to a vastly differing diplomatic style, historic background and divergent interests in the international arena, the relationship did not extend further. In contrast with the Dutch-Israeli relationship years earlier, international institutions as EU and NATO were an important and influential factor – inviting power play and its accompanying distrust among powers. For the Netherlands, the bilateral relationship was a key element to their energy policy, so the value cannot be understated. However, in unfortunate timing, from the Netherlands-Russia Year in 2013 onwards, tensions between the two countries rose due to diplomatic incidents in the bilateral context, but also in a multilateral context over the Russia’s annexation of the Crimea and EU’s imposed travel ban. From here on, the Dutch foreign policy’s *minister* would become harder to ignore over the *merchant*’s interests. However, even in 2014, when economic sanctions were issued against its important energy trading partner, the Netherlands did not go as far as to remove Russia completely as pillar from its energy policy. Whether truly dependent on the relationship, or merely purely pragmatic, the situation was thought of to be temporary, so no long term policy goals were

⁷⁵ *HTK* 2013-2014, 140302, 3.

⁷⁶ Richard G. Whitman and Ben Tonra, ‘Western EU Member States foreign policy geo-orientations: UK, Ireland and the Benelux’ in: Amelia Hadfield, Ian Manners and Richard G. Whitman (eds.), *Foreign Policies of EU Member States. Continuity and Europeanisation* (London 2017): 48.

⁷⁷ Hellema, *Nederland in de wereld*, 465.

adjusted at the time. However, the bilateral relationship was highly focused on the economic interests and the EU-Russian relationship was severely strained. In the ensuing international crisis, the absence of a deeper relationship than purely economic would become apparent in the political leaders' rhetoric in the first days after the crash of MH17.

4. THEORETICAL FRAMEWORK

The following chapter will explain the theoretical framework that is the basis of the present historical comparative case study, explaining the origins of the theory, the place within the broader field of International Relations (IR) and the integration with social constructivism.

In the 1950s the study of foreign policy relied mostly on historically oriented diplomatic analysis, largely leaving political leadership and individual agency out of the equation.⁷⁸ However, influenced by behavioralism and scientism, scholars of IR felt a need for more generalizable and scientific research. However, where other political scientists had numerical data at their disposal, diplomatic analysts had difficulty transforming their documents, interviews and memoirs into the sort of data necessary for quantitative hypothesis testing. Early foreign policy analysts therefore used “events data” to systematize the study of foreign policy; each interaction between states constitutes an event, is assigned a categorical code and analyzed quantitatively. As political scientist Philip B.K. Potter surmises, “in effect, the foreign policy event takes a qualitative observation of foreign policy interaction and reduces it to a numerical or categorical form suited for statistical analysis.”⁷⁹

The current subfield of IR theory, Foreign Policy Analysis (FPA), has largely broken with its initial method of quantitative research but has retained at its core the rejection of the state as a black box: regarding the state as an actor, a decision-making unit on its own. The theory of FPA counters that the ground of IR is human decision makers, who are not equivalent to the state.⁸⁰ By “un-black boxing” the state, FPA unveils the actual decision-making process. Its core starting point is “all that occurs between nations and across nations is grounded in human decisionmakers [*sic*] acting singly or in groups.”⁸¹ By centralizing human decision makers, FPA theory can be summarized as actor-specific and agency oriented, arguing against interchangeability between individuals and black-boxed states as actors in the international system.

⁷⁸ Potter, Philip B.K., ‘Methods of Foreign Policy Analysis’ in: R.A. Denemark (ed.), *International Studies Compendium Project* (Oxford 2010): 2.

⁷⁹ *Ibid*, 4.

⁸⁰ Valerie M. Hudson, *Foreign Policy Analysis: Classic and Contemporary Theory*. (Plymouth 2014): 4.

⁸¹ *Ibid*, 3.

In 2014, Valerie Hudson published the second edition of her canonical FPA book, *Foreign Policy Analysis: Classic and Contemporary Theory*. She exemplifies the asset of FPA-style research to the broader field of IR theory by the example of debate between two important schools within IR theory, neorealism as first theorized by Waltz in 1979⁸², and social constructivism, as explained by Wendt in 1999.⁸³ Whereas neorealism focuses on power distributions within the system of states, Wendt's social constructivism focuses on the process of ideas as constructed by preferences and interests of actors. Hudson places the two arguments within the greater agency-structure debate: Waltz' neorealism posits structures as primary shapers of system behavior, whereas Wendt's social constructivism centralizes state actors, helping shape structures and resultant behavior through their subjective understandings.⁸⁴ As to be expected from an agency oriented scholar, Hudson finds herself closest aligned to Wendt's social constructivism but notes an important caveat in his ideas-based theory: the state as agent, influenced by ideas. Political scientist Colin Wight argued earlier in 1999 that the state in its constructed social form can still only act in and through individual action. Actions by the state are always the actions of particular individuals acting within particular social norms.⁸⁵ Though Wendt posits himself on the side of agency in the larger debate, Wight finds fault as states as entities cannot have true agency. Hudson concludes in 2014: "in the end *there is only us*. There is only human agency." This leads her to depart from social constructivism and centralize the actions and choices of individual policy makers to explain foreign policy, in keeping with FPA's characteristic emphasis on foreign policy decision making, as opposed to foreign policy outcomes.⁸⁶

Hudson further argues that when looking at the individual decision maker, it is important to question which leaders matter in the decision-making process, as government personnel other than the top leader may have more of an influence on a specific foreign policy. However, she notes that in the case of a crisis, it will "invariably be handled at the highest levels of government power, and almost by definition top leaders will be involved."⁸⁷ The present study

⁸² See: Kenneth N. Waltz, *Theory of International Politics*. (Reading, MA 1979).

⁸³ See: Alexander Wendt, *Social Theory of International Politics*. (Cambridge 1999).

⁸⁴ Hudson, *Foreign Policy Analysis*, 11.

⁸⁵ Colin Wight, 'They Shoot Dead Horses Don't They? Locating Agency in the Agent-Structure Problematique.' *European Journal of International Relations* 5, no. 1 (March 1999): 128.

⁸⁶ Hudson, *Foreign Policy Analysis*, 16.

⁸⁷ *Ibid*, 39-40.

will therefore primarily focus on the decision-making process of the top leaders, the Prime Minister and relevant Ministers at the time.

Apart from actor-oriented and agency, another hallmark of FPA is theoretical integration. Hudson notes this as FPA's "true promise" and she considers two types. The first type means integrating different levels of analysis (e.g. cultural identity, domestic political contestation and national attributes) to provide an integrated explanation of foreign policy decisions. The second concerns the integration of the FPA-approach and that of a greater IR theory.⁸⁸

Precisely this latter type of integration is what FPA-scholar David P. Houghton is after by proposing a collaboration between FPA and constructivism, arguing that each theory is strong where the other is weak, poetically surmising "neither is complete without the other."⁸⁹ Houghton asserts that the greatest shortcoming of social constructivism is the belief that social structures are the makeup of (political) behavior, but that it fails to pursue the origin of these norms and ideas.⁹⁰ As Hudson also put forward, the value of social constructivism versus for example realism was evident in the end of the Cold War: it explains the emergence of meaningful change in the system, with an absence of material change. However, it fails to explain how social construction occurs and why and how it changes over time – how ideas change the behavior of agents.⁹¹

On the other hand, Houghton presents the common criticism of FPA that it is all agency and no structure.⁹² Actors do not operate in a vacuum, they are 'as much a member of the social cognitive structure that characterizes [their] society as any average citizen,' and therefore come to the process of decision making as a bearer of his or her culture.⁹³ Houghton notes this neglect to socially shared norms, ideas and beliefs as an important pitfall in FPA-style research.⁹⁴

In short, the approach of Foreign Policy Analysis adds much needed agency to social constructivism, and a look into the 'black box' of the government, while social constructivism provides the undeniable context of both the individual actors and the international community as a whole. Combining these micro and macro approaches provides a more cohesive

⁸⁸ *Ibid*, 185.

