

BREXIT AND SECURITY

Ben Tonra*

The article opens with a brief review of the UK's central place in European security and defence but highlights its ambivalent position towards security and defence cooperation within the EU. It tracks the impact of Brexit on EU debates and the catalytic effect that this appears to have had on a substantive acceleration in EU defence cooperation over the last three years. After highlighting the need for a continued security and defence partnership, the article goes on to identify – first from an EU and then from a UK perspective – the possible scenarios for such cooperation. It notes the very limited intersection of these scenarios and sets out the likely horizon for future negotiations. It concludes by suggesting that both partners – while suffering a net loss as a result of Brexit – nonetheless have vital strategic interests in crafting a new bilateral partnership.

Keywords: UK, Brexit, CFSP, CSDP, security, defence, European Union

TABLE OF CONTENTS

I. INTRODUCTION.....	219
II. THE STARTING POINT	223
III. SCENARIOS AND OPTIONS.....	229
1. EU Scenarios	231
2. UK Scenarios.....	232
IV. CONCLUSIONS.....	240

I. INTRODUCTION

The decision of the United Kingdom electorate in the 2016 referendum to withdraw from the European Union poses significant challenges to both the UK as a foreign policy actor and to the future of the Union's Common

* Ben Tonra is Full Professor of International Relations at the UCD Dublin School of Politics and International Relations.

Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP). The goal of this article is to assess where security and defence "fits" in the Brexit negotiations, the UK's place and role in this major policy portfolio and the options available – and their implications – for future EU-UK cooperation in this area. The argument presented is that notwithstanding the UK's central place within European security and its success in defining the shape of EU defence cooperation to date, the prospects for future cooperation are limited in the short to medium term. For both partners this represents a substantial loss of capacity and influence, but domestic UK politics and an EU determination to defend the rights of members over the interests of 'third countries' leaves very little room for manoeuvre. This of course is despite the fact that both partners face the same threat assessment and that cooperation on the bilateral and multilateral levels will continue and likely even deepen.

The UK was an early supporter of foreign and later defence policy cooperation in the EU and is arguably, by default, one of the major architects of the CFSP and CSDP as we know them today.¹ In part this is for negative reasons in as much as the UK was determined – alongside others – to ensure that EU cooperation in this realm remained firmly intergovernmental in nature and that it never cut across the primacy of the North Atlantic Treaty Organization (NATO). As a major military power – with both capacity and will to deploy globally – the UK has also traditionally represented a significant proportion of the overall collective military capacity of the EU. In recent years, however, the UK – at both political and operational levels – has pulled back from EU engagement. In the last years of its membership, the UK was only the fifth largest contributor to CSDP missions after France, Italy, Germany and Spain, accounting for just 3.6 per cent of contributions to

¹ Sven Biscop, 'The UK and European defence: leading or leaving?' (2012) 88(6) *International Affairs* 1297-1313; Nicholas Wright, 'Winding Up the Machine: How the UK Engages with the CFSP' in Nicholas Wright (ed) *The EU's Common Foreign and Security Policy in Germany and the UK* (Palgrave Macmillan, 2019) 87-109; Douglas Hurd, 'Developing the common foreign and security policy' (1994) 70(3) *International Affairs* 421-428.

EU military operations.² This of course has to be set against the fact of the UK's prioritisation of its NATO commitments and Britain's ongoing and leading role in European security and defence more broadly, in both bilateral and other multilateral fora. This apparent contradiction has been a function of both the heightened politicisation of "Europe" within domestic UK politics and a reflection of UK anxiety that the ambitions for the EU in some European capitals compromised the core role of NATO.

Foreign policy and defence was a minor element in the Brexit debates leading up to the referendum itself. Advocates for withdrawal claimed the prospect of a European 'army' was on the horizon and that the UK was being dragged into a federalised military structure. For them this represented an unacceptable compromise of the UK's strategic independence. These concerns had practical consequences for EU and UK policy makers who were acutely anxious not to stir the sometimes fervid imagination of EU opponents. UK ministers and officials were therefore not just to be found among those advocating against deeper defence cooperation in an EU context. Additionally, they were determined to hold the line against any developments which could be characterised as further integration and thus often frustrated even practical means by which existing cooperation might be made more effective.

With the decision to withdraw, both the EU and the UK now face an enormously challenging dilemma: how to create a partnership, which both sides implicitly acknowledge as being necessary to their respective interests, while at the same time dealing with the realities of the UK as a 'third country'.³ Paradoxically, for some in the EU, the UK's withdrawal – while entailing a substantive drop in the Union's material defence capacity – also represents an opportunity. The absence of the UK, so it is argued, will allow the Union to pursue deeper defence cooperation without British

² Lee David Turpin, 'UK-EU Military Cooperation and Brexit from a Neoclassical Realist Perspective: No Big Deal?' in Cornelia-Adriana Baciu and John Doyle (eds) *Peace, Security and Defence Cooperation in Post-Brexit Europe* (Springer 2019) 3-27.

³ Cornelia-Adriana Baciu and John Doyle (eds) *Peace, Security and Defence Cooperation in Post-Brexit Europe: Risks and Opportunities* (Springer 2019).

obstructionism and vetoes.⁴ Since the Brexit vote, in fact, we have already witnessed a substantial acceleration and deepening of EU cooperation, including the initiation of Permanent Structured Cooperation (PESCO) in the field of defence. For its part, the UK, determined to maintain if not augment its global standing, seeks a unique bilateral relationship with the EU to address shared threats. This is also seen as necessary in London to ensure close NATO-EU cooperation and to forestall the threat of closer EU cooperation destabilising balances within the Atlantic Alliance. It is as yet an open question as to whether these two sets of aims can, in fact, be brought into alignment.

