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UK foreign and security policy post-Brexit: The search for a European Strategy

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Introduction

Exiting the EU presents the need for a major rethink in terms of the future aims, ambitions and conduct of British European strategy. As there is no precedent for a country choosing to leave the EU the consequences of departure for the UK's foreign and security policy are uncertain and the impact on its role in Europe is indeterminate.

Defining the ambitions of a post-EU UK foreign and security policy will be a major undertaking for the next decade and require a new UK European diplomatic strategy.[1] Through its current membership of the EU, Britain participates in a set of policies that structure relationships between the EU and other states and organizations involved in international relations. With Brexit, this set

of policies - covering trade, security (including defence), development and foreign policy will most likely be recalibrated. Alteration of Britain's status in relation to the EU will also have the consequence of an extensive recalibration of its bilateral relationships with both its EU and non-EU European neighbours.

The scope of the impact of Brexit on European foreign and security policy relationships will be determined by a number of factors and gives rise to prospective scenarios explored in this paper.

Brexit as recalibration

Negotiating the exit from the EU itself currently occupies extensive diplomatic and

political bandwidth for the UK. Aside from negotiating its own exit from the EU the UK also has to determine its own strategic objectives for its future relationship with the EU. The EU will remain the UK's neighbour and most important market for goods and services for the foreseeable future. Consequently, the political and economic stability of the EU will be a first-order concern for the UK.

Membership of the EU has provided the UK with significant efficiencies for the UK in enabling it to address a wide range of policy issues via a multilateral format with 27 other European countries. The EU has provided a forum for the resolution of interstate disagreements between its members, the ironing out of differences with other European states and the pursuit of collective policies and positions on issues of common concern. The architecture for a future EU-UK relationship should ideally allow the UK to continue to exercise participation in a wide range of EU policies and in addition to single market access.

The current preoccupation is with Brexit as process (and understood in terms of the realisation of the provisions of Article 50 of the TEU) and the full codification of the issues agreed in the phase one of negotiations. At present there has been little attention given in the UK to its broader European diplomatic strategy (the relationships with the individual EU member states) post-Brexit. It is reasonable to assume, however, that the UK will continue to seek to have influence on EU agenda setting and policy development. As a non-member state this will be on a very different basis.

In beginning to think seriously about the future EU-UK and UK-member state relationships, there are three sets of scoping conditions to consider:

- *Timescale* – Brexit, in its entirety, is at least a decade-long project;

- *Success/failure of Brexit* – if the UK makes a 'success' of Brexit it will impact on the UK's perception of the EU and vice versa;

- *UK Domestic politics* – the UK's relationship with the EU is the defining issue in the politics of the United Kingdom for the foreseeable future.

Pre-Brexit to Brexit
In looking at post Brexit scenarios it is worth considering the UK's attitude, approach and key partnerships *pre-Brexit* and how these impact on the current and future position of the UK.

The UK's approach towards the EU has been through a re-calibration process since Conservative Party returned to power in 2010. In retrospect the Blair-Brown period from 1997 until the global financial crisis was a period in which the UK appeared to have reached an equilibrium in its attitude towards European integration. Although remaining outside the Euro and Schengen, the UK was positively engaged with the EU and sought to build a positive forward thinking approach towards EU agenda issues alongside supporting bilateral relationships. In terms of key bilateral relationships the UK sought to create close relationships with both France and Germany (not entirely successfully); sustain an economic liberalization coalition within

the EU; and offer a countervailing approach to a deepening of European integration via the promotion of an enlarging EU. To pursue these objectives, the UK pursued a policy, dubbed by one commentator, of *promiscuous bilateralism*. This was building alliances by issue area rather than building enduring bilateral or trilateral strategic partnerships.