⁸⁹ David Patrick Houghton, 'Reinvigorating the Study of Foreign Policy Decision Making: Toward a Constructivist Approach,' *Foreign Policy Analysis* 3 no. 1 (January 2007): 43.

⁹⁰ Houghton, 'Reinvigorating the Study of Foreign Policy Decision Making', 33-34.

⁹¹ Hudson, *Foreign Policy Analysis*, 13.

⁹² Houghton, 33.

⁹³ *Ibid*, 32 & 36.

⁹⁴ *Ibid*, 42.

explanation over multiple levels. Through integrating social constructivism and FPA-style research, the present study looks at both context and individual agency and considerations of political leaders, and so providing for the shortcomings of each approach, strengthening both.

5. EL AL FLIGHT 1862 AND THE DUTCH-ISRAELI RELATIONSHIP

Captain: Going down, 1862, going down, going down.

Air Traffic Control (ATC) 2: It is done.

ATC 1: Yes, EL AL 1862, you're heading...

ATC 2: There is no point, he crashed, Henk.

ATC 1: Did you see him?

ATC 2: One big cloud of smoke over the city.

ATC 1: Jesus.⁹⁵

On Sunday October 4, El Al Flight 1862 was on its way from John F. Kennedy International Airport, New York, to Ben Gurion International Airport in Tel Aviv. For a crew change and cargo processing, the flight had a layover at Schiphol Airport. During the stop, a maintenance transit check was carried out and the aircraft was refueled. At takeoff at 5:21 PM there were four people on board: the pilot, co-pilot, flight engineer and one non-revenue passenger. Approximately five minutes after takeoff, one engine separated from the aircraft, took another engine along in its fall and damaged part of the right wing.⁹⁶ Shortly after, El Al Flight 1862 transmitted an emergency call and requested to return to Schiphol Airport. In the descent preparing for the emergency landing, the flight crew lost control of the airplane. At 5:35 PM, the airplane crashed into two eleven-floor connected blocks of apartments in the Amsterdam suburb of the Bijlmermeer. Debris of the building and aircraft were scattered over an area of approximately 400 by 600 meters.⁹⁷ The number of casualties on the ground was first reported to be 12 but soon climbed. Ultimately the number of victims was determined to be 43.⁹⁸ In the first few days after the crash, the focus of was on the recovery and identification of bodies under the rubble. Initially there was confusion about the number of missing persons due to problems with registration and high probable number of people living illegally in the affected apartments. Soon also followed rumors about men in white suits around the crash site. This coupled with the missing flight recorder device and reported health issues (thought to be possibly caused by

⁹⁵ Last seconds of conversation between cockpit crew and air traffic control: Official transcript from the Air Traffic Control Netherlands (LVNL), letter ECB 996160, January 18, 1999. Translation by author.

⁹⁶ Netherlands Aviation Safety Board, *Aircraft Accident Report 92-11: El Al Flight 1862*. Hoofddorp, February 24, 1994: 5.

⁹⁷ *Ibidem*, 8.

⁹⁸ Meijder, *Een beladen vlucht*, 104.

unknown cargo carried by the airplane) experienced by emergency workers and local residents alike, led to persistent interest and unanswered questions. Ultimately, these were the leading motivation for the heavy political means of a parliamentary inquiry, seven years later.

In order to compare this case study, the crash of flight El Al 1862, and its influence on the relationship of the Netherlands with a foreign state actor with the case of the downing of MH17, the present chapter is divided in four parts. First the immediate and short-term response is looked at. Then, diplomatic actions in the short and medium-long term are examined. Next is the pursuit of truth-finding and cooperation by the foreign state actor. Finally, this chapter ends with the international context and overall conclusions.

5.1 Immediate and short-term response

When determining the immediate and short response, it is important to discern the division of responsibility: who are the responding agents? In the present case study, the responsibility for the immediate and short-term response lay primarily with Amsterdam Mayor Ed van Thijn and this response is explored in the following paragraph. The priority the agents had which influenced the decisions they subsequently made, are examined next. The considerations (if known) that factor in these decisions will also be explored.

In the Netherlands, in case of an emergency the center of action is at the local level. In accordance with the ‘Disaster Law’ (*Rampenwet*), the final responsibility for the organization of the emergency response in the Bijlmermeer area lay with the mayor of Amsterdam, Ed van Thijn. In the municipal ‘crisis center’ he was supported by medical professionals and police representatives. At the crash site, the chief of the fire department had the lead and was therefore the mayor’s principal contact in the field.⁹⁹

After the fire ceased at the crash site, the crisis team’s main focus was the recovery and identification of bodies. Initially it was feared that over 250 individuals had perished, an estimate which was partly based on the wrongful assumption that 81 apartments had been directly impacted. It turned out that in fact 31 apartments had been directly impacted.¹⁰⁰ Additionally, not a complete list of residents was available, as many of the residents were undocumented immigrants. In an interview published in 2007, Van Thijn recalls the decision

⁹⁹ Meijer, *Een beladen vlucht*, 108.

¹⁰⁰ *Ibidem*, 118.

to speed up the recovery process as the most difficult of his entire career. At the beginning, every time a body was found under the rubble, all work at the site was ceased until the body was removed from the site. Due to the high number of bodies expected to be found, Van Thijn feared the process would take weeks to finish. This was unacceptable to Van Thijn, out of respect for the victims' relative who would then have to wait weeks for certainty about the fate of their loved ones. So, he set a deadline for the completion of the process, at the end of the week: hereby taking the risk that not all victims would be identified.¹⁰¹ Eventually, all 43 victims were identified, though the parliamentary inquiry concluded seven years later that this decision could possibly have led to the permanent loss of some of the missing objects (such as the flight recorder) which could have given more information about the exact cause of the crash and the cargo of the plane.¹⁰²

In the same interview referenced above, Van Thijn recalls the phone call he received on the evening of the crash from Israeli Ambassador to the Netherlands Michael Bavly. He offered a complete recovery team to assist at the crash site – the team was already at Ben Gurion Airport, ready to depart. Van Thijn explains he intuitively declined the offer in order to keep Israel at a distance, as the exact cause of the crash and related issues of responsibility still needed to be established.¹⁰³

Five days after the crash, the Dutch Council of Ministers convened. The mayor's actions in relation to the crash and its aftermath were praised and Prime Minister Ruud Lubbers decided that the initiative would remain with local government, making the national government available for "supportive actions."¹⁰⁴ Already during this meeting, Minister of Transport and Water, Hanja Maij-Weggen, who was responsible for the technical investigation of the cause of the crash, presented compelling indications that the cause of the crash was a technical problem with the airplane. The research team responsible consisted of 35 persons from Schiphol Airport and specialists from both the United States and Israel.¹⁰⁵ A significant part of the discussion concerned the impending official commemoration, specifically whether or not flags should fly half-mast and who should attend the ceremony. Arguably, the meeting is mostly

¹⁰¹ Wouter Jong and Roy Johannik, *Als het dan toch gebeurt. Bestuurlijke ervaringen met crises*. (Enschede: Bestuurlijk Netwerk Crisisbeheersing, 2007), 139.

