



## **Post-Brexit EU-UK Cooperation on Foreign and Security Policy**

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#### **Introduction**

This paper sets out the outline of a proposal for future EU-UK cooperation on foreign, security and defence issues, including ongoing UK involvement in military and civilian missions, following the UK's departure from the EU, as expected in 2019.

The UK Government has notified the European Council of the UK's intention to withdraw from the EU, setting out its wish to develop "a deep and special partnership between the UK and the EU, taking in both economic and security cooperation"<sup>1</sup>. The Government has stated its desire for the UK to "remain committed partners and allies to our friends across the continent"<sup>2</sup> and to "use our tools and privileged position in international affairs to continue to work with the EU on foreign policy security and defence."<sup>3</sup>

This outline proposal does not represent a formal position or negotiating position of the UK Government. Rather, it is an informal contribution - building on the spirit of the UK's stated intentions - to help inform the debate around the potential nature of and mechanisms for post-Brexit cooperation in European security and international affairs.

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<sup>1</sup> Letter from the Prime Minister to President Tusk, 29 March 2017

<sup>2</sup> *ibid*

<sup>3</sup> HM Government: The United Kingdom's exit from and new partnership with the European Union, February 2017 (chapter 11)

## **EU foreign and security policy coordination**

EU-level coordination of EU member states' foreign policies has evolved gradually into the Common Foreign and Security Policy (CFSP), with joint civilian and military operations organised under the Common Security and Defence Policy (CSDP).

The Foreign Affairs Council of foreign ministers meets monthly, chaired by the High Representative for Foreign and Security Policy, and supported by the European External Action Service (EEAS) and various committees and working parties. CFSP 'tools' and 'instruments' include:

- Conclusions, adopted unanimously, often setting out the Union's position on international developments;
- CFSP Decisions, adopted unanimously, defining guidelines to which national policies of members states must conform, e.g. listing designated terrorist organisations;
- Joint Actions to launch CSDP civilian and military operations, including crisis management and peacekeeping missions, laying down the objectives, scope and means to be made available to the EU and committing the participating member states. Member states are not compelled to participate in CSDP missions;
- Sanctions based on CFSP Decisions adopted unanimously but implemented through Regulations adopted by qualified majority;
- Electoral observation missions;
- External financing instruments supporting third countries and people abroad, including the Development Cooperation Instrument (€19.66b, 2014-20), the Instrument contributing to Stability and Peace (€2.34b), and the Partnership Instrument (€955m) to work with partner countries of strategic interest to the EU in responding to global challenges and enhancing opportunities for companies and academia in the EU.<sup>4</sup>

The UK is currently a major participant in the formulation of the EU's CFSP positions and is a key contributor to CSDP operations and missions in terms of capabilities, expertise, assets and personnel. For example, HMS Enterprise and other Royal Navy military assets are currently deployed in the Mediterranean, rescuing migrants as part of Operation Sophia. The UK hosts one of the EU's five designated Operation Headquarters at Northwood for the EU's anti-piracy mission off the Horn of Africa, Naval Force ATALANTA.

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<sup>4</sup> External action financing instruments: [https://ec.europa.eu/europeaid/funding/about-funding-and-procedures/where-does-money-come/external-action-financing-instruments\\_en](https://ec.europa.eu/europeaid/funding/about-funding-and-procedures/where-does-money-come/external-action-financing-instruments_en)

The UK and EU have a clear common interest in maintaining a strong ongoing partnership based on the principles elaborated below and delivered through the practical arrangements suggested below.

## **Principles underpinning the future relationship**

- **Shared values and interests**

Post-Brexit, the UK and EU will continue to have shared interests in the peace and security of Europe, including defence of the European security order. These shared interests are founded on shared values, namely: preserving peace and strengthening international security; promoting international cooperation; and developing and consolidating democracy, the rule of law, respect for human rights, and fundamental freedoms<sup>5</sup>. The UK and EU should continue to work on the strategic goals of maintaining the transatlantic alliance, whilst enhancing European defence capability, managing migration challenges, tackling the terrorist threat within and beyond Europe's borders and facing potential threats from Russia to the east.

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*"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. We aim to enhance our strong bilateral relationships with our European partners and beyond, projecting a truly global UK across the world."<sup>6</sup>*

- **An ambitious and special partnership, strengthening European defence**

The EU and UK should aim for an ambitious and special partnership, which recognises the UK as a distinct player - as a departing EU member state, one of the two permanent European members of the UN Security Council, a leading member of NATO, a leading player in international development assistance, and capable of projecting forces globally.

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<sup>5</sup> EU Foreign and Security Policy: [https://europa.eu/european-union/topics/foreign-security-policy\\_en](https://europa.eu/european-union/topics/foreign-security-policy_en)

<sup>6</sup> HM Government: The United Kingdom's exit from and new partnership with the European Union, February 2017 (chapter 11)

The UK should not stand in the way of EU member states forging closer defence ties, including the establishment of a permanent EU civilian-military headquarters, complementary to NATO. Using the Permanent Structured Cooperation (PESCO) under the Lisbon Treaty, willing member states can purchase and develop shared capabilities and military assets under the coordination of the European Defence Agency. PESCO could also be used to create multinational forces with a unified strategic command, capable of being deployed as part of a NATO operation or an EU operation. This process would increase efficiencies and help build capacity, enhancing the collective defence of the liberal democracies.

