

**Written evidence submitted by the Global Britain Programme, Henry Jackson Society
(FRE0064)**

About The Henry Jackson Society

The Henry Jackson Society (HJS) is a think-tank and policy-shaping force that fights for the principles and alliances which keep societies free, working across borders and party lines to combat extremism, advance democracy and real human rights, and make a stand in an increasingly uncertain world.

About the Author

James Rogers is Director of the Global Britain Programme at the Henry Jackson Society, of which he is also a founding member. Formerly, he held a number of positions at the Baltic Defence College in Tartu, Estonia and the European Union Institute for Security Studies in Paris.

Mr Rogers has also worked on research projects for several other institutions, including the Development, Concepts and Doctrine Centre at the Ministry of Defence and RAND Europe. He has been called to give oral evidence to the Foreign Affairs Committee, the Defence Committee, and the International Development Committee in the Houses of Parliament.

He holds a BSc Econ with First Class honours in International Politics and Strategic Studies from Aberystwyth University and an MPhil in Contemporary European Studies from the University of Cambridge.

This evidence is submitted in accordance with the request of Mr Hilary Benn MP, Chair of the Committee on the Future Relationship with the European Union, on 4th June 2020. This submission focuses more on the strategic and operational aspects of EU foreign and defence policy than the defence-industrial issues. My responses follow each of the questions asked:

- What are the major EU defence missions, structures, programmes or projects, as well as EU foreign policy instruments, that the UK is currently participating in during the Transition Period? What will happen to this participation at the end of the Transition Period?
 - The answer to this question is best provided by Section '5.1 Status of defence cooperation during the transition period' in Claire Mills' [House of Commons Library Briefing Paper N. 8676](#).
- What bilateral foreign and defence policy agreements does the UK currently have with individual EU Member States?

- The UK currently has significant bilateral security and defence policy treaties with two countries in the EU. There include:
 - a. The [Lancaster House treaties](#) with France, from 2010-2011;
 - b. The [Treaty on Defence and Security Cooperation](#) with Poland, from 2018.
 - The UK has also signed significant [defence policy agreements](#) with several EU member states (and NATO allies) to establish the 'Joint Expeditionary Force'. This force includes EU member states Finland and Sweden, EU member states (and NATO allies) Denmark, Estonia, Latvia, Lithuania, and the Netherlands, and NATO ally, Norway.
 - In addition, the UK has agreements with Germany, which continues to host British military facilities. In accordance with the 2010 [Strategic Defence and Security Review](#), these were due to be withdrawn by 2020, but HM Government [decided to maintain](#) a logistical military footprint in the country in 2018, to support Britain's wider European deployments.
- What value, if any, would an institutional EU-UK structure add given the range of other bilateral and multilateral co-operation mechanisms such as NATO and the Lancaster House treaties?
 - It is unclear what value an 'institutional EU-UK structure' would add to existing bilateral and multilateral arrangements for the simple reason that no structure has yet been outlined or agreed. The EU is unlikely to develop into a significant foreign, security and military actor anytime soon (if ever) because of a fundamental disagreement between its two largest member states, Germany and France. France favours a more 'exclusive' approach to EU military cooperation, centred around a small group of the most capable and willing (in terms of deployment on overseas crisis management and combat operations) members. In keeping with its own preferences, Germany favours a more 'inclusive' approach which draws all EU countries in, irrespective of their ability and willingness to partake in higher-tempo combat operations, particularly overseas. Currently, for a number of reasons, the German vision for CSDP prevails (represented by the formation of the so-called 'Defence Union' after the introduction of the EU Global Strategy in 2016), which is why France – particularly under President Macron – has remained committed to the Lancaster House treaties and has led with the formation of new projects, such as the European Intervention Initiative, which includes the UK – the one European country President Macron knows has the ability and willingness to project significant military force. Until France and Germany are ready to sing from the same strategic hymn sheet, and provide sufficient funding to back it up, CSDP is unlikely to develop and will remain focused on rudimentary

operations just beyond the EU's borders. Consequently, it is not clear how any agreement between the UK and EU on defence would significantly empower existing bilateral or multilateral arrangements.

- What are the current UK and EU negotiating positions as regards future foreign and defence policy?
 - This question is answered by Claire Mills' House of Commons Library Insight Paper '[Brexit next steps: Defence and foreign policy cooperation](#)', especially the section entitled: 'Beyond transition - What do both sides want from the negotiations'.

- Were you surprised by the UK's view that there is no need for any institutional structure to facilitate foreign and defence co-operation, and do you expect that to remain the UK position?
 - The British government's modified stance, outlined in its February 2020 negotiating guidelines – '[The Future Relationship with the EU: The UK's Approach to Negotiations](#)' – should not come as a surprise. The previous stance, outlined in the October 2019 UK-EU [Withdrawal Agreement](#), was the product of very unique political circumstances, i.e., it was accepted by a divided government without a parliamentary majority. It comes as no surprise that the new UK government – elected in December 2019, and with a solid majority – now wishes to implement a set of policies more in line with its own perspective and the British people's decision to leave the European Union in June 2016.