¹⁰² Meijer, *Een beladen vlucht*, 123.

¹⁰³ Jong and Johannik, *Als het dan toch gebeurt*, 140.

¹⁰⁴ National Archives, The Hague (NL-HaNA), Ministerraad, access number 2.02.05.02, inventory number 6469, 3.

¹⁰⁵ NL-HaNa, Ministerraad, 2.02.05.02, inv. nr. 6469, 5.

concerned with political symbolism, which could be explained by the perceived capable handling of the crisis by the municipality of Amsterdam.¹⁰⁶ Nowhere during the meeting is the relationship with Israel or the possible liability of El Al discussed: Minister of Foreign Affairs Van den Broek, contributes three unrelated short comments.

The immediate and short-term response of both local and national government to the crash was highly focused on the aftermath of the actual crash and the victims. Very quickly, the crash was deemed to be caused by a technical malfunction. This early conclusion is also why the local government was left in charge: in the case of a terrorist attack, this would not have been the case. The emergency response was undertaken without international aid. Not only did Amsterdam Mayor Van Thijn decline help from the Israeli Ambassador, Minister of Foreign Affairs Van den Broek also declined assistance offered by European countries: the Netherlands did not require help from outside.¹⁰⁷ The research team tasked with investigating the cause of the crash consisted of international experts, specifically American and Israeli experts, so in the short-term the Dutch government did open up to international help.

5.2 Diplomatic actions

After the above survey of the initial responses to the crash, the following is an exploration of how the crash influenced diplomatic relations with Israel.

As stated, indications that the crash was the result of an accident arose within days of the crash. Before stating the likelihood of technical difficulties, the day after the crash Minister Maij-Weggen reiterated the crew's competency, both on the ground and in the cockpit, commenting that they had "acted adequately and professionally until the bitter end", hereby also eliminating human error as the cause of the crash.¹⁰⁸ Not surprisingly in this light, the Dutch government did not impose sanctions or other consequences on Israel or its flag carrier El Al.

The Netherlands Aviation Safety Board, under commission of Minister Maij-Weggen, published the findings of their research into the cause of the crash in February 1994. In the period between the meeting of the Council of Ministers and the publication of these findings,

¹⁰⁶ *Ibidem*, 1-3, 5.

¹⁰⁷ NOS Journaal (Dutch National News Agency) 'Bijlmerramp - 05-10-1992,' November 7, 2012, YouTube video, 20:18, <https://www.youtube.com/watch?v=MKnfIFM-tjE>. Accessed on August 4, 2018.

¹⁰⁸ *Ibidem*.

the crash is only infrequently brought up in the House of Representatives. When it is mentioned, the focus is on new safety regulations regarding air traffic and consequences of these new regulations for the local residents around Airport Schiphol, specifically the Bijlmermeer.¹⁰⁹ Minister Maij-Weggen is asked twice when the research findings will be published, respectively one month and one year after the crash.¹¹⁰ In these inquiries, Israel is not referenced. When Israel is mentioned, it is in the context of the peace process in the Middle-East: Van den Broek praises the new Israeli government for the given impetus and “qualitative change” to the process, and mentions the cooperation with Israel within the broader context of the European Community (EC).¹¹¹

Based on these interactions between parliament and government, the indications that the cause of the crash was an accident seems to have led to a focus on (domestic) safety regulations around Schiphol, and not necessarily had an impact on the interstate relationship between the Netherlands and Israel. Where parliament repeatedly requested the findings of the research team investigating the crash, it seems they were more concerned with ramifications for domestic policies than a desire to hold a foreign actor accountable for a (lack of) actions. Three years after the crash, the close relationship between the Netherlands and Israel was underlined at the funeral of former Israeli Prime Minister Rabin. A heavy diplomatic delegation of Queen Beatrix and Prime Minister Kok sat front row in between President Clinton of the long-supporting United States and the new Israeli Prime Minister Peres; seated in the row behind were European heavy weights Prime Ministers Chirac from France and Major from Great Britain.¹¹²

5.3 Truth finding and cooperation

The report by the Netherlands Aviation Safety Board under lead investigator Wolleswinkel was published on February 24, 1994, approximately a year and a half after the crash. Its conclusions and recommendations focused on the mechanical state and functionality of the plane and the actions of the El Al 1862 crew. It was found that failure of the pylon (the mount of the engine to the wing) due to fatigue was the cause of the crash, leading to the separation of one engine

¹⁰⁹ *Verlag der handelingen van de Tweede Kamer der Staten Generaal* (afterwards: *HTK*) 1992-1993, 201467; 201476; 856265. Her reply references other air crash investigation reports and their timespan and the focus of the current research on meticulousness rather than speed: *HTK* 1992-1993, 21545.

¹¹⁰ *HTK* 1992-1993, 201476; *HTK* 1993-1994, 248.

¹¹¹ *HTK* 1992-1993, 282092-93.

¹¹² Sietze Vermeulen, “Nederland en Israel: gezworen vrienden.” *deFusie*, January 25, 2012, <https://http://defusie.net/nederland-en-israel-gezworen-vrienden/>. Accessed on August 6, 2018.

which in its fall, tore the other engine off and damaged the wing. This left the airplane “marginally flyable” and the flight crew with “very limited control of the plane”.¹¹³

With this report, Minister Maij-Weggen’s early indications of mechanical failure and absence of human error by flight crew were substantiated. The cause of the crash was officially deemed an accident; the most important recommendations were concerned with structural (design) improvements and inspection techniques. None of the recommendations were directed at El Al specifically, there was no negligence by a foreign actor.¹¹⁴ The tenor of these conclusions kept the crash outside of the international sphere and therefore did not impact Dutch foreign policy.

However, for the people in the *Bijlmermeer*, a lot of questions remained unanswered. These questions were for example concerned with the missing Flight Data Recorder and the supposed presence of unknown ‘men in white suits’ at the crash site. Rumors arose with the lack of answers. One persistent rumor connected possible health issues experienced by local residents and emergency workers alike with the unknown cargo carried by the plane. By 1998, these unanswered questions had led to a level of social unrest felt in the House of Representatives and were cause for a parliamentary inquiry into the crash in *Bijlmermeer*.¹¹⁵ Of the issues dealt with in this inquiry, the question of cargo carried by the airplane was the most important with regards to the Netherlands’ relationship with Israel: determining the answers to the questions was dependent on cooperation of Israeli officials and El Al employees. Though there was some information available, it was not complete. Minister Jorritsma, the successor of Minister Netelenbos on Transport from 1994 onwards, stated that over the years, the issues regarding cargo changed: from questions about overload, difference between administrative documents, weight.¹¹⁶ That the answers to these questions were not just important to the government was highlighted already in September 1993, when a year after the crash, the public was notified of the presence of depleted uranium in the airplane through the media and led to social unrest.¹¹⁷ Though depleted uranium was a common counterweight used in airplanes at the time, it is also a by-product in the manufacture of nuclear weapons. The delayed release of this information and the outstanding questions regarding the cargo added to the urgency to provide answers.

¹¹³ Netherlands Aviation Safety Board, *Aircraft Accident Report 92-11: El Al Flight 1862*. (Hoofddorp, February 24, 1994): 45-46.

¹¹⁴ *Ibidem*, 47.