What has been remarkable in the Brexit negotiations is the extent to which security and defence – identified early on as being among the strongest cards in the UK's negotiating hand – has been missing from the Brexit negotiations. As we shall see, this was not for want of trying. In the earliest dispatches from London the need for an ongoing security and defence partnership was clearly flagged and UK negotiators came perilously close to being seen as consciously using this as leverage in the wider EU-UK talks.⁵ In the end, of course, the EU's absolute determination to forestall any negotiations over the future relationship prior to settling the terms of withdrawal triumphed. This left the UK's defence card as yet unplayed but its shadow is clearly evident in the non-binding Political Declaration which was appended to the Withdrawal Agreement.⁶

This article thus opens with a brief review of the UK's central place in European security and defence but highlights its ambivalent position towards security and defence cooperation within the EU. It tracks the impact of Brexit on EU debates and the catalytic effect that this appears to have had on

⁴ Peter van Ham, 'Brexit: Strategic Consequences for Europe. A scenario study' (2016) <<https://www.clingendael.org/sites/default/files/pdfs/Brexit%20Report%20February%202016.pdf>> accessed 8 September 2019.

⁵ Carina O'Reilly, 'May's warning to EU over security has been called blackmail – but it's more likely a bluff' (*The Conversation*, 31 March 2017) <<http://theconversation.com/mays-warning-to-eu-over-security-has-been-called-blackmail-but-its-more-likely-a-bluff-75492>> 8 September 2019.

⁶ The draft repeatedly underlines the UK's ambition to retain close engagement with EU foreign, security and defence policy. Its prominence suggests that will be a major point of discussion in subsequent negotiations on a final agreement.

a substantive acceleration in EU defence cooperation over the last three years. After highlighting the need for a continued security and defence partnership, the article goes on to identify – first from an EU and then from a UK perspective – the possible scenarios for such cooperation. It notes the very limited intersection of these scenarios and sets out the likely horizon for future negotiations. It concludes by suggesting that both partners – while suffering a net loss as a result of Brexit – nonetheless have vital strategic interests in crafting a new bilateral partnership.

II. THE STARTING POINT

As noted, the UK leaves the EU having shaped the development of the Union's foreign and defence capacities almost from their inception. Indeed, the UK was even for a time a champion of deeper defence cooperation, launching in 1999, alongside France, the process which led to the creation of the CSDP itself. However, with the Conservative Party in office from 2010 – long subject to bitter internal divisions over "Europe" – that position gave way.⁷ In part this was a function of longstanding British exceptionalism, characterised by its permanent seat at the UN Security Council, its leadership role in NATO, its bilateral relationship with the United States and its global ties to the Commonwealth. Within the EU the UK was also at the core of the triumvirate – alongside France and Germany – that shaped policy and institutional development. At one and the same time, the UK offered leadership to those Member States less enamoured of Franco-German ambitions and determined to respect the intergovernmental nature of decision making. The UK also offered a geo-strategic balance to French policy priorities, providing an often more wholistic global perspective to a sometimes more Africa-centric French approach.

While the substance of the arguments surrounding the EU's debates on foreign, security and defence policy remain much the same, the UK's withdrawal has shifted the balance between them quite substantially. All eyes

⁷ Clare Marina O'Donnell, 'Britain's coalition government and EU defence cooperation: undermining British interests' (2011) 87(2) *International Affairs* 419-433; Richard G Whitman, 'The UK and EU foreign, security and defence policy after Brexit: integrated, associated or detached?' (2016) 238(1) *National Institute Economic Review* R43-R50.

now look toward Paris and Berlin to determine what dynamics will appear. The 'Atlanticist' constituency within the EU – substantially reinforced following the 2004 EU enlargement to Central Europe – has lost a big-power patron. That coalition is no less determined, both individually and collectively, to defend the principle and practice of NATO primacy in security and defence matters and anxious to retain the UK's engagement in continental European defence. Certainly, the voices of both the Commission and the High Representative of the Union for Foreign Affairs and Security and Vice President of the Commission (HRVP) are in the ascendant within EU defence debates, freed of their anxiety not to aggravate domestic British sensitivities. In sum, the UK's departure has sharpened internal debates and shifted the centre of gravity towards greater EU strategic autonomy.

For both the Union and the United Kingdom, Brexit is a net loss for European defence and security. Both parties will see their geopolitical weight reduced; the UK's substantially and the EU's significantly. The loss for the UK will be all the sharper by reason of the loss of the EU's collective weight behind particular UK policy priorities, while the Union will be less capable of representing a comprehensive European view. In practical terms too, both sides lose. EU policy making will lose the contribution of the UK's global diplomatic and intelligence networks as well as its full-spectrum military capacity (accounting for an estimated 20-25 per cent of total EU capacity⁸) and one of the two permanent European seats at the UN Security Council. The UK has also contributed important enabling capabilities to the CSDP, notably the use of the UK's Permanent Joint Headquarters at Northwood which commanded the EUNAVFOR Operation Atalanta (which has since moved to Spain) as well as particular strategic assets such as tactical airlift and intelligence, surveillance and reconnaissance capacities, airborne early-warning and control aircraft and unmanned aircraft systems. At over €40 billion, the UK also spends more on defence than any other EU Member

⁸ J Black, A. Hall, K. Cox et al. *Defence and Security after Brexit: Understanding the Possible Implications of the UK's Decision to Leave the EU* (CA: RAND Corporation, 2017); Jan Joel Andersson, Daniel Fiott and Antonio Missiroli (eds) *After the EU Global Strategy – Consulting the Experts: Security and Defence* (European Union Institute for Security Studies, 2016) <<http://www.iss.europa.eu/publications/detail/article/after-the-eu-global-strategyconsulting-the-experts-security-and-defence/>> accessed 1 May 2019.

State and its defence budget is the fifth largest in the world.⁹ For its part, the UK will lose its often decisive input to the framing of a collective European policy platform as well access to the Union's developing foreign policy and defence infrastructure including the Foreign Affairs Council (FAC), the Political and Security Committee (PSC), the EU Military Committee, the European Defence Agency (EDA), Europol, EEAS, and their myriad of technical and support units and programmes. Absent any agreement, the UK will also be excluded from existing and new EU research, development, industrial and procurement programmes in the realm of defence.

