Introduction

1. Few events demand a wholesale reset of key policies. But Brexit is one of them. The foreign policy challenges arising for both Britain and its European partners are considerable.¹ This submission explores how much of these time-honoured structures of foreign policy will have to change with Brexit. Three possible formats of British engagement with European foreign policy making structures are then suggested, ranging from the maintenance of an integrated position, to a case-specific ‘associate’ status, to a wholesale separation.

2. Any of these options (or a combination) will have positive and negative consequences for the UK. These considerations range from ongoing participation that could boost the UK’s role within Europe-wide common security and defence issues, to cross-border risks inherent in withdrawing from key European institutions, data bases and forms of cooperation.

British Influence Globally

3. From a foreign policy perspective, the key issue is Brexit’s impact on Britain’s role in the world. Will Britain see its influence diminished? If so, where, and what can be done to reduce it? Areas that face genuine attrition in terms of British influence:

4. The focus on Brexit has certainly distracted British diplomatic attention away from key areas. Simon Fraser, former FCO Permanent Secretary has recently warned of ongoing further distraction: “It is hard to call to mind a major foreign policy matter on which we have had a decisive influence since the referendum”². From Ukraine to the US, from Iran to the migration crisis, the UK is conspicuous by its absence, both on its own, and alongside its European partners. The risk is that both the American, and European pillars that have underwritten British foreign policy since 1945 are being progressively eroded. Ensuring post-Brexit Britain fashions a workable foreign policy framework with its European and EU counterparts could reduce the impact of at least one of these risks.

5. The Common Foreign and Security Policy represents overlapping areas of foreign affairs between the UK and EU that are functionally less integrated. Here, Britain can likely find a way forward. Led by the Member States, and coordinated within the European Council, the general vision of a safe and secure Europe is largely shared by EU and UK decision-makers.

6. Institutionally however, the CFSP and its security area, the CSDP, present a challenge for the UK in terms of its Brexit status. At present, only EU Member States are members of the

key foreign, security, and defence decision-making forums (e.g. the Foreign Affairs Council, the Political and Security Committee).

7. The UK needs to decide on the level of influence it wishes to retain within the scope of foreign and security policy in Europe, in order to determine its status in terms of key decision-making bodies. Current non-member state formats that afford little by way of genuine influence are unlikely to be attractive to the UK, if the overall goal is to retain a working role within Europe. Both sides need to work intelligently to establish a format that works for both partners in terms of broad influence, specific expertise, and available assets. Reciprocity is surely going to count for much in working out these formulae.

8. More problematically, ‘security’ is now deeply woven into a both a wide range of shared policies, and deeply connected to the mandates of shared institutions (European External Action Service, European Commission, Europol, Eurojust, Frontex, etc.). Internal security represents crime, terrorism and the internal borders of the EU. External security dovetails with defence and involves external borders, collective European defence, EU-NATO dynamics, as well as energy, environment, and development policies (all containing security dimensions).

Policy Suggestion: New Security Model

Clearly, as the Florence Speech inferred, a new model of sorts needs to be identified. It is vital that this Committee not only identify clear and workable methods of refashioning or retaining connection with the EU, but insist that these method take centre stage in EU-UK foreign policy negotiations.

UK as an EU Partner?

9. The goal of “new, dynamic arrangements that go beyond the existing arrangements” set out by the PM in her Florence speech are premised on pushing “beyond the existing arrangements that the EU has in this area – and draw on the legal models the EU has previously used to structure co-operation with eternal partners in other fields such as trade”.

Indeed, the objective is one of a “comprehensive framework for future security, law enforcement and criminal justice co-operation: a treaty between the UK and the EU”.

10. A treaty or similar structure suggests a higher degree of integration with the EU rather than a diminution. It may also be the best possible option at this point; representing both a structure and a commitment to keep the UK as closely aligned as possible with both the EU and its Member States. For this proposed security treaty to become reality however, three factors are required:

- First, a clearer sense of which security areas are to be covered (internal / external borders, police and judicial cooperation, data sharing, anti-terrorism).
- Second, the appetite shared by other EU Member States to support the prospect of a new security treaty set against current arrangements, and future goals.
- Third, the completion of a deal with the EU that would guarantee the basis for such a deal (i.e. avoiding a ‘no deal’ scenario).

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Or a European Bilateral Associate?

11. The proposed security treaty could however operate as a looser arrangement of current structures. The goal is to maintain “the quality of our cooperation” rather than the quantity; suggesting the UK may wish to prioritise a few key areas (e.g. cross-border surveillance) and reduce commitments elsewhere. The Florence speech suggests for example only “ongoing dialogue” regarding law enforcement and criminal justice. Alternatively, the UK may prefer to work jointly via bilaterals with key EU Member States on pertinent issues rather than the EU as a whole.