¹¹⁵ *HTK* 1998-1999, 26241 Enquête vliegcrash Bijlmermeer, nr. 1, Brief van de Vaste Commissie voor Verkeer en Waterstaat, p. 5.

¹¹⁶ *HTK* 1998-1999, 26241 Enquête vliegcrash Bijlmermeer, nr. 11B, Verhoren 40 t/m 90, p. 1042.

¹¹⁷ *HTK* 1998-1999, 824730.

Whereas the Ministry of Transport was the coordinating department regarding the cause and aftermath of the crash, these added issues involved other departments as well.^{118,119} Minister of Health Els Borst, who was appointed in 1994, notes 1996 as the turning point during which the need for information regarding the plane's cargo came to a high point, stating during her questioning in 1999: "the story of the cargo, the importance of fully enclosed information, also for the public, was becoming clear in that year."¹²⁰

The problem in finding the answers was that information was not made freely available, despite numerous promises of full-cooperation at the highest level in Israel.¹²¹ Minister Jorritsma adds that in the quest for this information, she urged Minister of Foreign Affairs Van Mierlo to press the matter with President Netanyahu of Israel.¹²² Eventually, all information surfaced only through the parliamentary inquiry in 1999, noted by the committee as a sudden appearance: the last 'unknown' twenty tons of cargo was quantified on so-called 'house airway bills' and deemed to consist of general cargo, and did not contain hazardous substances that could explain the health issues of residents of the *Bijlmermeer* or the emergency workers on duty that day.¹²³

The press scoffed at the government's efforts to gather all missing cargo papers, mockingly noting that the five Members of Parliament forming the committee of the parliamentary inquiry were able to do in four months what the Dutch government was not able to accomplish in two and a half years.¹²⁴ However, the committee did surmise that the diplomatic path (through Dutch Ministry of Foreign Affairs, the Dutch embassy in Israel and the Israeli authorities) before had helped their efforts as well and could not be trivialized to simply be labelled "ineffective."¹²⁵

During questioning in the course of the parliamentary inquiry, several key decision makers remarked on their considerations during the process of truth finding. Prime Minister Lubbers expressed his disappointment and anger at the delay of information, though mentioning he could say this as "a friend of Israel," and suggesting the delay was due to misunderstandings and

¹¹⁸ Ministry of Transport as coordinating department: *HTK 1998-1999*, 26241 Enquête vliegramp Bijlmermeer, nr. 11B, Verhoren 40 t/m 90, p. 1035.

¹¹⁹ Summary of involved Dutch ministries, totalling eight: *Ibidem*, 719.

¹²⁰ *Ibidem*, 1025. Translation by author.

¹²¹ *Ibidem*, 680.

¹²² *Ibidem*, 1055.

¹²³ Meijer, *Een beladen vlucht*, 287.

¹²⁴ Frank Poorthuis, "Zoektocht naar vrachtbrieven stelde weinig voor," *Volkskrant*, February 20, 1999. <https://www.volkskrant.nl/nieuws-achtergrond/zoektocht-naar-vrachtbrieven-stelde-weinig-voor~b71bfa47/>. Accessed August 9, 2018.

¹²⁵ *HTK 1998-1999*, 26241 Enquête vliegramp Bijlmermeer, nr. 11B, Verhoren 40 t/m 90, p. 683.

different accounting logs.¹²⁶ The feeling of disappointment in a good friend seems to dominate. Minister Jorritsma of Transport adds to this sentiment and also gives an explanation: “Though the process was very slow and took a long time in its totality, I would not say they were not cooperating. If I’d had the inclination they did absolutely nothing, then clearly next steps would be undertaken. However, every time something would happen, though it did take a long time.”¹²⁷ It seems the Israeli did just enough to keep the Dutch government satisfied they were acting as a good friend and in good conscience. Also key is that although the information contained in the documents that were trickling in was often already in possession by the Dutch: the new documents were therefore not necessarily aiding in the process of truth finding, but the fact that there were no surprises (or indication of hazardous materials) was reassuring.¹²⁸ Though there were still rumours about the precise contents of the cargo and its supposed link to health issues experienced in the Bijlmermeer, the Dutch government and the Civil Aviation Authority (*Rijksluchtvaartdienst*) were reassured by each incoming document that there were no secret dangerous goods carried in the airplane.

In the process of truth finding in this case, a pre-existing relationship on the basis of trust is clear and rings through the statements made by individual decision makers. Though a frustrating process, no other steps aside from diplomacy were undertaken since there was no indication of malice by the foreign actor involved in this case. It is interesting that a delay of seven years and sudden appearance of vital documents after years of social unrest and diplomatic pressure would not lead to a further steps or even suspicion of malice. The mentions of and belief in “good friend Israel” seem to be an important contributing factor in this approach. Interestingly, in the debate after the publication of the findings of the committee, Minister of Foreign Affairs Van Mierlo is mentioned only once and does not speak himself.¹²⁹ Also in the parliamentary inquiry, Van Mierlo and his predecessor Van den Broek are only mentioned in their capacity as intermediaries and as means to apply pressure on Israeli officials to release information regarding the cargo. This underlines the position of Israel as an actor holding information, but not as an adversary foreign state actor.

¹²⁶ *Ibidem*, 986.

¹²⁷ *Ibidem*, 1055.

¹²⁸ *Ibidem*, 681.

¹²⁹ *HTK* 1998-1999, 8348078.

5.4 International context

In this case study, the relationship that was of most influence in the handling of the aftermath of the crash, was the bilateral relationship between the Netherlands and Israel. As mentioned under section 5.1., Minister of Foreign Affairs Van den Broek kindly declined the offered help by members of the EC.

The crash in Lockerbie, Scotland four years prior influenced the decision-making process by Mayor Van Thijn. The recovery of the victims of the crash in Lockerbie had taken weeks – this was a horror scenario he did not want to occur in the Bijlmermeer, so this was an important factor in his decision to speed up the recovery process.¹³⁰

A significant number of victims in the Bijlmermeer had Aruban, Dutch Antillean, Surinamese or Ghanaian origins. In the speech in the House of Representatives as commemoration to the disaster, Prime Minister Lubbers focuses on the myriad of countries the victims hailed from, highlighting Surinam and the Dutch Antilles, mentioning “the colorful Netherlands.” He also stresses the solidarity felt by the whole of the Dutch society with all victims, and their families and friends before observing a moment of silence with all present.¹³¹ The mentioned countries were among the first to react and in Aruba, the Dutch Antilles and Surinam, reports continued through the night of the crash on television and radio.¹³² The connection of the Caribbean countries and Ghana was mainly sentimental due to the origin of the victims: in the political aftermath, they did not play a role of importance.

In sum, the international context in this case was of minimal influence. Not only was the crash mainly dealt with as a domestic issue, there were no other foreign actors of impact in the aftermath of the crash.

5.5 Conclusion

The impact of the crash in the Bijlmermeer on the relationship between the Netherlands and Israel was minimal. After the initial hesitation by Amsterdam Mayor Van Thijn to accept Israeli

¹³⁰ Jong & Johannik, *Als het dan toch gebeurt*, 139.

¹³¹ *HTK* 1992-1993, 7364.