At the same time, both parties have a deep-seated self-interest in maintaining the closest possible strategic relationship, especially at a time when Europe as a whole faces a deteriorating security environment. They share priorities and interests across the entire spectrum of foreign, security and defence policy. With both the Union's 2016 Global Strategy (EUGS) and the UK's 2015 Strategic Defence and Security Review they speak in common terms of addressing issues such as radicalisation, terrorism, state failure, active Russian destabilisation of the EU's eastern partners and cyber security, all while seeking to strengthen the rule-based global order. Both actors also prioritise meeting broader global challenges, including migration, climate change and global health security, from a shared base of principle and practice. Nothing suggests any change to their respective threat assessments arising directly from Brexit. Moreover, given their shared history, location, exposure and interests, there is nothing on the horizon to suggest any medium or longer-term re-evaluation.¹⁰

The EU and UK also share a concern with the trajectory of the United States and the impact of US policy towards NATO.¹¹ The US question essentially boils down to whether or not the policies pursued by President Donald J. Trump represent a temporary aberration or a logical culmination of evolving

⁹ Noel Dempsey, 'UK Defence Expenditure' (2018) Briefing Paper Number CPB 8175, House of Commons Library .

¹⁰ Nick Wright, 'Brexit and the re-making of British foreign policy' (2017) Working Paper, UCL European Institute, London, 13 December.

¹¹ M. Chalmers, 'UK foreign and security policy after Brexit' (2017) RUSI Briefing Paper, Royal United Services Institute, London; L. Freedman, 'Brexit and the law of unintended consequences' (2016) 58(3) *Survival* 7–12.

US policy towards NATO over the last number of decades. President Trump's widely flagged ambivalence towards NATO and his transactional approach to Alliance members' defence spending have raised European anxieties and prompted calls for intensified European defence cooperation.¹² The associated European debate, however, is divided between those who see the urgent need for Europe to take on greater responsibility for its own security – at a minimum in terms of hedging against the prospect of US disengagement – and those that fear that any moves in that direction will actually accelerate a weakening in the US commitment. Those debates, common to the Member States within both NATO and EU contexts, are now profoundly rebalanced as a result of Brexit, with the UK facing the prospect of being an EU outsider at precisely the moment when it sees the urgent need to ensure that EU Member States do not take steps which it might see as undermining European and transatlantic solidarity.

The UK's outsider status in these forthcoming EU debates will have material consequences for the direction of these debates and their conclusions. Already, the row over the exclusion of UK contractors from the Galileo GPS system has highlighted the legal, strategic and diplomatic consequences of 'third country status'.¹³ Without deep institutionalisation, a drift in bilateral EU-UK relations is inevitable – with potentially serious adverse strategic consequence for both parties.

Meanwhile, the EU is proceeding to develop and further institutionalise its security and defence capacity. The EU's Global Strategy was launched in late June 2016, just days after the Brexit referendum result was declared. Speaking later, the High Representative spoke of the extensive advice she had received to delay if not even cancel the launch. The Union, so it was argued, had suffered a body blow and now was the time to reflect, regroup and then reconsider a diminished Europe's place in the world. Federica Mogherini did not take that advice. Indeed, she took the opportunity to assert the even

¹² Federico Fabbrini, 'Do NATO Obligations Trump European Budgetary Constraints' (2018) 9 *Harvard National Security Journal* 121; Jolyon Howorth, 'EU–NATO cooperation: the key to Europe's security future' (2017) 26(3) *European Security* 454–459.

¹³ Monica Horten, 'Britain will be scrambling hard to put Galileo at the centre of a new security partnership' (2018) *LSE Brexit* 1–3.

greater urgency in Europe's need to marshal its capacity to meet existential challenges both at home and abroad.¹⁴ She noted the calls from a variety of European leaders for a strengthening of the Union's international capacity. She also highlighted the breadth and depth of public support for the Union to reinforce its cooperation in the fields of defence and security and she described the enormous potential for such cooperation in delivering greater overall security and defence capacity at lower costs to national governments. In sum, she described the low hanging fruit that security and defence offered to the European project at a moment of existential crisis.

This marked the beginning of a process in which a detailed implementation plan for security and defence was swiftly drawn together.¹⁵ These efforts also worked with the grain of longstanding EU Commission ambitions to develop the European Defence Technological and Industrial Base (EDTIB).¹⁶ Dating back to 2007, the Commission had been pressing an agenda for investment and research in new technologies and systems which would deliver greater security and defence capacities to the Member States. In addition – and in the post-Brexit political storms – several Member State governments and prime ministers/presidents went on the record to declare their support for more ambitious goals in the field of security and defence.¹⁷

Federica Mogherini's implementation plan for the EU Global Strategy did indeed pluck a fair bushel of CSDP fruit. It has pursued a re-engineering of

¹⁴ Federica Mogherini presents the EU Global Strategy (29 June 2016) <<https://www.youtube.com/watch?v=Nj55LNZtuVM>> last accessed 8 September 2019.

¹⁵ Implementation Plan on Security and Defence, Council of the European Union (14 November 2016) <14392/16 https://eeas.europa.eu/sites/eeas/files/eugs_implementation_plan_st14392.en16_o.pdf> last accessed 8 September 2019.

¹⁶ 'A Strategy For The European Defence Technological And Industrial Base' (Brussels, 14 May 2007) <https://www.eda.europa.eu/docs/documents/strategy_for_the_european_defence_technological_and_industrial_base.pdf> last accessed 8 September 2019.

¹⁷ 'France, Germany to table defence plan at Bratislava ministerial meeting' (*Euractive*, 2016) <<https://www.euractiv.com/section/global-europe/news/france-germany-to-table-defence-plan-at-bratislava-ministerial-meeting/>> accessed 9 September 2019; Andrew Rettman, 'Italy lays out vision of EU army' (*EU Observer*, 2016) <<https://euobserver.com/foreign/135235>> accessed 8 September 2019.

the 'battlegroups' concept and funding,¹⁸ raised the prospect of central EU funding for military operations (replacing the complex ATHENA funding mechanism),¹⁹ and boosted the budget and role of the European Defence Agency.²⁰ It has also secured an EU-NATO Declaration on Strategic Partnership,²¹ initiated a coordinated annual review on defence budgeting and planning (CARD),²² instituted new operational structures in civilian/military planning and conduct capability (MPCC),²³ and set up permanent structured cooperation (PESCO) in the field of defence.²⁴ This latter initiative has created a sub-group of 25 Member States within CSDP dedicated to the completion of 34 specific capacity-building projects. Critically too, this activity has been fused onto the Commission's EDIDP²⁵

¹⁸ Jan Joel Andersson, 'Adapting the Battlegroups' (2017) European Institute for Security Studies Issue Alert 1-2.