- What are the risks and benefits of the UK's approach? What would the UK Government need to do to realise these benefits and mitigate these risks?
 - It is hard to identify any risks or benefits of the UK's approach insofar as the UK's approach is a product of the EU's unwillingness to accept strategic parity with the UK.

 - The EU negotiating position seems to be one based on compelling Britain into accepting subordination to existing EU CSDP structures, institutions and missions. This is obviously unacceptable given the fact that Britain has the [largest military budget](#) and fields the [most powerful armed forces](#) and the strongest navy and air force in Europe. The EU's position is made all the more incongruous given that the UK plays a disproportionate role in underwriting the defence of Europe through NATO, particularly through its forward

deployments of conventional forces to Estonia, Poland, Romania, and Lithuania, etc., and the Trident nuclear weapons system.

- Why would the UK offer key military assets – which, often, only the British Armed Forces possess, or possess in significant numbers, such as long-range cruise missiles, strategic airlift or sealift, command and control capabilities, large aircraft carriers (from 2021), overseas military facilities, etc. – if it cannot influence or adjust EU strategic or operational decisions?
- Obviously, under those circumstances, and for logical political reasons, the UK could not join any institutional structure with the EU where the UK – although still having the right to ‘opt-in’ to an operation – would have no decision-making authority (in the Foreign Affairs Council or the Political and Security Committee, for example) once the operation was underway, or where British forces might fall under EU operational command.
- What is the range of negotiated outcomes between the EU’s position and no agreement on foreign and defence co-ordination? How might these enhance or restrict the UK’s foreign and defence affairs?
 - Given that neither the UK nor EU are likely to move towards each other’s position on defence policy, it seems unlikely, though not impossible, that any comprehensive negotiated outcome will materialise. This means that any negotiated cooperation is likely to be incremental and will follow other non-EU countries’ paths (assuming the UK wants to partake in EU CSDP initiatives and operations). For example, [over 50 non-EU countries](#) have participated in EU operations and missions since the very first ESDP operation in 2003 (Operation Concordia involved Turkish, Icelandic and Norwegian personnel). It is relatively easy for so many countries – most small, new members or states seeking accession – to participate because most EU operations and missions have been relatively small peacekeeping operations, or civilian missions, and have never moved into the higher levels of military tempo (large, forceful intervention or warfighting). The history of non-EU participation in EU CSDP operations is explained in more detail in Thierry Tardy’s EUISS paper entitled [‘CSDP: getting third states on board’](#).
 - Moreover, even when it was an EU member state, the UK was not particularly keen on using the EU as a framework for strategic purposes. It is hard to imagine that that stance will change now that Britain is no longer an EU member. However, it is not unthinkable that the UK might seek to support or participate in a smaller EU civilian led operation, similarly to the US in the

past. In 2011, the EU and US negotiated a so-called 'Framework Participation Agreement' to allow US civilian personnel to join EU civilian missions. Importantly, the US would not allow its armed forces to serve under EU commanders, so US military personnel were not included in the agreement. It is possible that Britain may follow a similar arrangement.

- To what extent would it matter for the UK's and the EU's foreign and defence relations if the UK did not submit a draft text?
 - Clearly, if the UK and EU cannot agree on the basic parameters of cooperation – which, for Britain, would mean the EU accepting strategic parity with the UK – then UK-EU cooperation will suffer. However, the extent to which this should be considered detrimental to European security must surely be considered supplemental to Britain's need to retain political, strategic and operational parity with the EU.
- To what extent can foreign and defence policy co-operation take place between the UK and the EU without a negotiated agreement? How might such cooperation work in practice?
 - Cooperation could and would be ad-hoc, similarly to any other country or international organisation with whom the UK or EU has diplomatic relations.
- Do you anticipate the UK agreeing to participate in any EU missions, structures, programmes, projects or instruments in foreign and defence matters? If so, on what basis? Are there any areas of co-operation where the jurisdiction of the CJEU is unavoidable?
 - As explained above, under current circumstances (i.e., the EU not agreeing to accept parity with the UK), it is hard to imagine the UK playing anything but a marginal role in CSDP operations after the transition period ends. A 'Framework Participation Agreement' – like the EU has with the US – might be possible should both sides agree to it.
- What are the current institutional EU mechanisms for foreign and defence co-operation with third countries and which third countries take part in them?
 - The EU has a range of existing templates and formats to allow foreign countries to align with it in terms of foreign and defence policy. Section 3 'Beyond EU Membership: Possibilities for Third State Participation in CFSP' of

the paper [‘The Participation of Members and Non-Members in EU Foreign, Security and Defence Policy’](#) by Ramses Wessel explains these in some detail.

- How might an agreement, or lack thereof, between the UK and EU on foreign and defence policy impact on the UK’s foreign and defence relations with non-EU countries? Would an agreement with the EU restrict UK foreign and defence relations with non-EU countries?
 - Any agreement could have trade-offs for UK cooperation with other countries. The more detailed the agreement, the more likely it would be to create path dependencies down which the UK might walk, from which – even if the strategic situation changes – the UK might be disinclined to walk back from. Given that effective EU defence cooperation is hamstrung by internal disagreements as to its direction and purpose, and given that UK interests are shifting towards the Indo-Pacific region, it makes sense for Britain to not limit its options.