12. The latter option is arguably less effective in obtaining the range of needs underwriting the requirement for a security treaty. A patchwork of topic-specific agreements with different Member States risks being confusing, duplicatory, expensive and ultimately ineffective. Nor will it permit the UK to retain sufficient influence with the EU in precisely the areas that it most requires cooperation, due to the inherently cross-border and abstruse nature of the security threats envisaged.

Britain and the Common Foreign and Security Policy (CFSP)

13. The UK has traditionally supported a purely intergovernmental approach to CFSP and opposed increasing community-based methods of decision-making, chiefly by insisting on the veto power of member states, and reducing the ability of the European Commission to initiate policy proposals). British preferences for the CFSP generally echo its own understanding of foreign policy as underwritten by regional connections driven by trade, investment and sustainable development, favouring a ‘widening’ approach to the geopolitical expansion of the Union, rather than the dynamics of ‘deepening’ integration’.

14. However, if Britain’s post-Brexit foreign policy structure is simultaneously upon cost-efficiency and effective ‘actorness’, then Brexit negotiations need to take a careful look at to what genuinely constitutes the UK’s ability to remain a ‘networked’ foreign policy actor both in and beyond the EU (as intimated in the 2015 UK National Security Strategy, and the Strategic Defence and Security Review).

15. Networks are premised both upon connectivity with - and reach beyond - a range of selected partners, This is generally made easier via a larger bloc of coordinated actors drawing upon both financial and diplomatic tools to cultivate a range of third-party agreements. The combined clout derived from the EU’s single market, trade agreements, development and economic partnerships, humanitarian assistance and wide-spread diplomatic engagement represent a range of versatile foreign policy tools that could not feasibly be replicated by a single state.

16. Taken together, the magnifying power of the EU undoubtedly boosts British react to, and connectivity with, a range of EU and non-EU states, regions and institutions, which - overall - constitute a foreign policy ‘plus’. The question for Britain is WHICH European policy area might benefit British interests by retaining a connection; and what is the ideal form of the CONNECTION?

17. The benefits to retaining some form of partnership with the EU, whether as a quasi-integrated privileged partner, a mid-range associate, or even a loosely aligned ally means balancing UK interests in remaining an important player in Europe, with the post-
Referendum promises by the British government to become a truly ‘global’ actor. However, the two are in no way mutually exclusive, indeed they are deeply connected, as far as all of mainland Europe, NATO, and most international forms of governance are concerned.

18. The British government itself argued as much in the 2010-2015 *Review of the Balance of Competences*, assessing that it is ‘generally strongly in the UK’s interests to work through the EU in foreign policy’.

**Policy Suggestion:** Identifying three broad “categories of connection” by which Britain can undertake a spectrum of relationships with the EU, in key areas of foreign policy.

- **EU 27+1: Associate membership:** effectively, the UK would operate as an *integrated player* despite its non-EU status. Depending on the nature of negotiations, the UK could however still participate under a “special status” in constructing UK + European foreign policy together. Here, UK foreign policy would see strong correspondence with current and future European international objectives, both in and beyond Europe. **Structure: Associate Membership Agreement.**

- **Consultative Observership:** this entails a looser relationship (e.g. EU/Norway) where the UK is effectively aligned with the majority of European foreign affairs decisions and actions (e.g. sanctions), on the basis of “common foreign policy dialogues” rather than an associate structure within shared institutions, using strategic working groups. **Structure: Framework Participation Agreement.**

- **Case-by-case basis:** the loosest of the models, premised on UK autonomy, this role sees the UK at its most detached from the EU, both organizationally and policy-based. Here, bilaterals would be the order of the day; though identified common positions could arise and be actioned by both sides, but on an ad hoc, rather than formulaic basis. **Structure: Policy-Specific Agreement**

19. These three (or possibly an intermediary option) could permit the UK to retain connections with virtually all aspects of the European Common Foreign and Security Policy, Common Security and Defence Policy, and the Area of Freedom, Security and Justice, covering both strategic and daily operations on Europe-wide security, defence, development, cross-border security, humanitarian action, and possibly development. For example:

- Continued CFSP influence via **Associate Membership** in the European Council, European External Action Service (EEAS), General Affairs Council (GAC), Foreign Affairs Council (FAC), the Political and Security Committee (PSC), related Working Groups, and the COREU communications network.
• **Consultative Observership** within the EU’s European Neighbourhood Policy, in tandem with the UK’s current national strategies: e.g. the Levant including Iraq, Lebanon and Turkey;

• **Case-by-case basis** work with the EU beyond the European neighbourhood, in tandem with current UK’s national strategies: e.g. the Gulf, West and East Africa (Kenya, Somalia, South Sudan), Pakistan and Afghanistan, and Southeast Asia (Singapore, Malaysia, Australia and Japan).