¹⁹ 'The Arrangement for Cooperation between the European Defence Agency and the ATHENA Mechanism' (Brussels, 1 February 2019) <<https://www.eda.europa.eu/docs/default-source/documents/arrangement-for-cooperation-between-eda-and-the-athena-mechanism.pdf>> accessed 8 September 2019.

²⁰ Pierre Haroche, 'Supranationalism strikes back: a neofunctionalist account of the European Defence Fund' (2019) *Journal of European Public Policy* 1-20.

²¹ 'Joint Declaration on EU-NATO Cooperation' (10 July 2018) <https://www.nato.int/cps/en/natohq/official_texts_156626.htm> last accessed 8 September 2019.

²² 'Council Recommendation of 15 October 2018 concerning the sequencing of the fulfilment of the more binding commitments undertaken in the framework of permanent structured cooperation (PESCO) and specifying more precise objectives' (15 October 2018) <[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018H1016\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018H1016(01))> last accessed 8 September 2019.

²³ COUNCIL DECISION (EU) 2017/971 determining the planning and conduct arrangements for EU non-executive military CSDP missions (8 June 2017) <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017D0971>> last accessed 8 September 2019

²⁴ 'Notification on Permanent Structured Cooperation (PESCO) to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy' <<https://www.consilium.europa.eu/media/31511/171113-pesco-notification.pdf>> last accessed 8 September 2019.

²⁵ 'Commission implementing decision on the financing of the European Defence Industrial Development Programme and the adoption of the work programme for the years 2019 and 2020' (19 March 2019)

programme and an ambitious proposed agenda of €40+ billion in new spending on research and development on defence technologies and the design and procurement of associated defence systems over the next seven to eight years. All of this is directed towards a profound deepening of defence cooperation and even defence integration in some areas, although it falls short of the shared defence of European borders which is still provided by NATO for most EU Member States.

It is important to note too that this new phase of intensified defence cooperation is not being constructed solely within the traditional intergovernmental structures which the UK championed and defended. As has been noted above, the EDF, for example, is an initiative of the Commission with a significant decision-making input and authorisation by the European Parliament.²⁶ As a result, its management, decision-making and funding will be subject to the Community method, inevitably complicating potential efforts to engage third countries such as the United Kingdom. Even though PESCO is situated within the intergovernmental decision-making structures of the CSDP, it too has a supranational dimension with privileged access to EDF funding and the associated engagement of the European Parliament. So, starting from this base, what then can be foreseen in terms of the future EU-UK security and defence relationship?

III. SCENARIOS AND OPTIONS

The key point of departure for any discussion on the bilateral security and defence relationship is that – like the rest of the Brexit agenda – the relationship can only deteriorate. Even with the best will in the world on both sides and an entirely (and unlikely) benign geostrategic context, the EU and UK must negotiate a relationship that will be less close, less integrated and less mutually reinforcing than that which they currently enjoy. Thus, any newly established bilateral relationship can only entail a minimisation of costs – there is no significant added-value to either party. A second key point

<<https://ec.europa.eu/docsroom/documents/34515/attachments/2/translations/en/renditions/native>> accessed 8 September 2019.

²⁶ 'A European Defence Fund: €5.5 billion per year to boost Europe's defence capabilities' (7 June 2017) <http://europa.eu/rapid/press-release_IP-17-1508_en.htm> accessed 8 September 2019.

in framing potential scenarios is that maintaining security and defence cooperation – especially at this moment in the CSDP's evolution – will face the exceptionally stiff headwinds of unravelling the UK from the Union's trade and economic framework.²⁷ This has, for example, obvious and complex implications for trade and economic sanctions already in place to address foreign policy challenges or additional sanctions which may be sought in the immediate future.²⁸ Even more significantly, however, is the fact that the UK will be excising itself from the Union's market and industrial and research and development (R&D) policies precisely at the point when the Union applies some of their principles to security and defence. As noted, this was exemplified in the controversy surrounding UK access to the Galileo project.²⁹ Now these very same arguments and difficulties will apply in a multiplying series of defence and security contexts. Finally, building this new relationship cannot be divorced from wider political dynamics. As any bilateral negotiations on a final relationship between the EU and UK begin, their inevitable twists and turns and underlying political dynamics – positive and negative – will undoubtedly impact upon conversations on the security relationship.

The economic/industrial impacts are exemplified in the area of defence export controls. Changes here could be a key driver of Brexit's wider impacts on defence and security policy. In regulations governing the export of dual use goods for example, EU trade policy exercises an 'exclusive competence'. To date, the UK control list and licencing system are updated automatically with EU policy changes. Any divergence here will be a significant departure from European coordination. More generally, with respect to arms exports, the EU common position simply sets standards for the control of transfers of military goods, and the application of eight 'common criteria' when assessing arms exports to avert human rights abuses. Should the UK choose significantly to diverge from EU policy here (in the pursuit, for example, of new trade deals) it could set up a competitive dynamic between UK and EU-

²⁷ See also article by Sacerdoti and Mariani in this journal issue.

²⁸ Thierry Tardy, 'CSDP: getting third states on board' (2014) 6 European Institute for Security Studies Brief 6.

²⁹ Sophia Besch, 'A Hitchhiker's Guide to Galileo and Brexit' (3 May 2018) <<https://www.cer.eu/insights/hitchhikers-guide-galileo-and-brexit>> accessed 8 September 2019.

based suppliers for markets, with a consequent likely weakening in respective priorities for human rights. Finally, there is the area of actual arms embargoes instituted by the European Union above and beyond shared UN commitments, such as in the cases of Russia and Syria. While not part of the 'exclusive competence' of the EU, the UK has legislation which makes EU sanctions automatically apply at the national level.³⁰ A first set of regulations, published in 2019, now establishes an autonomous national regime in the UK which operates post-Brexit, but these have already signalled some substantive divergence from their EU analogues.³¹ As a third country, the UK will lose decisive influence over EU embargo decision making, although like Norway it may seek means by which to consult on them.