¹³² NOS Journaal (Dutch National News Agency) “Bijlmerramp - 05-10-1992,” November 7, 2012, YouTube video, 12’28”-13’44”, <https://www.youtube.com/watch?v=MKnfIFM-rjE>. Accessed on August 13, 2018.

help in the recovery process, citing the possible liability of the Israeli's, the pre-existing relationship built on trust was not seriously affected. The team conducting the first investigation after the crash consulted with Israeli experts and officials. The nature of the crash, deemed an accident, of course plays an important part in the approach to the aftermath. The strain on the bilateral relationship only came years later, when the desperately sought-after information regarding cargo carried by the airplane was still withheld. It is telling that in this high-pressure situation, with press, the public and the House of Representatives demanding answers, the notion of Israel as a friendly ally remained prevalent with the individual decision makers in power. Though disappointed and even angry, they underlined the strength and historical importance of the relationship. Another telling aspect to this case was the fact that the Ministry of Transport was and remained the coordinating department. The Ministry (and Minister) of Foreign Affairs were employed as a means in the process of truth-finding, but the initiative and coordination remained with the Transport Minister. It reinforces the notion that this was foremost a domestic issue, with an international aspect in terms of truth-finding after the fact.

6. MALAYSIA AIRLINES FLIGHT MH17 AND THE DUTCH-RUSSIAN RELATIONSHIP

Dnipro Radar (DNP): MALAYSIAN one seven, how do you read me? MALAYSIAN one seven, Dnipro Radar.

Rostov Control (RST, Russia): Listening (to) you, its Rostov.

DNP: Rostov, do you observe the Malaysian... by the response?

RST: No, it seems that its target started falling apart.

DNP: Well, its not responding for our calls too

RST: And not responding for the calls, yes?

[...]

DNP: Don't you observe anything on primary?

RST: Yes, yes, yes, nothing. We see nothing

DNP: Ok then, we are calling them here now¹³³

The above exchange occurred one minute, 14 seconds after the last received communication of flight MH17 of Malaysia Airlines. The Boeing 777 was travelling from Amsterdam Schiphol Airport to Kuala Lumpur International Airport on July 17, 2014. On board were 283 passengers and 15 crew members.¹³⁴ The passengers held passports from ten countries, amongst others the Netherlands, Malaysia, Australia, Indonesia and the United Kingdom. Of the passengers, 193 were Dutch.¹³⁵ After take-off in Amsterdam at 10:31 AM, flight MH17 followed the air traffic control plan flying over Germany and Poland, passing overhead Warsaw and entering into Ukrainian airspace: from around 12.53 PM, the airplane entered Dnipropetrovsk Radar Control, in Eastern Ukraine.¹³⁶ At 13.19:56, the flight crew of MH17 radioed their last transmission about the next air navigation waypoint.¹³⁷ Before the airplane disappeared off the radar, air

¹³³ Transcript between Dnipropetrovsk air traffic control centre (Dnipro Radar) and Rostov Control, which was in contact with an aircraft flying nearby. The Dutch Safety Board, *Preliminary report. Crash involving Malaysia Airlines Boeing 777-200 flight MH17*. (The Hague, September 2014): 15. <https://www.onderzoeksraad.nl/en/onderzoek/2049/investigation-crash-mh17-17-july-2014?s=06EFE4A411CA8C383868D7CEBEB4B61FBA94F8AF>. Accessed August 13, 2018

¹³⁴ The Dutch Safety Board, *Crash of Malaysia Airlines flight MH17. Hrabove, Ukraine, 17 July 2014*. (The Hague, October 2015): 23. <https://www.onderzoeksraad.nl/en/onderzoek/2049/investigation-crash-mh17-17-july-2014/preliminary-report?s=D4E0218BAC6F08A837E410ED8BACBD1431AEEBD0#fasen>. Accessed August 13, 2018

¹³⁵ *Ibidem*, 27.

¹³⁶ *Ibidem*, 23-4.

¹³⁷ *Ibidem*, 26.

traffic control received no distress message of any kind.¹³⁸ Due to the situation on the ground, both Ukraine and the Russian Federation had issued NOTAMs (Notice to Airmen), that restricted access to parts of their respective airspace up to 32.000 ft.¹³⁹ Since flight MH17 had been cruising at an altitude of 33.000 ft (or: 10.000 km), they were flying in unrestricted airspace at the time of their disappearance.¹⁴⁰

After the loss of contact, the airplane impacted the ground in Eastern Ukraine, near the village of Hrabove. The debris was scattered over six different sites, spread over around 50 km². In the official investigation into the crash, the Dutch Safety Board concluded that the airplane had disintegrated mid-air (explaining the several separated wreckage sites), due to the detonation of a warhead fired from a Buk surface-to-air missile system. None of the 298 people on board survived the crash.¹⁴¹

Information about the crash reached the Dutch public around 17.30 PM that evening, when an extra bulletin of the national news agency (*NOS*) reported, based on the communiqué by Russian press agency Interfax, that an airliner known to be traveling from Amsterdam to Kuala Lumpur, had crashed in the border area between Russia and Ukraine. This first bulletin mentions that the region the airplane crashed was the site of severe conflict for the past days, weeks and even months, between the Ukrainian army and (Russian) separatists. Reports are made that in the area airplanes had been shot down before, but they were planes from the Ukrainian army and no airplanes that were at an altitude of 10.000 km, like the commercial airliner was.¹⁴² Already in this first report, correspondent in Russia, Robert Jan Godfroid, mentions the possibility that the airplane was struck down by one of the conflicting parties. He also stresses however that the weapons used until that point were not capable of reaching the altitude the airliner was cruising. He confers that a much more advanced air defense installation would have had to been used, something that had not been seen in the conflict before.¹⁴³ Ten minutes into the first news bulletin, it is reported that the Ukraine Ministry of Interior says all

¹³⁸ *Ibidem*, 17.

¹³⁹ *Ibidem*, 36.

¹⁴⁰ *Ibidem*, 25.

¹⁴¹ *Ibidem*, 9.

¹⁴² NOS Journaal. 'Eerste extra NOS Journaal 17-07-14 neerstorten Vliegtuig Oekraïne', July 18, 2014, YouTube video, 0'0"-1'35", <https://www.youtube.com/watch?v=nELiQ7J4-0o>. Accessed August 14, 2018.

¹⁴³ *Ibidem*, 1'55"-2'39".

passengers on board the airplane had been killed in the crash, though nothing is reported about the nationalities of the victims.¹⁴⁴

Mirroring the previous case study, the present chapter will be divided into four parts: the immediate and short-term response, diplomatic actions, the process of truth finding and cooperation and concluding, the international context to this case will be examined.

6.1 Immediate and short-term response

For the immediate and short-term response of the Dutch government to the crash, several public responses by Prime Minister Rutte and Minister of Foreign Affairs Timmermans will be examined. Also the information provided by cabinet to parliament will serve as a source for the determination of the initial reaction, early focus and response by the Dutch government to the crash of a commercial airliner carrying many Dutch nationals.

The day after the crash, on July 18, 2018, Prime Minister Rutte and Minister of Foreign Affairs Timmermans held a press conference to inform the Dutch public of the current state of affairs in Ukraine and the follow-up of the crash of MH17. The focus of the cabinet as expressed by the Prime Minister, was to ‘leave no stone unturned’ to determine the cause of the crash through an independent, international investigation: only with facts in hand can further steps be taken, meaning establishing culpability and guilt.¹⁴⁵ Minister of Foreign Affairs Timmermans expresses gratitude to the outpour of messages from around the world and especially the European partners, offering support and help where possible. His conduct and message is quite different from that of Minister Van den Broek’s in 1992 – where the latter wanted to convey the message that the Dutch could handle the situation and did not need help, Timmermans stresses the importance of international cooperation, mentioning the Organization for Security and Co-operation in Europe (OSCE) explicitly as partner, as well as his colleague in Ukraine and other countries. Timmermans furthermore reiterates the importance of unimpeded access to the crash site for forensic experts in order to investigate the crash.¹⁴⁶

¹⁴⁴ *Ibidem*, 11’25”- 11’41”.

