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Missing in action: The EU–UK foreign, security and defence policy relationship after Brexit

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Abstract

Brexit has transformed the EU–UK relationship into a foreign-policy challenge for both sides. The negotiations on the EU–UK future relationship have been a process in which both sides have been learning about the other as a third-party negotiator. The UK has taken a very different attitude to the Political Declaration, agreed alongside the Withdrawal Agreement (covering the terms of the UK's departure from the EU), treating it as a guide rather than a roadmap for negotiations. And the UK has decided not to pursue negotiations with the EU on a future foreign, security and defence policy relationship. This is in a context in which the EU's member states have committed to deepening security and defence cooperation. At present, and despite shared international challenges, a formal agreement on EU–UK foreign, security and defence policy looks set to be replaced by an approach of 'muddling through'.

Keywords

EU, UK, Brexit, Defence policy, Security policy, Foreign policy

Introduction

The UK's departure from the EU on 31 January 2020 created a new foreign-policy challenge for both parties. Ending nearly half a century as an EU member state, the UK moved from being a participant shaping EU policy to being one of the subjects of its external action. For the UK, negotiating a future relationship with the EU became its most pressing foreign-policy challenge—with the outcome of the negotiations likely to have far-reaching economic, societal and economic effects.

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This profound shift in the EU–UK relationship to a third-party one was less remarked upon than might have been expected. And Brexit day was a more low-key affair than the Brexit drama of domestic political upheaval and extensive withdrawal negotiations might have warranted. This was primarily because immediate changes to the economic and social life of the UK were invisible as the country entered into the transition period provided for under the Withdrawal Agreement. The Withdrawal Agreement, agreed on 17 October 2019, was negotiated under Article 50 of the Treaty on European Union and provided the terms under which the UK exited the EU. The political drama of Brexit had also been largely muted before this by the election in December 2019 of a government led by Boris Johnson that had a significant parliamentary majority. This ensured the swift passage of the legislation ratifying the Withdrawal Agreement through the UK Parliament, ending domestic political deadlock and completing the first withdrawal of a member state from the EU under the terms of Article 50 of the Treaty on European Union.

The subsequent negotiations on the future EU–UK relationship have provided a different kind of political drama from the earlier negotiations on the Withdrawal Agreement. The major issue of controversy has been that the UK government has interpreted the Political Declaration on future EU–UK relations (agreed alongside the Withdrawal Agreement) in starkly different terms from the EU. The EU has treated the Political Declaration as a roadmap for structuring and organising the negotiations for a post-Brexit EU–UK relationship. The UK has interpreted the Declaration as non-binding guidance on how agreement might be reached. This significant difference of perspective has created a difficult start in the relationship between the EU and its newest third-country partner. The negotiations have also been accompanied by public jousting between the lead negotiators, the UK’s David Frost and the EU’s Michel Barnier.

The negotiations have been overshadowed by the COVID-19 pandemic. Both lead negotiators caught the virus and talks moved from face-to-face to online meetings for three rounds of negotiations. Beset by one of the most significant outbreaks of the virus, the UK’s negotiations with the EU have also been subordinated to the challenge presented by COVID-19. However, despite the major order challenge presented by the pandemic, the UK government took the decision not to extend the period for the negotiations beyond 31 December 2020 using the clauses of the Withdrawal Agreement that would have allowed for an extension of the transition period (Council of the European Union 2019, art. 132; Moens 2020).

The effect of the pandemic, and the political dynamic created by the EU’s actions in response, has been to dramatically downgrade the future relationship with the UK in the order of the EU’s priorities. The UK is now a third-country problem to be managed (and a possible ‘no-deal’ relationship mitigated) rather than the post-June 2016 member state continuing to participate in EU decision-making whilst negotiating its departure. The dynamic has shifted from EU27+1 to a new configuration of the EU27 interacting with the UK through the Joint Committee (established to manage the joint commitments made under the Withdrawal Agreement) and simultaneously as a third party seeking to negotiate a future relationship.