1. EU Scenarios

For the EU, the potential scenarios for the UK's future relationship with the EU essentially revolve around two core facts: that the UK will be a third country but at the same time a strategic partner. The UK will become a third country from the perspective of the EU CSDP as the inevitable consequence of Brexit. This would entail the loss of all foreign, security and defence cooperation at EU level, necessarily refocusing such efforts at the bilateral level and through other multilateral structures such as NATO and the OSCE. Without mitigation, such an eventuality creates not only a significant gap in the Union's material capacity and the loss of the UK's considerable input to policy making, but it also sets up the prospect for a destabilisation of NATO-EU cooperation. This, in turn, would likely exponentially worsen the kinds of frictions, already evident, which arise from Greek-Turkish relations across NATO and the EU. At the same time there are voices within the EU that insist that the engagement of third countries within CSDP must be based on the equal treatment of such partners. This implies that variable geometry cannot and should not be applied to distinguish, say, between Turkey, the United Kingdom and the United States as third countries.

³⁰ Erica Moret and Fabrice Pothier, 'Sanctions After Brexit' (2018) 60(2) *Survival* 60-179-200.

³¹ White and Case, 'Sanctions after Brexit – the first UK sanctions regime's (1 March 2019) <<https://www.whitecase.com/publications/alert/sanctions-after-brexit-first-uk-sanctions-regimes>> accessed 8 September 2019.

Nonetheless, it appears that the Union seeks to go beyond a simple 'third country' relationship, declaring that: 'The EU stands ready to establish partnerships in areas unrelated to trade, in particular the fight against terrorism and international crime, as well as security, defence and foreign policy.'³² While the self-interest of both parties should logically lead them together to address shared strategic challenges from a common standpoint, we have seen that logic, rationality and self-interest have not been notable drivers of Brexit. There is considerable scope to tailor just such a bilateral relationship, with a menu of options to ensure consultation, cooperation and coordination. At the same time, the Union is determined to maintain respect for its legal order and each partner's own decision-making system.

Whether formal or informal, partnerships have become an established feature of EU relations with several key allies and the potential here is significant. The Union has a variety of possible templates. Norway for example, participates in EU sanctions and also supports EU CSDP operations with troops and financing. Informal consultative mechanisms thus exist to exchange views on key policy issues. Such a model however does not entail full and formal engagement in policy and decision-making. Any model that went beyond consultation, cooperation and coordination – one which sought to preserve key elements of a 'common' foreign, security and defence policy – would be legally, constitutionally and politically challenging for the Union.

2. UK Scenarios

For the UK the spectrum of scenarios is wider and arguably more complex as it also encompasses a wider divergence of domestic preferences. On the night of the Brexit vote, senior UK defence officials telephoned their EU counterparts to reassure them of the UK's continuing commitment and engagement in European security and to insist that Brexit did not represent a shift to isolationism. This was also restated publicly at least in part to offset any temptation on the part of adversaries that the UK might be resiling from its existing security commitments. The UK set out a broad vision of a 'new, deep and special partnership' with the EU in a series of seven policy-based

³² European Council, 'Conclusions: Negotiating Guidelines for Brexit' EUCO XT 20004/17, 7.

papers published in September 2017. In the Foreign Policy, Defence and Development paper,³³ the UK Government underscored the complementarity of UK and the EU's foreign policy priorities – to such an extent that one analyst noted that that these nearly appeared to make 'a case for being part of the EU, rather than setting out a "new" arrangement.'³⁴

The document was said by one senior official in an off-the-record briefing, to be deliberately 'forward leaning', reflecting bilateral feedback from EU partners as to what they sought from a post-Brexit UK. It was also at the limits of what the British political system could offer. British officials however quickly acknowledged that the proposal landed badly in Brussels, where they were immediately characterised as demanding the benefits of membership without its obligations. The document went to great lengths to itemise what it was that the UK would bring to the table in the context of negotiations to establish 'a deep and special relationship' in the field of security and defence. It is notable that within the 22-page document the first 17 are devoted to a laundry list of the UK's contributions to, and strengths within, global affairs. The final few pages then set out the general principles from which the UK wished to establish a new bilateral framework. In the realm of defence and the CSDP specifically, the UK was seeking:

- Consultation on common CFSP positions, particularly in the field of sanctions;
- Participation in civil and military crisis management CSDP missions, including their political and strategic planning;
- Engagement in defence industry financing programmes such as the Preparatory action on defence research (PADR), the European defence industrial development program (EDIDP), PESCO, and the future development of the EDF;

³³ HMG, 'Foreign policy, defence and development: a future partnership paper' <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643924/Foreign_policy_defence_and_development_paper.pdf> last accessed 8 September 2019

³⁴ Paul James Cardwell, 'The United Kingdom and the Common Foreign and Security Policy of the EU: From Pre-Brexit "Awkward Partner" to Post-Brexit "Future Partnership"?' (2017) 13(13) *Croatian yearbook of European law & policy* 21.

- Working with the EU in the field of space and dual-use technologies, particularly in the framework of the Galileo and Copernicus programmes; and
- Participation in the Union's emerging defence market and collaboration with the European Defence Agency (EDA).

On 9 May 2018, the UK Government published its 'Framework for the UK-EU Security Partnership'. It reflected on the ambitions set out the previous September, but now set these against the progress achieved towards the Political Declaration associated with the formal Withdrawal Agreement.³⁵ Therein, the acknowledgement of the EU's autonomy of decision-making finally entailed formal recognition that the UK could no longer aspire to direct engagement in collective decision-making. Nonetheless, it called for a unique and deep relationship that went well beyond the EU's traditional relationship with other third countries. A series of options are set out which encompass regular and structured consultations at all political levels, an exchange of officials, and agreement on the exchange of sensitive material. The option to participate in CSDP missions with associated planning and command roles is also raised, as is engagement with EDA planning, the option of participation in PESCO, EDF and other specific programmes (including Galileo).

