Written evidence from Professor Karen E. Smith, London School of Economics and Political Science (EUR001)

1. This written evidence is submitted by Karen E. Smith, Professor of International Relations at the London School of Economics and Political Science, and Director of the European Foreign Policy Unit there. I have researched and written extensively on the European Union’s foreign affairs, and have more recently explored the impact of Brexit on British and EU foreign policy. This evidence is submitted in my personal capacity.

My evidence addresses the following topic listed in the Committee’s call for evidence:

**Potential institutional frameworks for a post-Brexit foreign and defence policy partnership including, but not limited to, continued UK participation in aspects of the Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP)**

My evidence will focus primarily on the CFSP.

2. In this evidence, I will make the following points:

- The EU does not have a single model of cooperation on foreign policy with third countries; instead its relations with third countries vary in terms of their participation in CFSP discussions, the extent to which they are asked to align with CFSP decisions, and the intensity and frequency of political dialogue between the EU and the third country.

- An institutional framework for EU-UK partnership in foreign policy matters is unlikely to allow the UK to participate in CFSP meetings at any level, for four reasons:
  1) The EU will want to ensure decision-making autonomy in CFSP.
  2) The EU will not want to create a precedent for participation that other third countries could demand.
  3) Foreign policy-making in the EU is multi-dimensional, with interrelated decisions taken in multiple arenas on trade, aid, energy, environment, migration, defence, and enlargement. The UK’s exit from the Single European Market and the customs union mean that the EU will seek to preserve decision-making autonomy and the coherence of the *acquis communautaire* in those areas as well. This will make it difficult to reach an agreement on UK participation in the EU’s foreign policy-making processes.
  4) The UK is unlikely to agree to the level of formal alignment with EU foreign policy decisions that would almost certainly be a requirement for participation in CFSP decision-making frameworks.

- The most likely form of cooperation between the UK and the EU is therefore a ‘strategic partnership’: intensive, structured dialogue on a range of foreign policy issues.
The UK will need to invest considerably in diplomatic resources that are necessary to try to shape EU decisions from outside the decision-making process, both in Brussels and in national capitals across the EU. It will also need to be clear about what it can offer the EU in exchange for being able to shape decisions.

3. There are essentially three forms of CFSP cooperation between the EU and third countries: participation in meetings; alignment; and political dialogue. Participation in CFSP meetings has so far been extended only to acceding countries (those that have signed an accession treaty with the EU) and candidate countries (those that are negotiating accession or are waiting to start negotiations). Acceding countries may participate in CFSP meetings at all levels, and may speak but not vote. Candidate countries may sit in on informal meetings of the foreign ministers (known as Gymnich meetings).¹

4. Certain third countries are also invited to align with CFSP declarations, demarches and common positions on restrictive measures: candidate countries; countries of the Stabilisation and Association Process and potential candidates; the EFTA countries that are members of the European Economic Area; Ukraine, Republic of Moldova, Armenia, Azerbaijan and Georgia. They are invited on a case-by-case basis to align with CFSP positions, and they are given a deadline to reply (generally 24-48 hours): if they do not reply, then their assent to alignment is assumed. They cannot change the text.² Andorra, Monaco and San Marino can voluntarily align with EU declarations and decisions on restrictive measures on a case by case basis; Switzerland also voluntarily aligns with EU decisions on restrictive measures on a case by case basis.³

5. Political dialogue takes place between the EU and almost every country on earth. These are structured dialogues on foreign policy matters, with meetings scheduled regularly at summit, ministerial, senior official and/or expert levels. Dialogues with ‘strategic partners’ such as the US or Russia take place frequently: for example, in 2009 there were 22 meetings at the level of experts with Russia, and 33 at the level of experts with the US.⁴

6. There are a number of reasons why it will be challenging for an EU-UK agreement on foreign policy to go beyond political dialogue. Participation in CFSP meetings has been allowed only for countries that are going to join the EU. The EU is unlikely to allow the UK such access, as it will most likely insist on retaining decision-making

¹ See, for example, the Slovak presidency’s press announcement of the Gymnich meeting of 2-3 September 2016: http://www.eu2016.sk/en/political-and-expert-meetings/informal-meeting-of-foreign-affairs-ministers-gymnich
³ Council Conclusions on EU Relations with the Swiss Confederation, Press Release 93/7, 28 February 2017; Council Conclusions on a homogeneous extended single market and EU relations with Non-EU Western European countries, 31 December 2016.
autonomy. It is also likely to be wary of creating precedents for access that other third countries could in turn expect or demand.