- **Inter-governmentalism and respect for autonomy of decision making**

The CFSP and CSDP are already substantially intergovernmental in nature, respecting the autonomy of EU member states in foreign and defence policy. Therefore, it should be possible to conceive of mechanisms for a high degree of involvement of the UK, voluntarily and without a veto, in EU foreign, security and defence issues, respecting the autonomy of both the EU and UK.

### **Practical arrangements for future cooperation**

Non-EU states can participate in CSDP activities when they are invited to do so by the EU. Indeed, 25 partner countries have contributed to 16 CSDP missions and operations, including the United States in Kosovo and Congo. However, whilst there is informal dialogue between allies and partners, there is no extensive, formal or institutionalised role for non-EU states to provide input into the shaping of the CFSP, from which CSDP missions, and other decisions and activities, flow.

Central to the formation of the CFSP is the **Political and Security Committee (PSC)**. The PSC, chaired by the EEAS, meets intensively - twice a week and more often if necessary - at Ambassadorial level to monitor the international situation and as the preparatory body for the Foreign Affairs Council. It prepares and monitors the implementation of policies within the CFSP, including the CSDP, drafting opinions for the Council at its request or own initiative. For example, the Crisis Management and Planning Directorate (CMPD) within the EEAS works under the political control and strategic direction of the PSC and is directed by the PSC to develop a Crisis Management Concept in advance of Council decisions on operational plans.

A number of countries such as Canada, Iceland, Montenegro, Norway, Serbia, Turkey and Ukraine have framework agreements in place by which they have agreed

the conditions for case-by-case participation in CSDP operations. The United States signed a Framework Agreement on the participation of the USA in EU-led crisis management operations in May 2011. These **Framework Participation Agreements** (FPAs) provide limited scope for involvement in the formulation and planning stages. Partners interested in making a contribution to an EU mission/operation are kept informed throughout the planning and decision-making process using existing structures for political dialogue. Partners are usually, though not always, included in relevant force generation conferences and included in the committee of contributors responsible for the day-to-day conduct of operations with the same rights and obligations as EU member states. However, the decision to invite third countries to take part rests with the PSC, deciding by unanimity on a list of proposed countries to invite. Operational control is given to a commander from an EU member state, and EU member states decide on the allocation of posts within an operation. Partners assume costs associated with their participation and contribute to the common costs of military operations in the same way as EU member states under the ATHENA financing mechanism.

Whilst the existing FPAs provide a template and basis for the UK to participate in CSDP operations post-Brexit, the EU27 and UK should agree to go much further in establishing an enhanced level of cooperation across foreign and security policy, in keeping with the principle of establishing an ambitious and special partnership.

The way by which NATO works closely with five non-member allies, Australia, Finland, Georgia, Jordan and Sweden - known as '**Enhanced Opportunity**' **partners**, can provide a starting point for considering models for intensified dialogue and formalised cooperation between the EU and UK post-Brexit. Enhanced Opportunity partners make significant contributions to NATO operations and exercises, and are able to participate in many important NATO meetings, contributing to shaping (but not making) decisions.

The proposal for the practical arrangements for structured EU-UK cooperation rests on three pillars:

- 1. An Enhanced Framework Participation Agreement**
- 2. Permanent Observer Status for the UK in the Political and Security Committee**
- 3. Regular high-level political dialogue**

- **An Enhanced Framework Participation Agreement**

The EU and UK should explore some kind of 'Enhanced Framework Participation Agreement' with additional features to ensure strong ties, such as:

- An automatic right of first refusal to participate in initiatives.
- A defined role in development of mission concept and purpose through PSC and CMPD consultation.
- The possibility of seconding national experts to relevant directorates of the EEAS and relevant committees.<sup>7</sup>
- Guaranteed inclusion in force generation conferences and committee of contributors.
- The possibility of hosting Operating Headquarters (the UK could retain Northwood for ATALANTA and put Northwood or other centres at the disposal of future operations).
- An agreement for the sharing of confidential intelligence and planning documents, as the US has with the EU.

- **Permanent Observer Status for the UK in the Political and Security Committee**

Crucial to an approach which delivers an enhanced level of cooperation across foreign and security policy will be a willingness on the part of the EU27 and UK to keep the UK close to the deliberations and workings of the PSC - as the key coordinating body of the EU's CFSP and wider external policy.

The optimal approach to allow maximum dialogue and close coordination on policy would be for the UK to have permanent observer status in the PSC.