Notwithstanding this official outline of a special relationship with the EU, the motif of "Global Britain" has been in the ascendant. Thus, the first UK scenario for consideration is based on the ambition for the UK to carve out a new role for itself as an essentially liberal, free trading state focusing on traditional partners (the US and the Commonwealth) as well as so-called rising powers such as China and others in the far-east. It therefore assumes a de-centring of UK foreign policy *away* from a European to a greater global perspective. This has prompted much speculation, for example, about the scope for refocused UK attention to the so-called 'Five Eyes' intelligence

³⁵ HMG, 'Framework for the UK-EU Security Partnership' (May 2018) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705687/2018-05-0_security_partnership_slides__SI__FINAL.pdf> accessed 20 September 2019.

partners and the broader Anglophone world.³⁶ In her pivotal 'Lancaster House' speech on 17 January 2017, the then Prime Minister Theresa May had insisted that in their vote to leave the EU, the British people had voted 'to embrace the world' based on its history, its exceptionalism and its potential.³⁷ The contradictions between this and the above-outlined special relationship with the EU is obvious and has entailed demands from the British side to find solutions that are both 'creative' and 'practical' and which entail 'new thinking' and the need to be 'imaginative' to square the obvious circles.³⁸

The US plays a special role in this Global Britain scenario in both trading and strategic terms. Strategically, it is envisaged here that the 'special relationship' – always a problematic construction from the US side – can come to play a more meaningful role in British foreign and defence policy, with the two Anglophone powers working in concert globally in pursuit of a liberal trading regime and dedication to democratic values.³⁹ Here again the question arises of the extent to which the Trump administration's mercantilist trade preferences and the President's personal predilection for dealing with authoritarian leaders will cut across such a set of norm-based ambitions as "Global Britain" would ostensibly seek to pursue.

Moreover, for some sceptics, the "Global Britain" brand has already been linked to a less attractive 'Empire 2.0' strategy, relying on historic ties which are either long-past their sell-by date or else profoundly misunderstood and misrepresented within the British discourse.⁴⁰ This is specially the case for

³⁶ Claudia Hillebrand, 'With or without you? The UK and information and intelligence sharing in the EU' (2017) 16(2) *Journal of Intelligence History* 91–94.

³⁷ Speech by Theresa May, Lancaster House (London 17 January 2017) <<https://www.europeansources.info/record/speech-by-theresa-may-lancaster-house-london-17-january-2017/>> last accessed 9 September 2019.

³⁸ Prime Minister Theresa May, 'A new era of cooperation and partnership between the UK and the EU' (Florence, 22 September 2017) <<https://www.gov.uk/government/speeches/pms-florence-speech-a-new-era-of-cooperation-and-partnership-between-the-uk-and-the-eu>> accessed 9 September 2019.

³⁹ W Rees, 'America, Brexit and the security of Europe' (2017) 19(3) *British Journal of Politics and International Relations* 558–572.

⁴⁰ B Martill, 'Britain has lost a role, and failed to find an empire' (2017) UCL European Institute Comment <<http://www.ucl.ac.uk/european-institute/analysis/2016-17/martill-may-speech>> accessed 21 August 2018; Satnam Virdee and Brendan

the Commonwealth, China and the US.⁴¹ For the Commonwealth countries, a British "return" has limited strategic appeal. As a loose association of states formerly part of the British Empire, the diplomatic glue which holds the Commonwealth together is weak and their shared strategic interests tend to the general rather than the specific. For major players such as China and Japan a key part of the UK's comparative utility was precisely its membership of the European Union and how that could be leveraged through close bilateral ties. Much the same is true for the United States at the global level. From the US perspective post-Brexit London arguably becomes a less valuable diplomatic asset as it can no longer be seen as either a sounding board for, or advocate of, shared Atlanticist interests within the EU.

A second scenario is one in which the UK refocuses itself as an Atlanticist mini-hegemon. Reflecting the diminished resources which consecutive UK governments have made available to defence,⁴² this would see the UK prioritising itself as having a regional rather than global focus but from a firmly Atlanticist perspective. NATO would rest at the centre of UK defence policy but from that framework the UK would press its allies to maintain a clear hierarchy in which NATO served core defence and security interests while EU/NATO members would be encouraged to focus more on soft security tasks as well as conflict prevention, management and resolution. This would offer a clear division of labour between the two institutions but would certainly cut across the declared ambition of a number of EU Member States for the PESCO framework. This would also potentially sharpen tensions in EU-NATO cooperation, potentially degrading cooperation

McGeever, 'Racism, Crisis, Brexit' (2018) 41(10) *Ethnic and racial studies* 1802-1819; Oliver Daddow, 'Global Britain™: the discursive construction of Britain's post-Brexit world role' (2019) *Global Affairs* 1-18.

⁴¹ Rebecca Adler-Nissen, Charlotte Galpin, and Ben Rosamond, 'Performing Brexit: How a post-Brexit world is imagined outside the United Kingdom' (2017) 19(3) *The British Journal of Politics and International Relations* 573-591; Thomas Henökl, 'How Brexit affects EU external action: The UK's legacy in European international cooperation' (2018) 97 *Futures* 63-72; Jie Yu, 'After Brexit: Risks and Opportunities to EU-China Relations' (2017) 8 *Global Policy* 109-114.

⁴² Paul Cornish and Andrew Dorman, 'National defence in the age of austerity' (2009) 85(4) *International Affairs* 733-753.

between the two institutions and reinforcing some of the dynamics evident in Turkey's security and defence relationship with the EU.

A third potential scenario is the UK looking to intensify defence cooperation in Europe but from outside the EU. With NATO remaining at the core of its defence policy, the UK might then choose to pursue a more proactive agenda of working with key European partners and through a variety of mini-lateral and bilateral frameworks in pursuit of shared European defence and security interests. It might, for example, reinforce its 2010 Lancaster House framework with France, and try to replicate this with other key partners such as Germany or Poland.⁴³ At their 2018 summit, for example, the French and British leaders agreed to create a 10,000-strong military expeditionary force which could be ready to deploy by late 2020. Similarly, the UK might look to develop the model instituted by President Macron in his 2018 European Intervention Initiative (EI2), thus building a network of other military frameworks outside the penumbra of the European Union. The UK already has significant commitments deriving from NATO, such as its own Joint Expeditionary Force, combined joint task forces such as Operation Inherent Resolve, and the UK–Netherlands Amphibious Force which the UK might decide to augment and further develop. Such models might also be applied with a range of other partners. Finally, the UK could seek to extend further its bilateral security and defence relationships with both non-EU and EU Member States, the latter partly with a view to maximising influence over the EU's agenda.