¹⁴⁵ NOS, ‘Persconferentie premier Rutte en minister Timmermans over vlucht MH17 16.00 uur’ YouTube video. 0’0”-3’28” Last edited July 18, 2014. <https://nos.nl/video/676578-persconferentie-premier-rutte-en-minister-timmermans-over-vlucht-mh17-16-00-uur.html>. Accessed August 14, 2018.

¹⁴⁶ *Ibidem*, 3’28”-5’33”

Reporters present ask the Prime Minister explicitly for his views on the role of Russia in the conflict and possible culpability in the crash. Rutte stresses that the whole of the international community, including Russia, has spoken out in favor of an international, independent investigation. He views the contact he had with President Putin of Russia as ‘step 1’. The trust in Russia’s cooperation in the investigation is something that has to grow, and can only grow if concrete actions of ‘all those involved’ show their willingness to cooperate – this will have to turn out in the following days.¹⁴⁷ To the question by a reporter that Rutte appeared to be asking, and not demanding, compliance, in contrast with for example Australia and the United States, Rutte replied that in diplomacy, everything has to go step by step. If he would put his foot down and speculate on direct and indirect involvement, he would diminish the chances of the ever-important investigation and getting all the facts regarding the crash.¹⁴⁸

Important to note in this initial reaction by the top political leader of the Netherlands is the base line in the relationship between the Netherlands and Russia is noticeable: he speaks of trust that has to grow, meaning there is not a matter of complete trust to begin with. Rather, it seems that Prime Minister Rutte considers Russia’s trustworthiness contingent on their complying and actively promoting the progress of the investigation.

A few days later on July 22, 2018, Minister of Foreign Affairs Timmermans gave a speech at the United Nations (UN), explaining that apart from anger over the downing of a civilian airplane, the Dutch nation felt despair over the excruciatingly slow process of securing the crash site and recovering the remains of the victims. He commented on reports received that bodies and possessions were not secured properly and recounted the images showing a wedding band stolen from a victim, passports of children held to the camera, luggage being opened. Where reporters noted that Rutte seemed collected and cautious in the press conference days earlier, Timmermans let his emotions show more clearly in this speech, continuing:

We demand unimpeded access to the terrain. We demand respectful treatment of the site. We demand dignity for the victims and the multitudes who mourn their loss. I call on the international community, on the Security Council, on anyone with influence on the situation

¹⁴⁷ *Ibidem*, 6’28”-8’42”.

¹⁴⁸ *Ibidem*, 10’22”- 13’40”

*on the ground: allow us to bring the victims' remains home to their loved ones without any further delay. They deserve to be home.*¹⁴⁹

Two days later, Timmermans and the Minister for Justice and Security, Opstelten, send a letter to Parliament, updating them of the latest situation regarding the crash of MH17. In it, the priorities of the cabinet are reiterated: first and foremost the identification and the repatriation of the victims, an independent investigation and trial of those guilty. The cabinet furthermore calls to the separatists in control of the area to guarantee an immediate, safe and secure access to the crash site and to all involved in the area to respect the site and not touch, remove or destroy any of the victims' bodies, wreckage or personal belongings. Tellingly, the Ministers inform Parliament that in the EU Foreign Affairs Council Russia's influence in the region had been discussed and that 'what happened in Eastern Ukraine on July 17 last, was [deemed] unacceptable and constituted a watershed moment in the relationship with Russia.'¹⁵⁰ Furthermore, the Council urged Russia to actively use its influence on the 'illegally armed troops', meaning the separatists, remove their own troops stationed along the border between Ukraine and Russia, cease the influx of arms and weaponry across the border and make efforts to deescalate the area.¹⁵¹

President Putin of Russia had denied any culpability or blame however, as he made a statement the day after the crash. Instead assigning responsibility to 'the state over whose territory this happened', Ukraine.¹⁵² He adds that he has 'already given instructions to military departments to provide all necessary assistance in the investigation of the crime,' and stresses the importance of an objective picture of what happened to the Russian and the Ukrainian public, and all over the world.¹⁵³ The Russian President and government has retained this stance until now, denying involvement of Russian servicemen in the catastrophe.¹⁵⁴

¹⁴⁹ Government of the Netherlands. 'Meeting of the Security Council, New York, 21 July 2014' July 22, 2014. <https://www.government.nl/documents/speeches/2014/07/22/meeting-of-the-security-council-new-york-21-july-2014>. Accessed August 14, 2018.

¹⁵⁰ *HTK* 2013-2014, 33997 nr.1 'Brief van de Ministers van Buitenlandse Zaken en van Veiligheid en Justitie', p. 5. Translation by author.

¹⁵¹ *Ibidem*, p. 6.

¹⁵² *The Guardian*. 'Ukraine responsible for Malaysia Airlines flight MH17 disaster, says Vladimir Putin – video', 0'48"-0'55", July 18, 2014. <https://www.theguardian.com/world/video/2014/jul/18/ukraine-malaysia-airlines-mh17-vladimir-putin-video>. Accessed August 15, 2018.

¹⁵³ *Ibidem*, 0'57"-1'45"

¹⁵⁴ TASS (Russian News Agency), 'The Ministry of Defense: no SAM of the Armed Forces of the Russian Federation crossed the Russian-Ukrainian border', May 24, 2018. <http://tass.ru/armiya-i-opk/5230583>. Accessed on August 15, 2018.

The immediate and short-term response by the Dutch government to the crash of MH17, in particular Prime Minister Rutte and Minister of Foreign Affairs Timmermans, parallel the reaction to the political leaders to the crash in the Bijlmermeer, in their initial priority: the recovery and identification of the victims. The stark contrast between the cases lies with the location: the crash of MH17 occurred in rebel-occupied territory in Eastern Ukraine. Rutte's priority was contingent on access to the crash site. Only upon interference of the OSCE, who conferred with the separatists in the area, did the team of Dutch forensic experts gain access to the crash site and were able to start the process of repatriation of the victims' bodies.¹⁵⁵ Concurrently, images of disrespected maltreatment of victims, wreckage and personal belongings, elicited an emotional response from Minister Timmermans. Despite PM Rutte's initial intention to hold off on finger-pointing, the Dutch cabinet informed Parliament a week after the crash that within the EU-context, the Netherlands had urged Russia to comply, use its influence and cease the influx of weaponry – where Russia's President Putin had already issued a statement extending his support in the investigation in the crash. In their initial response, Rutte, Timmermans and the rest of the Dutch cabinet already showed their low level of trust of Russia and the words of their president.

6.2 Diplomatic actions

The diplomatic actions undertaken in this case study are among the most powerful and direct actions a state can take against another state. Sanctions are often used in order to pressure the state into certain desired action, or ceasing of undesired policy. An example are the UN's sanctions against North Korea, including import restrictions and an export ban, in reaction to nuclear testing by the regime.¹⁵⁶

On July 31, 2018, in another meeting of the EU Foreign Affairs Council, the EU Ministers agreed upon a series of sanctions against the Russian government, state companies and individuals believed to have been involved in the annexation of the Crimea. These sanctions had been prepared a day before the crash, namely on July 18, 2018, but would be accelerated and supplemented by additional sanctions. The sanctions were specifically directed at 'Russia's

¹⁵⁵ *HTK* 2013-2014, 33997 nr.1 'Brief van de Ministers van Buitenlandse Zaken en van Veiligheid en Justitie', p. 2.