The observer status would need to be governed by specific rules of procedure governing speaking rights, rights to place items on agendas, how UK positions might be recorded in minutes and documents, and occasions calling for the UK representative to be absent from (certain sensitive) discussions. It would be envisaged that the UK representative would have speaking rights in discussions and that the agreement on observer status would be specific to the UK, i.e. not open to other third countries such as candidate states, as part of a treaty on a special

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<sup>7</sup> There would need to be specific agreement on staff secondments in accordance with Commission Decision C(2008) 6866. Most SNEs [to the Commission] are nationals from a European or European Economic Area country, but in exceptional cases non EU/EEA nationals can also be seconded to the Commission. [http://ec.europa.eu/civil\\_service/job/sne/index\\_en.htm](http://ec.europa.eu/civil_service/job/sne/index_en.htm)

partnership taking into account the UK's larger role in foreign affairs and its defence contribution.<sup>8</sup>

Since the PSC prepares Conclusions agreed by the monthly Foreign Affairs Council, a way of working could be established whereby the UK representative at the PSC could signal in advance of Council meetings whether the UK intended to associate itself with expected Conclusions and how the timing and content of any UK Foreign and Commonwealth Office statements would be aligned.

- **Regular high-level political dialogue**

Regular high-level political meetings would facilitate mutual understanding and give a strong political signal about the importance of the EU/UK security partnership.

To fulfil this, there could be a six monthly meeting of the EU Foreign Ministers and British Foreign Secretary. This could be held on the occasion of one of the monthly Foreign Affairs Councils in Brussels as more appropriate than inviting the Foreign Secretary to the six monthly informal meetings of foreign ministers organised by each EU Presidency (although the UK and a Presidency could organise ad hoc EU-UK informal meetings as deemed necessary). In addition, the British Foreign Secretary or other Foreign Office Ministers could meet the EU's High Representative for Foreign and Security Policy on a monthly or quarterly basis.

## **Financing**

The Prime Minister has indicated, in agreeing which "specific European programmes" the UK might want to participate in, it would be "reasonable that we should make an appropriate contribution".<sup>9</sup> Future financing of programmes and initiatives will be part of the overall negotiations and it would be wrong therefore to take a position in this paper. However, it is worth noting the current funding arrangements.

The ATHENA mechanism, mentioned above, applies to member states and participating third countries for the financing of common costs of CSDP operations having military or defence implications - with contributions based on a Gross National Income scale. These common costs account for under 10% of total costs for an operation; the rest follows the principle of 'costs lie where they fall'. Civilian missions

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<sup>8</sup> The PSC meets EU candidate countries and non-EU European NATO states in the PSC+7 format and with these states plus the US and Canada in the PSC+9 format, however, these meetings are infrequent.

<sup>9</sup> Speech by Theresa May, Lancaster House, 17 January 2017

are funded from the general budget of the EU. Numerous external financing instruments, some mentioned above, are funded from the general budget of the EU<sup>10</sup>. However, the EU's main instrument for providing development aid to African, Caribbean and Pacific (ACP) countries and to overseas countries and territories (OCTs) - the European Development Fund - is created by an intergovernmental agreement and financed by direct contributions from EU member states according to a contribution key.<sup>11</sup>

As part of a new model of partnership in foreign and security policy, there is likely to be mutual interest in creating the possibility for contributions to be made to certain external financing instruments, or specific programmes within these, by agreement. The UK's participation in European Defence Agency projects to foster cooperation in capabilities-building, procurement and the defence industry would also need to be considered.

**Conclusion**

It is hoped that this paper provides some useful principles and ideas (summarised below) for close future EU-UK cooperation on foreign and security policy.

<b>Key principles</b>	<b>Shared values and interests</b>		
	<b>Ambitious and special partnership, strengthening European defence</b>		
	<b>Inter-governmentalism and respect for autonomy of decision-making</b>		
	<b>Pillars for cooperation</b>		
	<b>Enhanced Framework Participation Agreement</b>	<b>Permanent Observer Status in the PSC</b>	<b>Regular high-level political dialogue</b>

The aim should be for a high level of ambition in this area. Indeed, it has been suggested that a mutual assistance and military assistance guarantee be provided in the event of a natural disaster, terrorist attack or armed aggression, replicating Articles 42,7 and 222 of the Lisbon Treaty; this is worth considering in the context of a deep and special partnership.<sup>12</sup>

As the UK leaves the EU, the UK remains committed to maintaining a strong diplomatic presence in Brussels and the capitals of Europe and looks forward to fostering a special partnership based on our common values and interests.

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<sup>10</sup> External action financing instruments: [https://ec.europa.eu/europeaid/funding/about-funding-and-procedures/where-does-money-come/external-action-financing-instruments\\_en](https://ec.europa.eu/europeaid/funding/about-funding-and-procedures/where-does-money-come/external-action-financing-instruments_en)  
<sup>11</sup> European Development Fund (EDF): [http://ec.europa.eu/europeaid/funding/funding-instruments-programming/funding-instruments/european-development-fund\\_en](http://ec.europa.eu/europeaid/funding/funding-instruments-programming/funding-instruments/european-development-fund_en)  
<sup>12</sup> Dr Charles Tannock MEP, BREXIT: The Security Dimension, February 2017