The fourth potential scenario is one of the aforementioned 'unique' partnership with the Union. Here the UK would indeed seek to maintain a presence within the decision-making structures of CFSP and CSDP. UK political leaders have already mooted options such as maintaining a seat at the ministerial table and developing structures to accommodate a formal UK input to policy making which would fall short of a UK "vote" but accommodate a significant UK "voice" in European councils. This has already generated some internal EU debates with the European Council's Legal Service commenting, in response to a letter from the Government of Cyprus, that no 'outside interference' in the EU's decision-making process

⁴³ Peter Ricketts, 'National Security Relations with France after Brexit' (2018) RUSI Briefing Paper.

could be allowed.⁴⁴ The November 2018 Political Declaration on the future of EU-UK cooperation in defence had spoken about the prospect of 'flexible consultation' between the UK and EU and mooted informal structures of ministers and officials at 'working' level to facilitate same.⁴⁵ The Legal Services insisted, however, that while informal consultations were always possible, no written documents or formal positions deriving from such informal consultations could ever be used to shape EU policy. They reassured the Cypriot Government that the draft Political Declaration had enshrined 'strong guarantees [...] written in to ensure that the work of the Council and its preparatory bodies is effectively protected from outside interference'.⁴⁶

The overlap between these six scenarios is limited and is a function of domestic UK political choices, EU Member State dynamics and – perhaps most significantly – EU treaties and the *acquis*. Within the UK, it is unlikely for example, that a close bilateral relationship with the EU in security and defence terms would be politically palatable. As with the ongoing trade discussions, for Brexiteers, the whole point of the exercise is to disentangle the UK from its EU obligations. Similarly therefore, efforts to construct a 'unique' and close strategic partnership with the European Union will be subject to much the same political opposition. This will only be exacerbated when any such relationship, from the EU side, would inevitably be predicated by demands for political and financial commitments. The 'Norway model' is here again illustrative.⁴⁷ Norway's ad hoc engagement with CFSP/CSDP has

⁴⁴ Tony Connolly, 'EU rules out UK role in foreign and defence decisions post-Brexit' (RTE, 25 November 2018) <<https://www.rte.ie/news/brexit/2018/11/25/1013219-uk-eu-security/>> accessed 9 September 2019.

⁴⁵ 'Draft Political Declaration setting out the Framework for the Future Relationship between the EU and the UK' <<https://www.consilium.europa.eu/en/press/press-releases/2018/11/22/draft-political-declaration-setting-out-the-framework-for-the-future-relationship-between-the-eu-and-the-uk-and-article-132-of-the-draft-withdrawal-agreement/>> accessed 9 September 2019.

⁴⁶ Ken Sweeney, 'Cyprus blocks EU defence and foreign cooperative role for UK post-Brexit' (Europa United, 26 November 2018) <<https://europaunited.eu/2018/11/26/cyprus-blocks-eu-defence-and-foreign-cooperative-role-for-uk-post-brexit/>> accessed 9 September 2019.

⁴⁷ Kristin Haugevik, 'Diplomacy through the back door: Norway and the bilateral route to EU decision-making' (2017) 3(3) *Global Affairs* 277-291; Christophe Hillion

delivered cooperation and coordination – where both parties desire the same – but its framework for consultation is weak and is profoundly asymmetrical.⁴⁸ While the UK's geostrategic weight is greater and can be assumed to garner extra attention in Brussels, two further factors militate against early agreement on a strong bilateral arrangement.

The dynamics of EU Member State interaction within CFSP/CSDP are complex. While formally they are structured around a strict intergovernmental system of decision making, that system is overlaid atop an intense and ongoing political and diplomatic interplay, which is deeply institutionalised and has become part of the fabric of Member State foreign policies. Within those debates there are – as has been signalled above – contrasting views as to how far and how deeply EU foreign, security and defence policy integration should proceed. Even on daily policy discussions in arriving at a common position on particular issues, the subtleties of particular decisions can be a function of many diverse inputs across the EU policy agenda. Thus, to "plug-in" a third party to such debates – even at the level of policy discussion and absent a formal vote – is at a minimum problematic. If such a third party sees itself as necessarily having a distinctive and unique weight in such discussions, the issue becomes exponentially more complex.⁴⁹

However, even if such political considerations could be overcome in pursuit of shared strategic goals, the legal and institutional barriers to such a unique partnership are formidable. The treaties and the Union's *acquis* set very precise terms for EU relations with third parties and the rights/obligations of members which cannot be set aside. To leave the Union axiomatically entails a loss of substantive "voice" which can only partially be ameliorated by a diverse set of informal diplomatic routines and practices which leave only

and Alfred Pierre, 'Norway and the changing common foreign and security policy of the European Union' (2019) NUPI Report.

⁴⁸ Nina Græger, 'Need to have or nice to have? Nordic cooperation, NATO and the EU in Norwegian foreign, security and defence policy' (2018) 4(4-5) *Global Affairs* 363-376.

⁴⁹ European Parliament, 'Policy Department for External Relations, CSDP after Brexit: the way forward' (May 2018) <[http://www.europarl.europa.eu/RegData/etudes/STUD/2018/603852/EXPO_STU\(2018\)603852_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/603852/EXPO_STU(2018)603852_EN.pdf)> last accessed 9 September 2019.

limited room for influence. Again, in the case of Norway, diplomats and officials based in both Oslo and Brussels seek to vindicate Norwegian interests through negotiations with the EU institutions, and attempt to 'work closely' with the EU in CFSP/CSDP issues.⁵⁰ It is difficult to conceive even of an institutionalised system which would at one and the same time respect the Union's existing decision making order while accommodating the UK's clearly expressed desire for a substantive input and consultation on policy making.

These three limitations to a bespoke or unique bilateral strategic partnership are further challenged by the Union's accelerated pursuit of strategic autonomy. The concept is one which attempts to walk a fine line between strengthening the Union's defence capacity while at one and same time, for NATO Member States, maintaining the integrity of the Alliance.⁵¹ Institutionally, as noted above, it includes a review of the use of EU 'battlegroups', the prospect of central funding for military operations, the establishment of the Coordinated Annual Review on Defence, new operational structures in the Military Planning and Conduct Capability headquarters and PESCO itself. It is also being defined in the allocation of new resources through the European Defence Fund, a new European Defence Research Programme (EDRP) and the European Defence Industrial Programme (EDIP). The engagement of third countries in both PESCO projects and the EDF as a whole has already become an issue of intra-NATO tension with both the US and Turkey and is likely only to be exacerbated with the UK's withdrawal.