No negotiations: the foreign, security and defence policy relationship

A striking characteristic of the current EU–UK relationship is that it is focused almost entirely on the current and future trading relationship. The nature of the trade relationship, of course, has broader foreign and security policy implications, as demonstrated most clearly with respect to Northern Ireland. However, this has not translated into an impetus for an understanding of the future relationship beyond trade and trade-related issues—and it is notable that there are no ongoing negotiations on the future EU–UK foreign, security and defence policy relationship.

Since Brexit in January 2020, the UK has been operating under the terms of the Withdrawal Agreement. This contained provisions to cover the UK’s relationship with the EU’s security and defence policy during the transition period (Council of the European Union 2019, art. 129). These commit the UK to following EU foreign policy and security positions but without participating in the institutions that determine that policy, notably the Foreign Affairs Council, the Political and Security Committee, the EU Military Committee, and the attendant committees and working groups that define and implement the EU’s foreign, security and defence policy.

The UK has ceased to be directly involved in decisions on the EU’s Common Security and Defence Policy (CSDP) but continues to contribute financing, staff and other assets to CSDP missions which are underway (Council of the European Union 2019, art. 156), most notably, forces for Operation Althea. During the pre-Brexit negotiation of the Withdrawal Agreement, the UK exited its existing EU security and defence commitments by withdrawing from the EU’s roster of Battlegroups, relinquishing its provision of an Operational Headquarters for the Atlanta CSDP naval mission and ceasing to provide operational commanders for CSDP missions. UK participation in any CSDP operations launched before the end of the year will be on the basis of third-country arrangements rather than the arrangements for the EU²⁷. Consequently, until the end of 2020 the UK is formally committed to playing this shadow role in the EU’s foreign, security and defence policy while being absent from decision-making, following EU positions but without a substantive role in their implementation.

The original intention was that these measures would be a stop-gap, with new arrangements for EU–UK foreign, security and defence policy cooperation coming into force before the end of the transition period (Council of the European Union 2019, art. 127.2). The Political Declaration, outlining the ambitions for the post-Brexit EU–UK relationship, contained detailed proposals on the terms of the future relationship in the fields of foreign, security and defence policy (UK, HM Government 2019, Part III, III). The Political Declaration specified cooperation in areas such as sanctions, the defence industry and research, and consular cooperation in third countries. It also envisaged the UK being invited to EU foreign minister meetings and raised the prospect of the UK participating in EU military operations.

As the Political Declaration was a jointly agreed document it has been something of a surprise for the EU that the UK has not wished to negotiate on future foreign, security and defence policy cooperation (Whitman 2020). And the UK made no mention of cooperation in these areas when it published its own draft texts for future EU–UK agreements in May 2020 (UK, HM Government 2020).

The UK has taken the decision to negotiate with the EU exclusively on the future trading relationship, to the exclusion of other non-trade and border-related issues. Unlike a failure to reach agreement on the terms of the framework for EU–UK trade, the UK’s withdrawal from foreign, security and defence policymaking during the transition period means that the immediate costs of Brexit have already been incurred. Further, it can be argued that the foreign, security and defence policy field was one of the first areas of policy to be impacted by Brexit.

A foreign and defence policy future without the UK

The coincidence of the June 2016 Brexit vote and the publication of the EU’s Global Strategy symbiotically provided the basis for a greater level of ambition for the EU, including a push for ‘strategic autonomy’ and moves towards the creation of an EU defence union.

The vote to leave the EU had the consequence of eliminating the UK’s capacity to influence debate on the future of EU security and defence. And it facilitated an opportunity for the EU’s foreign policy chief, High Representative Federica Mogherini (until November 2018), to pursue a new agenda with considerable vigour. Security and defence have become a priority area for further EU integration. The current European Commission, French President Emmanuel Macron, German Chancellor Angela Merkel and a range of other member state politicians have signalled their ambitions for deeper security and defence integration as a component of an enhanced European global role. The Global Strategy has set a roadmap for developing EU security and defence ambitions and capabilities, with considerable policy development undertaken over the last three and a half years. Consequently, EU–UK negotiations on a future security and defence policy relationship take place in a context in which EU policy is developing in a direction that was resisted by the UK as a member state and over which it will have minimal influence to set the agenda.