¹⁵⁶ *BBC*, 'North Korea slapped with UN sanctions after nuclear test', September 12, 2017. <https://www.bbc.com/news/world-asia-41235157>. Accessed August 14, 2018.

actions destabilising the situation in Ukraine.’¹⁵⁷ The sanctions have been renewed every six months and are in effect today. They include restrictions against Russian state banks and eight large Russian state businesses in the oil- and defense sectors. Furthermore, bans are imposed on import and export of arms and military equipment and related technical and financial support and services. However, there are exceptions for contracts in effect before the sanctions were imposed.¹⁵⁸ This means that the contracts between Gazprom and the Royal Dutch Shell are not impacted by the sanctions, leaving the way open for the Dutch’ ambition of becoming the gas roundabout of Europe. This dichotomy between the policy of the Ministry of Economic Affairs and of Foreign Affairs was for example noted in 2015, by Member of Parliament Sjoerdsma: one the one hand, the Minister of Foreign Affairs does not want to be dependent on Russian gas and on the other hand, the Minister of Economic Affairs says the Netherlands will likely be more dependent on Russian gas in the future. Between geopolitics and gas policy, he asked, which is leading?¹⁵⁹ In response, the successor to Timmermans, Minister Koenders, replied that in the bilateral relationship with Russia, it is important to find the right balance between pressure by sanctions and communication and dialogue.¹⁶⁰ Significant is his contention that there is ‘no general economic boycott’ of Russia, so economic relations could remain intact despite the sanctions.¹⁶¹ This practical approach to the matter continues at least to December 2017, when the next successor on Foreign Affairs, Zijlstra, updates Parliament on the natural gas directive in EU context, specifically in terms of gas pipe lines with non-EU countries, and the position of the Netherlands within the directive. About the collaboration between Shell and Gazprom, Zijlstra asserts: ‘For the Netherlands, Nord Stream 2 [the gas pipe line] is a matter between private parties, and companies are free to undertake activities as long as they do not violate the law.’¹⁶² He notes that where other countries emphatically weigh geopolitical aspects to the directive of gas pipe lines, Zijlstra suggests taking these aspects in consideration as well, but also include amongst others, the economic interests and national energy needs.¹⁶³

¹⁵⁷ Council Regulation (EU) No. 833/2014 of the Council of 31 July 2014 concerning the restrictive measures in view of Russia’s actions destabilising the situation in Ukraine. *Official Journal of the European Union* L 229/1.

¹⁵⁸ *Rijksdienst voor Ondernemend Nederland*, ‘Informatie over sancties Rusland’, n.d. <https://www.rvo.nl/onderwerpen/internationaal-ondernemen/landenoverzicht/rusland/sancties-rusland>. Accessed on August 14, 2018.

¹⁵⁹ *HTK 2014-2015*, 10114 Situatie in Oekraïne, p. 4.

¹⁶⁰ *Ibidem*, 15.

¹⁶¹ *Ibidem*, 16.

¹⁶² *HTK 2017-2018*, 22112, nr. 2447 Brief van de Minister van Buitenlandse Zaken, p. 6. Translation by author.

¹⁶³ *Ibidem*, 6.

In sum, the Netherlands undertook heavy diplomatic action within the EU-context, coupled with emotional and firm rhetoric as expressed in the immediate and short-term response by the government: the Ministry of Foreign Affairs was on tense footing with the Russian government. However, an exception was made for the lucrative economic interests. In short: the Netherlands acted in rhetoric as the minister, but at the business table as the merchant.

6.3 Truth finding and cooperation

In the quest of truth finding, two important investigations have published their findings.¹⁶⁴ The first is the Dutch Safety Board, an independent body that investigated the cause of the MH17 crash. This investigation dealt purely with these facts and decidedly left out the question of blame or culpability; stating this would be the task of a criminal investigation. Their findings published in October 2015 confirmed what was the general consensus in the international community about the cause of the crash: that the airplane was shot down by a BUK surface-to-air missile system.¹⁶⁵ In response to the publication, Prime Minister Rutte concluded that the second of three priorities of the cabinet had been achieved, after the repatriation and identification of the victims, now the cause of the crash. The last of the three priorities, the criminal investigation in those directly responsible for the crash, was still ongoing at the time.¹⁶⁶ This second investigation is done by the Joint Investigation Team (JIT). In the JIT, the Netherlands Public Prosecutor's Office and the Dutch National Police work together with Australia, Belgium, (other countries with victims in the crash) and Ukraine and Malaysia, focusing on 'establishing the facts, identifying those responsible for the crash and collecting evidence which can be used in every court, in any country.'¹⁶⁷ On May 24, 2018 the JIT gave an update of the state of affairs in the investigation. The most important finding that the JIT published that day was their conviction that the BUK missile causing the crash originated from the 53rd Anti Aircraft Missile brigade, a unit of the Russian army. This conclusion was based

¹⁶⁴ Two investigations were conducted commissioned by the Dutch authorities or on account of UN Resolution 2166. Digital journalist collective Bellingcat has also published findings on the crash of MH17, but the choice was made to focus on the officially conducted investigations for the present study.

¹⁶⁵ The Dutch Safety Board, *Crash of Malaysia Airlines flight MH17*, 253.

¹⁶⁶ *Minister-president Mark Rutte*, 'Statement PM Rutte nav eindrapport MH17 van de OVV', October 13, 2015. 2'59"-4'40", YouTube video. <https://www.youtube.com/watch?v=agrxWrk0Ebo>. Accessed on August 15, 2018.

¹⁶⁷ *Joint Investigation Team (JIT)*, 'Update in criminal investigation MH17 disaster' May 24, 2018. <https://www.politie.nl/en/news/2018/mei/24/update-in-criminal-investigation-mh17disaster.html>. Accessed August 15, 2018.

on specific characteristics of the missile, deduced from images of said missile. In the update, the team called for witnesses to come forward, in order to answer questions regarding specific members of the brigade and their instructions. The team also made explicit that this call for witnesses is due to an unwillingness to ‘exclusively turn to the Russian authorities to obtain information about this subject’ and thus are looking for other sources of information.¹⁶⁸ This unwillingness is not explained by a lack of information from the Russian authorities. The Russian Ministry of Defense released a statement the same day, following the publication of the findings by the JIT. In it, they categorically deny that any surface-to-air missile of the Russian army has ‘ever crossed the Russian-Ukrainian border’ and the involvement of any Russian servicemen.¹⁶⁹ Moreover, the Russian Ministry stressed that they provided extensive evidence to the investigation team that indicated the involvement of Ukrainian surface-to-air missiles.¹⁷⁰ The JIT had apparently concluded other evidence overruled the information provided by the Russian authorities. The day after the press conference in which the JIT published their findings, the Dutch government, along with the Australian government, state that they officially hold Russia liable for the crash of MH17. In a letter informing Parliament, the Dutch Minister of Foreign Affairs Stef Blok described this decision was made in the Council of Ministers on the basis of an analysis, bilateral consultations with involved countries and the findings of the JIT. Here he referred to the findings of the day before as well as the findings published in 2016: then the JIT concluded that the BUK installation was transported from Russia to an area in Ukraine that was under control of separatists at the time and that the missile was subsequently launched from there. Taking both publications of findings as fact led to the Dutch government’s decision to hold Russia accountable for their involvement in the crash.¹⁷¹

Coordinator of the Joint Investigation Team, Fred Westerbeke, asserted during the press conference in 2018 that the Team’s findings can be used in a court of law, even explaining that the exact incrimination and detailed proof is not made public since it would hurt the legal proceedings if those responsible for and involved with the crash would be knowledgeable of the proof held by the Team. Only in court would everything be presented, and then ‘it would

¹⁶⁸ JIT, ‘Update in criminal investigation MH17 disaster.’