**Going It Alone**

20. UK foreign policy opportunities afforded by disengagement can be categorized according to the institutional and budgetary latitude available by working outside formal EU structures, and second, on the basis of a redrafted global mandate. The first allows the UK to permanently sideline its involvement in areas like the ENP as a whole, or specifically diplomatic approaches with the Ukraine, the Balkans and Turkey that have not been prioritized by the FCO itself. The second catalyses the UK to improve bilaterals with EU Member States, highlight non-EU MS relations, and cultivate new ones, allowing the UK to carve out its much-vaunted ‘Global Britain’ foreign policy, in parallel with, or consciously reoriented away from Europe (Chalmers, 2017, p. 8).

21. Either of these constitute a new form of networking in which the EU would be relegated to merely one forum among many in which post-Brexit Britain negotiates a future based upon – inter alia – enhanced political relations beyond Europe, or indeed political economy goals in which trade-based bilaterals with rising powers from ASIA to BRICS are cultivated. Whatever the specific EU+ format that emerges, ‘it should not be too difficult to consider a number of informal mechanisms which would enable this cooperation to continue’, ranging from formal participation to the agenda-based Gymnich format (Dijkstra, 2016, p. 2).

The Common Security and Defence Policy (CSDP) and Crisis Management

22. The UK’s engagement with the CSDP is tale of two attitudes. First, a pioneering commitment developing the entire concept of autonomous European security in the 1998 St Malo agreement. Second, an erosion of interest and commitment to subsequent initiatives, from leadership in military-oriented CSDP ops, to the role of Battlegroups, to the development of the European Defence Agency (EDA).

23. The falloff in UK commitment to the CSDP in recent years suggests there is far less to untangle, and that Britain’s ‘security’ surplus combined with its defence punch will fall disproportionately heavily upon the EU. However, caution should be taken with this approach. First, the interdependent nature of defence, in terms of R&D, rationalized budgets, and geopolitical requirements of a restive Europe and volatile neighborhood together means that Britain’s role as a European defence provider, and a security underwriter will increase, not decrease. Second, the UK has had accredited successes in both military and civilian operations, and clearly views itself as a leader within the CSDP.

24. Indeed, the 2017 White Paper makes explicit ‘priority missions [that] have had some notable successes’, including ALTHEA in Bosnia (2004), ATALANTA in the Horn of Africa (2008-ongoing), Rule of Law in Kosovo, Policing in Afghanistan, Assistance in Ukraine (2014) to the most recent, SOPHIA in the Mediterranean, as well as further civilian support
in Georgia, Libya, Palestine and Somalia. These contributions permit the UK to claim to have ‘helped increase stability in Europe’ (Ham 2017; HM Government, 2017, p. 63). They also justify a continued connection with the EU.

Policy Suggestion

The UK continuing to participate in the CSDP as a non-EU Member State, either on the basis of 27+1, or on an op-by-op basis. Recent non-EU involvement in EU Battlegroups on the basis of framework participation agreements by Norway, Turkey, Macedonia, Ukraine, Iceland and Serbia could be easily complemented by the UK to boost interoperability and ensure strategic coverage (Tardy, 2014).

25. Again, the choice to do so will simply echo current trends, with the UK balancing EU involvement alongside commitments to NATO, and against the context of its emerging post-Brexit foreign policy. As the White Paper suggests, the latter is not in fact particularly ambiguous: “We want to use our tools and privileged position in international affairs to continue to work with the EU on foreign policy security and defence. Whether it is implementing sanctions against Russia following its actions in Ukraine, working for peace and stability in the Balkans, or securing Europe’s external border, we will continue to play a leading role alongside EU partners in buttressing and promoting European security and influence around the world” (HM Government, 2017, p. 63).

26. There is very real need for the positive work that the CSDP undertakes, daily, and successfully. The UK’s involvement in Operation Atalanta and Operation Sophia, both being EU military operations are both examples of good practice in this respect. Operation Atalanta has run from 2008 and was recently extended until December 2018, and arguably successful in preventing Somali-based piracy and armed robbery at sea off the Horn of Africa and in the Western Indian Ocean.

27. The other mission, Operation Sophia, had its mandate extended until December 2018. While a House of Lords European Union Committee paper suggested that “Operation Sophia… failed to achieve its objective of “contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean”’’ (House of Lords, 2017), the operation as a whole has arguably been successful in saving lives.