Further, a key aspect of these developments is that they are being pursued without substantive consideration of the role and participation of third countries. This means that the UK’s departure from the EU, despite its significant security and defence capabilities, has not been used by the member states as a basis to consider how third countries might facilitate the EU’s ambitions for capabilities development. Rather, there has been concern not to create a precedent for relationships with third countries by conceding a role for the UK that is more ambitious than those already in existence with other third countries. Furthermore, there is also a consideration that the UK should not be allowed to use

its contribution to European security and defence as leverage for advantage in the trade-related aspects of the negotiations on the future EU–UK relationship.

The Withdrawal Agreement negotiations also demonstrated that the UK's and the EU's negotiating stances limited the scope for a deep and comprehensive security partnership. The EU's position, pursued by Mr Barnier and the Article 50 task force, that the UK should not be granted privileges or access to EU foreign, security and defence policymaking that exceeded those already granted to third countries, limited the scope of the relationship. One of the consequences of this position was demonstrated in the plan to curtail access to the Galileo global satellite-based navigation programme, of which the UK had been a committed participant. The EU's focus on preserving the integrity of the single market trumped security and defence cooperation. The Galileo issue had a chastening impact on those in the UK advocating a close post-Brexit EU–UK security and defence relationship, and resulted in the UK government committing to build its own satellite system.

However, unlike other aspects of the EU–UK negotiations (which are about the consequences of the degree of divergence from EU rules and norms), European security and defence is situated within a complicated landscape of competing and overlapping organisations, bilateral agreements and commitments, and a major role is played by a non-European country, the US. The EU is not the exclusive venue for European security and defence policy development, nor does it, or its member states, provide all the capabilities necessary for securing and defending Europe. European security and defence is an area in which the UK has both a role and national capabilities that give it a salience that is different from other areas in the EU–UK negotiations.

With all of these challenges in play, determining the future EU–UK security and defence policy relationship will be a complicated undertaking. This is especially true as seeking a new identity for Britain in international relations has been a core component of the argument for Brexit. The much-maligned idea of 'Global Britain', used by UK governments since 2016 to signify a new post-Brexit role for the UK, has signalled the ambition and intent of the UK to seek greater autonomy for its international diplomacy and especially its foreign economic policy. The implication is that there will be a divergence (although with uncertainty as to what degree and in what areas) from the EU's norms, practices and ambitions in the security and defence field.

The future: muddling through?

At the time of writing, the EU–UK relationship on foreign, security and defence policy looks likely to move from the arrangements established for the transition period to a situation in which there are no formally established arrangements for cooperation. This, of course, does not mean the lack of a foreign, security and defence policy relationship between the UK and the EU's member states. The UK's European bilateral, mini-lateral and multilateral relationships will all continue, but with the unsettled EU–UK relationship circumscribing the scope of future cooperation.

The EU–UK foreign, security and defence policy relationship has been transformed in a relatively short space of time. The UK has moved from its role as a member state central to EU decision-making and implementation, through a brief period of shadowing EU foreign and security policy during the transition, to the current state of ambiguity as to whether the relationship will evolve to one of a rebooted alliance or one between frenemies.

At present there are no active or planned negotiations on the future EU–UK foreign, security and defence policy relationship. Consequently, if an EU–UK future relationship treaty is agreed before the end of 2020, the principles and modalities of foreign, security and defence policy cooperation will be absent. Whether reaching agreement on the EU–UK future trading relationship will then pave the way for a willingness on the part of the UK government to seek to broaden cooperation is uncertain. At the present time the odds look much more likely that the UK will pursue an approach of ‘muddling through’. This would be to avoid an overarching framework for EU–UK foreign, security and defence policy cooperation, in line with the UK preference for seeking ad hoc arrangements for cooperation where judged to be appropriate and necessary.