- What has been the impact of COVID-19 on UK-EU foreign policy co-operation? What are the range of options for any future co-ordination between the UK and EU to tackle COVID-19 or other similar pandemics?
 - With Covid-19, many of the UK’s partners, including those within the EU, have been forced to reconsider their relationships with China, compounded further by Beijing’s policy in relation to Hong Kong. The EU and its member states are increasingly divided on how the EU-China relationship should develop or be handled. In this context, it is significant that the UK opted to coordinate a common position over China’s behaviour in Hong Kong with Australia, Canada and the United States. It is also significant that, in light of the failure to source critical medical supplies during the height of the pandemic, the UK has sought to expand cooperation with the Five Eyes countries, particularly in relation to the diversification of critical supply chains. Given prevailing economic and geostrategic trends, it makes sense for the UK to concentrate on expanding its diplomatic and military relations with countries and organisations beyond the EU.

- How do you see the architecture of European foreign and defence policy co-ordination developing in the near future? How might the UK take advantage of any such developments in the current negotiations?
 - I would like to direct the Committee to two publications by me, which answer these questions in some detail:

- [Defending Europe: 'Global Britain' and the future of European geopolitics](#) (2018);
- [How can Britain secure its interests in Europe?](#) (2020).

June 2020



Committee on the Future Relationship with the European Union

House of Commons, London, SW1A 0AA

Email: freucom@parliament.uk Website: <https://committees.parliament.uk/committee/366/committee-on-the-future-relationship-with-the-european-union/>

4 June 2020

Mr James Rogers
Director of the Global Britain Programme
Henry Jackson Society

Dear Mr Rogers,

The House of Commons Committee on the Future Relationship with the European Union is inquiring into the progress of the negotiations between the UK and the EU. Under normal circumstances, the Committee holds regular oral evidence sessions in Westminster. However, measures to prevent the spread of the coronavirus make this difficult.

The Committee is keen to gather as much evidence as possible to inform its deliberations so I am writing to you to ask whether you would be willing to help us with our work by making a written submission. We welcome general responses to our [call for evidence](#), which was published on 4 March. We also hope that you would be willing to answer some of the more specific questions set out below on issues that fall within your area of expertise. Submissions need not address every bullet point and can include other matters that you think are relevant to the negotiations and should be drawn to the attention of the Committee.

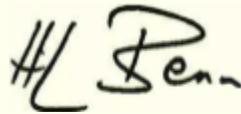
- What are the major EU defence missions, structures, programmes or projects, as well as EU foreign policy instruments, that the UK is currently participating in during the Transition Period? What will happen to this participation at the end of the Transition Period?
- What bilateral foreign and defence policy agreements does the UK currently have with individual EU Member States? What value, if any, would an institutional EU-UK structure add given the range of other bilateral and multilateral co-operation mechanisms such as NATO and the Lancaster House treaties?
- What are the current UK and EU negotiating positions as regards future foreign and defence policy? Were you surprised by the UK's view that there is no need for any institutional structure to facilitate foreign and defence co-operation, and do you expect that to remain the UK position? What are the risks and benefits of the UK's approach? What would the UK Government need to do to realise these benefits and mitigate these risks?
- What is the range of negotiated outcomes between the EU's position and no agreement on foreign and defence co-ordination? How might these enhance or restrict the UK's foreign and defence affairs?
- To what extent would it matter for the UK's and the EU's foreign and defence relations if the UK did not submit a draft text? To what extent can foreign and defence policy co-operation take place between the UK and the EU without a negotiated agreement? How might such co-operation work in practice?
- Do you anticipate the UK agreeing to participate in any EU missions, structures, programmes, projects or instruments in foreign and defence matters? If so, on what basis? Are there any areas of co-operation where the jurisdiction of the CJEU is unavoidable?
- What mechanisms, if any, do the two sides propose for consulting and aligning on sanctions? How might such consultation work in practice? Would such consultation need to be included in a treaty, or could it take place on an informal basis?
- What are the current institutional EU mechanisms for foreign and defence co-operation with third countries and which third countries take part in them? What are the current institutional

mechanisms that exist beyond the EU in foreign and defence matters across Europe and which countries take part in them?

- How might an agreement, or lack thereof, between the UK and EU on foreign and defence policy impact on the UK's foreign and defence relations with non-EU countries? Would an agreement with the EU restrict UK foreign and defence relations with non-EU countries?
- What has been the impact of COVID-19 on UK-EU foreign policy co-operation? What are the range of options for any future co-ordination between the UK and EU to tackle COVID-19 or other similar pandemics?
- How do you see the architecture of European foreign and defence policy co-ordination developing in the near future? How might the UK take advantage of any such developments in the current negotiations?

The Committee staff will be happy to discuss the inquiry, any issues raised, or the process for submitting written evidence. You can contact them at freucom@parliament.uk.

Yours,

A handwritten signature in black ink, appearing to read 'H Benn'.

Hilary Benn
Chair of the Committee