The two governments led by David Cameron from 2010 onwards adopted a somewhat different approach in simultaneously seeking to 'de-centre' the EU in the UK's approach towards foreign policy whilst also neglecting/antagonizing bilateral relationships in the EU as illustrated by its attitude towards the Eurozone and migration crises. Conservative Party and domestic electoral considerations were given priority over the UK's foreign and European policy interests and which resulted in the (inevitable) decision to offer and then conduct the referendum on the UK's future relationship with the EU. The post-2010 privileging of intra party political politics in the governing Conservative Party over the broader UK interests has continued since the UK EU referendum vote in June 2016. It looks set to continue until the next scheduled UK General Election in 2022. Furthermore, the intra-UK political order and the relationships between the Westminster, Edinburgh, Cardiff and Belfast administrations is now in a state of flux as a direct consequence of Brexit.

Post-Brexit scenarios
In considering the future scenarios for the UK's future foreign and security relationships there is the need to consider the configuration of the UK's relationship with the EU. The paradox for the UK is that in exiting the EU the latter will still be the most important determinant of the UK's role in Europe.

The Brexit process itself has already resulted in significantly diverging agendas between the UK and the EU. The current preoccupation (for the majority of member states) is the 'exit' agreement envisioned under Article 50. For the UK, a domestic political preoccupation is the content and duration of transition arrangements post-Brexit.

The UK's ambitions for its longer-term relationship with the EU are still rather under-developed and rest on proposition set out by the Prime Minister in her Lancaster House and Florence speeches.[2] The envisioned deep and special relationship is, however, an aspiration rather than a fully articulated proposal. The EU itself has also yet to outline its own alternative vision as it wants to maintain a focus on the Article 50 process interpreted in a sequenced fashion and conditional on the delivery of the narrowly drawn mandate currently being pursued by the European Commission negotiator on behalf of the EU27.

Brexit-sclerosis scenario
In the long term the most stable and mutually beneficial outcome is that Post-Brexit the UK and EU should seek a Strategic Partnership focusing on markets, people and security.[3] However, at present there are greater grounds for pessimism than optimism that this is achievable. This primarily because of the political environment in the UK does not extend much beyond domestic political naval gazing. Consequently, the near-term scenario for the remaining EU member states might be managing the UK's

domestic preoccupation as a hard Brexit bites. A **Brexit-sclerosis** challenge may present itself to the 27: a domestic political and economic stagnation that sees the UK turn inward focusing on its own challenges. The consequences of which are uncertainty and dislocation in UK European policy.

Phoenix Britain scenario

An alternative scenario (currently a low probability prospect) is that Britain and the EU27 find themselves in a 'hard Brexit' situation but one that works to the UK's advantage rather than its detriment. Little attention appears to have been given in the 27 member states to a scenario in which the UK departs the EU with no formal Article 50 agreement and with economic consequences that are tolerated by the British public. This is a scenario that could be dubbed **Phoenix Britain**. Needless-to-say the challenge for the 27 (individually and collectively) is the alternative vision that such an apparently low-cost EU exit presents to EU membership. The UK then becomes a potential competitor model for other European states to consider emulating.

Brexit-grind scenario

Setting both these two scenarios to one side perhaps a more likely outcome is a continuation of the current **Brexit-grind.** This is sets of prolonged negotiations and transition(s) until there is an eventual *modus vivendi* and *modus operandi* that satisfies the EU and the UK.

UK European strategy post-Brexit

It is the outcome of this process and degree to which the UK is integrated with the EU's internal and external policies post-Brexit and post-transition which will determine the importance of the future EU-UK

relationship. Obviously it is also the EU-UK relationship that will be the key determinant of how the UK and EU member states bilateral, trilateral, mini- and multilateral are configured and for what purposes.