¹⁶⁹ TASS, ‘The Ministry of Defense: no SAM of the Armed Forces of the Russian Federation crossed the Russian-Ukrainian border.’ Accessed August 15, 2018.

¹⁷⁰ *Ibidem*.

¹⁷¹ Stef Blok, ‘Kamerbrief over staatsaansprakelijkheid Rusland inzake MH17’ May 25, 2018, <https://www.rijksoverheid.nl/onderwerpen/neerhalen-vlucht-mh17/documenten/kamerstukken/2018/05/25/kamerbrief-over-staatsaansprakelijkheid-rusland-inzake-mh17>. Accessed August 15, 2018.

be up to the court to pass judgment.’¹⁷² In his address to the United Nations on September 25, 2014, Prime Minister Rutte stressed the ‘special responsibility’ felt by the Netherlands when it comes to international law, being host country to many international legal institutions, such as the International Court of Justice and the International Criminal Court.¹⁷³ It is interesting to note that the country that holds international law so high in regard passes judgment before a judge has been able to. Since the minutes of the Council of Ministers where the decision to hold Russia accountable are still under seal, it is not certain whether or not the JIT has shared more of their findings with the government than what was released to the media.

In sum, the process of truth finding dealt with the main issue of access to the crash site, but the Netherlands benefited from the support of the international community, both in terms of the mandate for the investigation given in the United Nations Security Council and the support in the actual investigation by Australia, Belgium, Malaysia and Ukraine.¹⁷⁴ Though the Russian government expressed their support of said investigation early on and provided ample data for the investigation team to work with, other sources were considered to be more reliable by the JIT. Referring back at the rhetoric used by Rutte and Timmermans in their immediate response, showing signs of little trust regarding Russia, the truth finding process in this case was perhaps less in terms of a search of answers, but more finding proof for suspicions.

6.4 International context

In 2015, the Dutch Safety Board offered findings on causes of the crash, but also on the flight route of MH17. Ukrainian authorities had made statements that days before the crash, on July 14 and July 16, military airplanes had been shot down. In these reports, weapon systems were mentioned that were capable of reaching the cruising altitude of civil airplanes. According to the Dutch Safety Board, this should have been sufficient reason to close the airspace above the Eastern Ukraine, as a precaution. The Board concludes that not only actual threats should be considered, but also ‘risks of which the intention or capability’ is uncertain, in assessing risks

¹⁷² *Politie*, ‘JIT MH17, persbijeekomst MH17, 24 mei 2018’, May 28, 2018. 5’35”-6’23”. YouTube video. <https://www.youtube.com/watch?v=oE9iVyesRcw&>. Accessed August 15, 2018.

¹⁷³ Mark Rutte, ‘Address to the 69th Session of the United Nations General Assembly by Mark Rutte’, September 25, 2014. <https://www.government.nl/documents/speeches/2014/09/26/address-to-the-69th-session-of-the-united-nations-general-assembly-by-mark-rutte>. Accessed August 15, 2018.

¹⁷⁴ UN Security Council, *Security Council resolution 2166 (2014) [on the downing of Malaysia Airlines flight MH17 on 17 July in Donetsk Oblast, Ukraine]*, 21 July 2014, S/RES/2166 (2014), available at: <http://www.refworld.org/docid/53d63dd74.html>. Accessed August 15, 2018.

in civil aviation using the airspace over areas of conflict.¹⁷⁵ However, the government in Kiev has not been held accountable for their (lack of) action in the case. Questions have been raised about this issue in the House of Representatives during the debate on the accountability of Russia on May 31, 2018, with one Member of Parliament calling it ‘at the least careless’ for Ukraine to keep its airspace open unrestricted. Minister Blok of Foreign Affairs replied that the cabinet does not exclude any possibility – including accountability of Ukraine. However, he stressed that they had ‘hard evidence’ against Russia and there was no legal ground for the accountability of Ukraine as of yet.¹⁷⁶

6.5 Conclusion

The first priority of the Dutch government after the crash of MH17, was the same as with the crash years earlier in the Bijlmermeer: recovery and identification of the victims. The problematic aspect of this crash was however the location: access to the crash site was limited, the way there was dangerous, and in the interim, images of disrespectful treatment of the remains were put on the internet. The early responses of political leaders showed an emotional response to these images and the treatment of their compatriots. Present also in their early communications is a covert level of distrust against Russia. The diplomatic actions reflected their suspicions in the early imposed sanctions. Though here, the Dutch political leaders showed their capability of maintaining a balance in the minister/merchant doctrine: the most lucrative economic interests were protected despite the EU-wide sanctions imposed. To the process of truth finding, the Dutch government in this case took a far more international approach than in the case of the Bijlmermeer. In this case, the pre-existing Dutch-Russian relationship was of great influence to the initial Dutch response and subsequent Dutch handling of the crash. After the crash, though the relationship has deteriorated in terms of used rhetoric, the most important pillar of the relationship, namely economic interest, has remained intact.

¹⁷⁵ The Dutch Safety Board, *Crash of Malaysia Airlines flight MH17*, 253.

¹⁷⁶ Hanneke Keultjes & Maarten van Ast, ‘Kamerbrede steun voor aansprakelijk stellen van Rusland voor MH17.’ *AD*, May 31, 2018. <https://www.ad.nl/politiek/kamerbrede-steun-voor-aansprakelijk-stellen-van-rusland-voor-mh17~a6d66e91/>. Accessed August 15, 2018.

7. CONCLUSION

This thesis examined to what extent the interstate relationship influenced the Netherlands' foreign policy after two major aviation incidents involving Dutch citizens in 1992 and 2014, respectively the crash of El Al Flight 1862 and Malaysia Airlines Flight 17, and what the influence of each crash was on the subsequent interstate relationship.

In both case studies, the pre-existing interstate relationship was found to be of significant influence on the response and handling of the aftermath of the crash, noticeable from the first response by the Dutch government. In the case of Israel, the positive relationship based on mutual respect and trust kept lines of communication between the states open, even after a frustrating period of a lack of information regarding the possibly hazardous cargo of the airplane. In the case of Russia, the relationship built on mutual economic interest was less resistant to an incident of that size. Implications of Russian culpability were, in veiled words, present from the first response and have shaped the diplomatic relationship since.

Also in both case studies, the influence of the crash on the subsequent interstate relationship was minimal. In the case of Israel, the fact that no liability was found of course helped. However, even before the conclusive documents finally unearthed, the two states were on good terms. In the case of Russia, though the rhetoric and diplomatic actions were quite severe, in practice, the important economic ties remain intact, for now. Whether or not the legal proceedings will be of more influence, is yet to be seen, but it is likely the economic interests will still be considered valuable and will not easily be cut off.

8. WORKS CITED

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Several online and non-electronic archives were used for this thesis:

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8.3 Illustration

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