7. Furthermore, foreign policy is multidimensional: it entails not just diplomacy, but also the use of policy instruments such as trade, aid, military and civilian missions, energy agreements, environmental protection agreements, migration policy, enlargement (in the EU’s case), and so on. Thus foreign policy discussions are not limited only to diplomacy, and in the EU framework, they spill over into areas that are under what used to be called the ‘Community pillar’ (with the ‘Community method’ of decision-making involving the Commission, Council and European Parliament, with European Court of Justice oversight). This is another reason why extending the opportunity to participate in foreign policy discussions is unlikely to occur in the UK’s case, as the UK government has indicated that it does not want to remain in the Single European Market or customs union. The EU will wish to maintain the coherence of the *acquis communautaire* as well as its autonomy in decision-making in those areas.

8. The extent to which the UK aligns with EU foreign policy decisions after Brexit is, in any event, likely to be noted. Participation in discussions is likely to be linked to alignment: that is, alignment will be expected or required if participation is allowed. The UK government may not wish to be so ‘tied down’, given the mantra of the Brexit campaign about ‘taking back control’.

9. The most likely option for a future EU-UK partnership in foreign policy is thus, in my view, a strategic partnership, based on dialogue at all levels (from summit to expert), but without the alignment procedure and without participation in CFSP meetings. The UK government should therefore focus on negotiating an intensive strategic partnership.

10. An EU-UK strategic partnership would reflect the fact that the UK and EU have many shared values and interests, and that the UK government has expressed its desire to work closely with the EU on foreign policy matters after Brexit (as noted, for example, in the recent publication ‘Foreign policy, defence and development: a future partnership paper’). But the UK government will need to bear in mind that the EU has relatively larger resources and influence in many areas of foreign policy, and that the EU is likely to set the parameters of policy in many areas (for example, relations with the Western Balkans or the eastern neighbourhood). It will thus need to consider how it can try to shape foreign policy decision-making within the EU.

11. After Brexit, UK will be a ‘third country’, on the outside of EU decision-making frameworks. It would have to accept that it will have very limited influence on EU decision-making. Third countries can try to shape EU decisions, however, through any of the following means:

- via the formal mechanisms for cooperation such as political dialogue, though such formal structures are sometimes seen to be too rigid or formulaic to be useful, and in any event, foreign policy crises and other important developments may not coincide with the regularly scheduled meetings;
- by putting resources ‘on the table’, such as financial aid, military capabilities, and ideas. The EU is generally receptive to such input from third countries;
- via friends in the EU;
via their links to the EU and/or EU member states in other venues, such as the UN or G7 (Group of 7 which includes 4 EU ms, the EU itself, Canada, the US and Japan); and/or via cooperation on the ground, as in cooperation on aid implementation in developing countries.

12. Trying to shape EU decisions is resource-intensive: the third country has to invest a lot in diplomacy, with people on the ground in Brussels trying to keep track not only of the substance of foreign policy discussions, but where foreign policy discussions are taking place (in which committee, forum, venue, and so on) and who the most important players are. Here it should be noted that while the large member states are often crucial players, other member states can play significant roles in policy-making depending on the issue.

13. Given that recent budget cuts have hit the Foreign Office budget particularly hard, the UK could struggle to muster the necessary resources to try to shape EU decisions. It may be necessary for the UK to shift diplomatic resources to Brussels and other European capitals away from other locations if it wishes to have an influence on EU policy-making.

14. Decision-shaping will also inevitably require the UK to offer resources, such as financial aid, civilian and military resources, and ideas, and to contribute meaningfully to EU policies. It will need to be seen as a committed partner. In this context as well, the extent to which the UK has voluntarily aligned itself, supported, and partnered with the EU will be significant. If the UK is perceived as being unhelpful, or as undermining EU foreign policy positions (for example, on sanctions), then EU-UK relations could be strained and the UK’s ability to shape future EU decisions is likely to be reduced.

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