SCENARIOS

	UK domestic context	*UK foreign policy challenge*	*EU foreign policy challenge*
Brexit sclerosis	Political and economic stagnation	Addressing concerns of UK preoccupation with domestic over foreign policy concerns	Managing domestically preoccupied UK
Phoenix Britain	Political and economic consequences of Brexit tolerable	Remaking UK's European diplomatic strategy via new bilateralism, mini- and multi-lateralism	UK presents alternative non-member state model for European states
Brexit Grind	Extended and ongoing negotiations on final status of EU-UK relationship	Ongoing diplomatic and political bandwidth preoccupation with nature of final status of EU-UK relations	Unsettled final status of EU-UK relationship creates potential for UK as foreign policy challenger

POLICY CHALLENGES

The 'markets' and 'people' aspects of the UK's relationship with the individual EU member states post-Brexit will be heavily conditioned by the nature of the single market access and trade relationship that exists between the UK and the EU. The only certainly at present is that the UK moves from a member states to a third country in terms of its relationship to the EU legal framework and institutional order. The costs/benefits of existing EU-third country relationships have already been rehearsed at length and the spectrum has frequently been presented in the UK as a choice on a spectrum between an EEA (minus) relationship or an CETA (plus) relationship. Consequently, post-EU membership the UK strategic relationship towards the EU's remaining member states will likely migrate between that of an **off-shore** *and* **on-shore** balancer. By this is meant that the UK's strategy will be to seek to influence the EU by favouring different depths of relationship with different member states across different issue areas in an attempt to maximise influence over the EU agenda whilst seeking to minimise the domestic political and direct financial costs of EU-engagement. In such areas as single market regulation, Eurozone management, and EU trade policy the UK will seek to influence **off-shore** by seeking proxy influence on EU policy formation through member state national capitals and in Brussels.

In other areas the UK may seek to be an **on-shore** balancer. That is where direct tangible engagement by the UK with the EU where politically possible, where objectives appear to be of mutual advantage and if the financial costs (to the UK) are modest. Security and neighbourhood policy are indicative areas.

The complexity of implementing such an off-shore/on-shore strategy for both the UK and the EU's member states are highlighted in the current collaboration in the area of external relations. The UK's current external relations, including foreign and security policy, but also encompassing a wider variety of areas including trade, aid, environment, energy, development policy, immigration, border, asylum, cross-border policing, justice policies are all currently intertwined with EU policies.

The UK will maintain a national interest in influencing the development of EU policies in all of these areas. But dependant on the nature of the post-Brexit EU-UK agreement the UK is likely to have differential types of direct relationship with the EU in each of these different strands of external relations. And which could run from a high degree of integration to a much weaker relationship as a more detached observer. In many of these areas there is full community competence (i.e. trade policy) which would give the UK and member states limited scope for relationships outside the framework of the EU.

In other areas, such as defence and security policy (and probably development policy), there is perhaps greater scope for state-to-state bilateral, trilateral mini- and multi-lateral relationships. The UK already has an existing set of security and defence relationships with other EU member states which outside the framework of the EU. These are strategic bilateral security relationships (exemplified by the relationship with France), bilateral operational military collaborations (i.e. Netherlands), NATO-determined relationships (such as the JEF) or

collaborations via coalitions of the willing (CJTF - Operation Inherent Resolve).

Foreign and security policy Post Brexit

As Theresa May made clear in both her Lancaster House and Florence speeches her Government's objective is to replace the UK's EU membership with a 'deep and special partnership with the European Union.' A considerable proportion of the Florence speech was devoted to 'a new relationship on security' alongside a new economic relationship. The Prime Minister's proposal, set out in the Florence speech, was that the security relationship would be underpinned by a treaty between the UK and the EU.

More detailed UK Government ambitions for broader foreign policy, security and defence policy relationship have been set out in two 'future partnership' papers on *Foreign policy, defence and development* and *Security, law enforcement and criminal justice.*[4] Both papers stress the degree of shared values, objectives and threat perception between the UK and the EU. The thrust of the papers is that the UK has much to lose from being more detached from the EU.

Neither of these documents, nor the Prime Minister's proposal for a security treaty, have triggered detailed EU or member state responses. The EU27 position has been to maintain a focus on the Article 50 process, interpreted in a sequenced fashion, with discussions on a future relationship conditional on the delivery of the Article 50-based mandate.