IV. CONCLUSIONS

There appears to be only one definitive conclusion to be drawn from an analysis of Brexit's implications and the potential shape of the EU-UK

⁵⁰ Mission of Norway to the European Union, 'Norway and the EU' (Utenriksdepartementet, 2019) <<https://www.norway.no/en/missions/eu/about-the-mission/what-we-do/>> accessed 29 August 2019.

⁵¹ Daniel Fiott, 'Strategic Autonomy: Towards "European sovereignty" in defence?' (2018) EUISS Issue Brief, No. 12 <https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief%2012__Strategic%20Autonomy.pdf> accessed 9 September 2019.

security/defence relationship into the future and that is that both parties are diminished as a result. The best that can therefore be hoped for is the minimisation of the associated costs and the maintenance of a strong strategic link.

For the European Union early analyses suggested that the loss of the UK as a Member State left it substantially diminished and further marginalised from the emerging geopolitical mainstream. It was more evidence of Europe's historical decline and a testament to the need for the Union to lower its ambitions to better marry these with its diminished capacity. What we have thus far seen, however, is a European Union accelerating its defence integration and raising the rhetorical stakes on the goals of that integration. Significantly too, new resources have been dedicated to that end - with much promised even though little is as yet delivered. This is of course further reinforced by European anxiety surrounding the direction of the United States and a deteriorating European security environment. While it is difficult to ascribe weighted causality to each of these three factors, the critical issue is that they are mutually reinforcing towards greater European defence integration.

For the UK, the picture is as yet still too complex to draw a definitive conclusion. The absence of any domestic consensus on what Brexit was meant to deliver frustrated early on efforts to divine what the shape of the UK's post-Brexit security and defence relationship with the EU might be. Simple disengagement ran with the grain of much Brexit sentiment but was contrary to stated UK strategic interests and the expressed goals of the UK Government, particularly as eventually defined in the Political Declaration. At the same time, attempting to square that circle by seeking a 'bespoke' relationship satisfied neither – at least within the Union's own political and legal parameters.

Brexit has also shifted sensitive political balances within the EU. In the absence of a common strategic culture, EU Member States still differ between those that prioritise migration and instability from the south and those that emphasise the need for collective territorial defence from Russia in the east. There is further differentiation between convinced Atlanticists and determined Europeanists for a definition of EU strategic autonomy and whether this amounts to hedging against the prospect of US withdrawal, a

necessary reinforcement of NATO or even an emancipation from dependence upon a fickle United States. The withdrawal of a more globally-facing UK may also temper the Union's own ambitions, perhaps contributing to a more parochial Union or re-orienting the Union closer to its own immediate hinterland of Africa and Eurasia at the expense of engagement in the Far and Middle East.

One might in such circumstances expect that traditional engine of European integration, Franco-German cooperation, to engage further gears in response to the loss of the UK. Thus far this has not been the case. The dynamic between Paris and Berlin has not yet delivered a coherent programme of policy responses to the broad EU agenda – and certainly delivered even less in foreign and defence policy terms. The fact that President Macron has created his European Intervention Initiative outside the EU context is a portent of his own frustration at the pace of development of the CSDP in operational terms (and the over-inclusiveness, in French minds, of PESCO). Certainly, these two partners have not as yet built meaningfully from the relaunch of their Aachen Treaty. They have not as yet substantively addressed the practical issues surrounding deeper CSDP/CFSP engagement.

Thus, in such a fluid context, it is only possible to try and outline the most basic parameters of the precise "win-set" between the variety of scenarios sketched out above. If we exclude the extreme outcomes – a full breach between the UK and EU or UK integration within CSDP – we have seen that the outline of a potential framework for cooperation clearly exists. The EU already has security partnerships which facilitate third party contributions to civilian and military missions and defence cooperation. These, however, do not yet encompass a strategic input to policy planning and decision-making such as within the Political and Security Committee (PSC) or the Foreign Affairs Council (FAC). As also noted, the Political Declaration (Articles 92-104) has affirmed the EU's willingness to grant the UK only an informal role in CSDP.

Sven Biscop, among others, has by contrast proposed an 'opt-in' model for the UK in respect of the CSDP/CFSP, including a non-voting seat in the FAC when discussing operations with direct UK involvement. This 'pay and play' model has potential, if it can logically address the issue of the UK as a third-party being treated differently to Norway, Turkey or the Union's existing

security partners such as Montenegro, Serbia or Switzerland.⁵² Such a unique position would also likely entail continued UK contributions to the Union's security and defence budget, likely raising political storms in London. While most EU Member States would certainly welcome continued UK involvement in CSDP operations, the Union would certainly not countenance the use of UK vetoes.

On the more operational side of defence policy the prospects for ongoing cooperation are perhaps brighter. An association agreement between the UK and the EDA might be part of such a menu, as might access to a limited range of PESCO projects, again on a 'pay to play' basis. Therefore, in the short to medium run post-Brexit, the expectation must be that the UK will maintain its commitments to European security and defence, both through NATO and a much-intensified series of bilateral and minilateral defence engagements. Where possible and where practicable, the UK will also engage actively in those EU agencies, programmes and policies where third-country participation is available. This will potentially build a pattern of bilateral good-faith cooperation that, over time, may then be institutionalised or packaged within a wider bilateral framework. It is therefore not likely that the ambitious scope for bilateral defence cooperation, set out in the UK's September 2017 framework, will be pursued in the negotiation of the future relationship. For the moment, therefore, the UK's road to Brussels will be diverted through NATO headquarters and 27 national capitals.

The UK will continue be a major European power – with global ambitions – for some time to come. The European Union is visibly moving towards to a more integrated foreign, security and defence policy, with a high level of ambition, albeit not yet sustained by commensurate resources and political will. These two European actors also share too much to work in isolation or potentially at cross purposes. Whether that cooperation is structured bilaterally through NATO or multilaterally in ad hoc structures and frameworks remains to be seen but work together they must if they are to meet their respective goals. The overriding question to such a comparatively benign scenario is how the associated variables to EU-UK defence

⁵² Sven Biscop, 'Brexit, Strategy, And The EU: Britain Takes Leave. Egmont Paper 100' (February 2018).

cooperation will be impacted by the degree of success/failure of the wider negotiations on the shape of the future EU-UK relationship.