28. While these operations have not been perfect, the UK’s involvement a military heavyweight has been significant and has contributed to the ongoing security of Europe. In terms of future ops, Britain should remain committed to upcoming CSDP rotations, including July 2019 in which the UK is due to provide roughly 1,500 soldiers for the scheduled EU Battlegroup structure (McTague and Vinocur, 2017).

29. Lastly, in terms of the very latest in European security developments, the structure entitled Permanent Enhanced Structured Cooperation (or PESCO) was signed by 23 EU member states on the 14th November 2017. Simply put, PESCO allows for greater military

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4 As established with the 2011 established framework agreement on crisis management operations allowing US involvement.

5 PESCO member states: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Romania, Slovakia,
and security cooperation across the European Union. Premised on the ongoing recognition of national sovereignty and on the basis of Europe-wide economies of scale, PESCO is designed to keep the costs of defence spending low while ensuring the increasing threats to Europe, from within and without, see a proper response in hard power terms.

30. PESCO’s aim therefore is “to jointly develop defence capabilities and make them available for EU military operations. This will thus enhance the EU’s capacity as an international security partner, also contributing to protection of Europeans and maximise the effectiveness of defence spending.”

This is an obvious structure for the UK to consider in terms of either EU27+1, or Consultative Observership. Europe’s security and defence capability are interdependent with those of Britain, and vice versa. Working within a larger defence group makes sense for economic, networking and technological reasons, as well as being able to project power effectively into areas that are currently producing the highest number of threats.

The Area of Freedom, Security and Justice

31. An area of acknowledged UK leadership is the Area of Freedom, Security and Justice, covering a host of areas of cross-border police and judicial cooperation. These are vital to the safety and security of both the UK and European states, and should be a matter of priority for the emergent UK-EU Transitional Agreement to cover the period following 29 March, 2019.

32. The 2017 White Paper is clear in its desire ‘to work more closely with our partners, including the EU and its Member States’ on these key areas (HM Government, 2017, p. 61), including:

- Europol systems coordinating UK and EU police forces;
- Participation in 13 of Europol’s operational priority projects against organized crime;
- The use of the European Arrest Warrant to extradite 8,000 (2004-15);
- The benefits of the Schengen Information System II alert system;
- The EU Passenger Name Records rules;
- The European Criminal Records Information System (ECRIS) enable criminal convictions.

33. These appear as undeniable benefits to both sides. The question is therefore not whether UK-EU security and criminal justice measures as well as cyber security and anti-terrorism cooperation should continue; but how, and on the basis of what institutional, legal and budgetary capacity. It is crucial that the UK has a buy-in on access to European data flows. This includes agencies like Europol and Eurojust which would allow sharing sensitive information as fingerprints, DNA, passenger flight data and much more. Establishing an agreement on this should be of key importance for the UK’s future relationship with Europe.

Slovenia, Spain and Sweden.

Policy Suggestion

EU 27+1: Associate membership of agencies including Europol and Eurojust, the maintenance of Joint Investigation Teams, as well as access to key databases like SIS II and ECRIS, and the continued use of the EAW. Further, cooperation at EU-level regarding anti-trafficking, anti-terrorism strategies, and data sharing.

34. More complex will be the daily challenges of border control, given the toxic nature of this issue before and after the Referendum. No detail regarding the challenges of juxtaposed border control with France and Belgium has as yet been forthcoming, nor the role of key UK ministries in carving out bilateral framework agreements to cover local police cooperation, e.g. between Kent and the Lille Prefecture, despite the obvious need for such clarity (Hadfield and Hammond 2016).

35. The UK’s role outside the Schengen Area has produced a series of bilateral agreements covering border management relative to security, safety, transport and immigration. Most notable are the Canterbury Treaty (1986) regarding the operation of the Channel Tunnel (opened in 1994), the Sangatte Protocol establishing the principles of juxtaposed border controls, and the 2003 Le Touquet Treaty routinizing pre-embarkation immigration checks between the UK, France and Belgium.

Policy Suggestion:

At a minimum, effective bilaterals between the UK and its proximate neighbours laying out the rights and obligations of either side pursuant to all forms of transport, transit and mobility, must swiftly be established. More broadly, these agreements need to be framed against the emergent migration and asylum agenda of the EU, as well as seasonal and structural requirements for goods and passenger transport in key areas like Calais, Dunkerque, Dover and Folkestone and Portsmouth.

36. Conclusion: The operative concept here, and in other key documents, is ‘parallel’. The UK can and likely will work alongside the EU in key foreign, security and defence areas; the question is simply which of ‘the options of acting in unilateral, limited multilateral or wider alliance modes’ best suit the UK (HM Government 2013, p. 34).

References:


Bond, I. et al. (2016), Europe after Brexit: Unleashed or undone?, Centre for European Reform,


November 2017