The UK government's aspiration to agree a treaty-based relationship on security is a serious declaration of intent. But the complex distribution of EU security policy - operating on the basis of different degrees of integration between the member states, pursued across different institutions (with differing roles for the European Commission, other EU agencies and member states) and based upon different EU treaty articles - throws up similar complexities as negotiating a future trade relationship. For the UK to seek the closest possible relationship with the EU and its member states on internal security, and especially on issues of crime, terrorism and borders, will mean particularly acute negotiating challenges if the UK is outside the EU's institutions, legal order and jurisdiction of the European Court of Justice (ECJ). Moreover, because additional elements of the UK's external relations such as the environment, food security, energy and development policy - all of which contain security dimensions - are all currently intertwined with EU policies, the scope of an EU-UK security treaty could be impressively broad.

Foreign and defence policy appear to present less formidable institutional and legal barriers than other areas of future EU-UK security collaboration. The EU's member states retain the preeminent role in foreign and defence cooperation. But the recent evolution of Brussels-based decision-making and implementation structures of the EU's Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) present a 'docking problem' for a non-member state.[5] Only member states are members of the EU's key foreign, security and defence decision-making bodies such as the Foreign Affairs Council and the Political and Security Committee.

Non-member states have been granted a range of formats to share views and to facilitate collaboration on foreign policy issues and security missions outside of these decision-making bodies. But none of these existing arrangements are likely to prove sufficiently attractive to the UK as they do not allow for sufficient influence on EU policy formation (via direct participation in key institutions). They only allow for signing up to EU foreign policy positions and security and defence operations after decisions on content, scope and action have already been determined. This is essentially participation and partnership on a 'take it or leave it' basis.

The position set out by Theresa May in her Florence speech envisages something rather different: "…it is vital that we work together to design new, dynamic arrangements that go 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 external partners in other fields such as trade." In short, her government appears to seek a higher degree of integration with the EU than has been realised with other states to date.

Achieving such an ambitious goal depends on two key conditions. First, whether the EU's member states share the scale of ambition for a security agreement. Second, and more crucially, whether the UK and the EU are able to reach the exit agreement envisioned by Article 50 covering the UK's exit from the EU and terms for the negotiation of a post-membership relationship.

The security treaty proposal is detached from any wider process of reflection on the objectives for the UK's foreign, security and defence post-Brexit. The phrase 'Global Britain' is being used by government ministers as shorthand for post-Brexit foreign policy but with little articulation of proposals for its ambition or the degree it diverges from current policy. Agreeing a security treaty with the EU would be a major foreign and security policy commitment. As Brexit was not anticipated, it is not currently reflected in the UK's current National Security Strategy (NSS) or in the last Strategic Defence and Security of Review (SDSR) completed in 2015.[6] The scope and scale of the security commitments made to the EU via the security treaty, if as ambitious as the Prime Minister's Florence speech suggests, would need to be reflected in a future SDSR and NSS. The current national security capability review, which looks at the existing UK policy and the plans to support implementation of the current NSS, is a recognition of the consequences of Brexit for UK foreign and security policy. But the UK needs to conduct a broader evaluation of the ambition for its post-Brexit foreign and security policy, especially in the European neighbourhood where the EU is a significant payer and player. And evaluate how does the UK see itself fitting with existing EU policies? Does it seek a division of labour with the EU and/or outsourcing the delivery of policy objectives by aligning with existing EU policies? Are there other venues, such as the G7, the UN and NATO, where the UK could have more effective impact on EU policies than within an EU-UK structure? And how does the UK envision its future relationship with the EU if the remaining 27 member states seek closer security and defence policy integration - something that the UK has previously resisted?

The new Privileged partners and (promiscuous) bilateralism

Brexit will have implications for the UK's wider bilateral and trilateral relationships with the remaining EU member states, other European states and outside Europe. Security and defence policy is likely to prove the most effective route for the UK in building privileged partnerships with EU member states outside the EU framework. However, this may prove to be circumscribed if the defence aspects of the EU's Global Strategy (and especially PESCO) are brought fully into fruition. Consideration of the broader diplomatic relationship between the UK and EU member states outside the EU framework highlights the degree of complexity which could replace the current set of relationships.