Such an approach by the UK would be in keeping with the behaviour exhibited during the transition period. The UK has adopted a three-track approach. First, it has demonstrated its capacity to caucus with other groupings to highlight new post-Brexit possibilities (such as coordination with Five Eyes partners on policy regarding Hong Kong) (*BBC News* 2020). Second, there has been the low-key prioritisation of other foreign-policy cooperation formats in Europe (most particularly E3 cooperation with France and Germany) (Billon-Galland and Whitman 2020). And third, it has studiously avoided cheerleading for EU foreign-policy positions where the UK is seeking a differently calibrated relationship (most notably on the current Turkey policy in the Eastern Mediterranean) (Meral 2020).

The language employed by the May government regarding the EU–UK security partnership has disappeared under the Johnson administration (UK, HM Government 2017). Advocacy of a far-reaching EU–UK formalised strategic alliance on foreign and security policy is currently absent in Westminster and Whitehall. The current Integrated Review of Security, Defence and Development Policy, defining the government’s vision for the UK’s role in the world over the next decade, will likely make no substantive reference to the EU. The EU’s recent difficulties in agreeing sanctions on Belarus and the apparently diminishing momentum in Brussels for an EU defence union will allow the UK government to reassure itself that the UK is not being excluded from a rapidly coalescing EU foreign and security policy to which it might consider it needs to align itself.

With a security partnership not in prospect, and with a UK government that has deliberately sought to loosen the EU–UK trading relationship (by leaving the EU customs union and seeking to allow itself the scope for regulatory divergence) to allow for greater autonomy in trade policy and managing its economy, the UK is set on a different trajectory to the EU and its member states. In the medium to long term the extent to which divergences in approaches towards political economy will impinge on foreign and security policy will be conditional on the extent to which trade policy impacts the

UK's foreign policy writ large. In the short term the outcome of the 2020 US presidential election will be of greater importance. If President Donald J. Trump is re-elected—and if he then goes on to pursue a second-term agenda that further undermines multilateralism, weakens the US security commitment to Europe through NATO, and pursues a confrontational approach towards China and the EU—this will place the UK's foreign and security policy under considerable strain. Facing a choice between alignment with a capricious White House actively undermining international multilateralism and rendering the transatlantic security relationship irrelevant, the UK will face an existential crisis in its diplomacy and security and defence policies. The election of Joe Biden would confront the UK with the different challenge of needing to work hard to persuade the new administration (notwithstanding close intelligence, security and defence links) that Brexit has not greatly diminished Britain's European and global influence.

The outcome of the US presidential election will, therefore, impinge on the EU–UK relationship and may encourage a reset in cross-channel dialogue. This could thereby create a new atmosphere that is more encouraging of discussions on a more formal foreign, security and defence policy relationship. However, such a change could be cancelled out by the domestic political constraints faced by the current UK government. The preoccupations of managing the economic consequences of the COVID-19 pandemic, together with the adjustment of the UK economy to a different trading relationship with the EU, will be accompanied by more demands in managing the Union of the UK. There will likely be increasing agitation for a second Scottish independence referendum following Scottish Parliament elections in May 2021 and additional complexity in the politics of a post-Brexit Northern Ireland.

The politics of the Conservative Party is also likely to inhibit an evolution of the EU–UK relationship. The degree of antipathy towards the EU within the Conservative Party has been heightened during the Brexit negotiations. A broadening and deepening of cooperation beyond trade policy will face significant opposition. Security and defence cooperation with the EU is a taboo for many Conservative Party Members of Parliament and also for elements in the grass roots of the party.

Reaching the end of December 2020 with no agreement in place between the EU and the UK will push a settled foreign, security and defence policy relationship even further into the future. Failure to reach agreement on a future trading relationship will become the major policy preoccupation of both sides. Managing the consequences of a trading relationship that reverts to trading on WTO terms, whether as the prelude to further negotiations or as the ongoing basis for the trading relationship, will push discussion on other key policy issues such as foreign and security cooperation into the background.

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