London-Berlin-Paris

The future triadic relationship between the UK, France and Germany will be of significance but its format and operation is perhaps the most difficult to predict because of the degree of political uncertainty present in each of these countries at the present time. A high degree of convergence between France and Germany on a prospective future agenda for the EU would be viewed with mixed feelings in London: the EU's stability may be ensured but the UK may feel that differences between Paris and Berlin are to the UK's advantage. As the relationship between the UK, France and Germany extends beyond EU issues (and with existing collaboration on European and international security and global economic governance) a new tri-lateralism might be envisaged.

New bilateralisms and mini-lateralisms

Outside of the relationship between the UK, France and Germany the UK will face a tension between the desire to maintain strong bilateral relationships with as many member states as possible whilst struggling (especially in its current condition of diminished diplomatic resources) to make each of the relationships feel 'special'. Perhaps a more likely strategy is for the UK to pursue privileged partnerships in issue areas where bilateral interests are likely to remain stable but tactical or promiscuous bilateralism when required. An attractive proposition for the UK may be to seek formal political dialogue arrangements with configurations such as the Weimar Triangle, V4 or Nordic Union.

Transition: the EU-UK foreign and security policy relationship

The timetable for a 'final status' agreement between the EU and the UK is indeterminate. This means that consideration needs to be given to the foreign and security policy relationships in the period between the formal exit of the UK from the EU in March 2017 and agreement on the fine detail of a future EU-UK relationship.[7]

The EU and its member states need to make a decision as to the basis on which they see the UK connected as partner as a non-member state during transition. In particular, the degree to which the UK might continue to participate in EU security and defence policies as a 'privileged partner' with the necessary legal and political arrangements in anticipation of 'final status' EU-UK agreement. A **reverse Denmark** arrangement would see the UK fully opted into EU's foreign and security

policy arrangements as the EU's first non-member state full participant. An alternatives are various degrees of **downgrading** or 'lock out' for the UK and treated as a non-privileged, non-member state associated with EU security, foreign and defence policies on similar terms as Norway (on foreign policy and defence). However, unlike Norway, as the UK is a non-Schengen state, the relationship with the EU member states on internal security issues would be most conditional on what form of Europol and information sharing collaboration is agreed to cover the transitional period.

A 'hard Brexit' with the UK exiting the EU at the end of March 2019 without any transitional agreement in place would see the UK's contributions to EU foreign policy making and CSDP cease abruptly as the legal and political basis for their continuation would have terminated. The UK would also disconnect from institutional and information sharing arrangements facilitating cross border security. Notable would be the loss of information sharing via the termination of access to data systems such as Schengen Information System (SIS) II and Prüm, together with the termination of access to the use of the European Arrest Warrant (EAW). Such an abrupt departure from the formal structures of policy making would see a fall back on 'muddling through' arrangements.

Conclusion

The paradox of the UK's position post-Brexit is that the EU (and its member states) may likely consume greater diplomatic and political bandwidth than was the case when the UK was an EU member state. As the 'Phase one' of the Brexit negotiations has demonstrated the UK's political and diplomatic energy is far more preoccupied with Brexit than that of the EU institutions and the overwhelming majority of EU member states. Beyond the scope of this paper is the future of UK-US relations which present another significant challenge for the UK. And whether the current heavy enmeshed UK-US diplomatic, defence and intelligence relationship is likely to be strengthened or weakened by Brexit.

As the Brexit negotiations move into 'Phase 2', and the nature of the future EU-UK relationship becomes the dominant preoccupation, the UK's post-Brexit diplomatic ambitions will become clearer. This will also require the EU's member states to clarify their own ambitions and expectations for their relationship with the UK. The effects of Brexit on the power, alliances and influence of European states is yet to get underway.

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[6] HM Government, *National Security Strategy and Strategic Defence and Security Review 2015*.

[7] Explored at length in R.Whitman 'Avoiding a Hard Brexit in Foreign Policy' *Survival* 59:6 (November 2017) pp. 47-54.

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