The UK’s vote to leave the EU was not primarily about security. But it could have serious consequences for future security cooperation between the UK and its European neighbours. The UK government has therefore made clear that it wants to build a ‘deep and special security partnership’ with the EU.

Achieving a strong post-Brexit security partnership will require difficult decisions on both sides. The EU will need to move beyond its attempts to see the issues involved primarily through the prism of existing third-country models (for example, with Norway and Switzerland), and recognise the unique importance of maintaining close cooperation with one of Europe’s most capable security actors. For its part, the UK will need to be clearer as to how far it is prepared to continue current levels of cooperation (for example, in relation to data-sharing), even when this involves a loss of policymaking autonomy.

This paper addresses five areas in which Brexit is likely to have an important impact on European security.

First, it discusses possible security spill-over from the UK’s withdrawal from existing trading arrangements. Brexit could undermine the EU’s nascent recovery from recession and accelerate the relative economic decline of both the Eurozone and the UK. In doing so, it could further strengthen nationalist political forces across Europe, resurgent even in the EU’s most powerful states. A ‘clean break’ Brexit could also damage intra-Ireland trade, and make it harder to sustain the fragile political settlement within Northern Ireland.

Second, it points out that, from 29 March 2019, the EU will insist on formulating its foreign, security and defence policies without UK participation. The UK will no longer have a vote at the Foreign Affairs Council, or at the many other committees and working groups – both
in Brussels and in diplomatic posts elsewhere – charged with developing and implementing common policies. The balance of internal policy debates will change, potentially contributing to growing divergence from the UK in policies and regulations. The removal of one of its most globally oriented powers seems likely to increase the extent to which the EU focuses on its own neighbourhood. The UK, for its part, will struggle to balance competing demands on its limited resources from both European and global commitments.

Third, it points to the potential difficulties involved in maintaining current levels of cross-border cooperation in combating terrorism and organised crime. Because of its unique character, based on the legal supremacy of EU law in defined areas, member states can maintain levels of police and judicial cooperation (for example, regarding arrest warrants and exchange of personal data) that do not exist with any non-member state. A new legal basis for the sharing of personal data between the UK, European agencies, and EU member states will therefore be needed. In the absence of a wider agreement on European Court of Justice (ECJ) oversight and the maintenance of EU data protection standards beyond the transition period, current levels of information sharing could be substantially curtailed, with the UK largely excluded from future developments in EU policy and practice.

Fourth, it discusses the impact of Brexit on the UK’s future defence relationship with the EU. The logic of Brexit points to a progressive disengagement of the UK from its role in Common Security and Defence Policy (CSDP) missions, including the relocation of EU’s anti-piracy headquarters at Northwood, the reassignment of the role of DSACEUR (currently a UK general) in providing operational command of the EU force in Bosnia, the reallocation of the UK’s place on the roster for leading an EU Battlegroup in the second semester of 2019, and the relocation of the Galileo Security Monitoring Centre to one of the remaining 27 EU member states (the EU27). As one of the few EU states able to provide high-level military enablers, the UK has made a significant addition to the credibility of key missions. After Brexit, these arrangements may no longer be able to continue in their current form. If the EU wants to maintain an option for involving the UK in future European military operations, therefore, work will be needed to create new structures for doing so. A potentially important step in this direction came with French President Emmanuel Macron’s proposal last September to create a European Intervention Initiative (EII), and the UK’s agreement to take part in it.

Finally, in relation to support for Europe’s defence industry, rather than pursuing direct UK participation in the European Defence Fund (EDF), it suggests that it may be better to ensure that the fund’s rules maintain maximum flexibility for involving UK industries in joint ventures with EU-based companies, and for joint EDF/UK funding of pan-European initiatives.

The extent to which Brexit has serious strategic consequences for European security will depend on whether the UK and the EU can move beyond Brexit to create a new and substantial security partnership. This will not be easy, with political forces on both sides opposed to likely compromises. In the end, though, both the UK and the EU may come to recognise that they remain uniquely bound by common interests and values.
Europe in an uncertain world

Brexit is taking place at a time of growing concern over Europe’s strategic and economic position, as well as potential threats to its cohesion from the rise of nationalism and political extremism in several member states. The increased assertiveness of Russia on the EU’s eastern frontier, along with multiple spill-overs from political turmoil and conflict in the Arab world and Africa, mean that the security threats to Europe are more significant than at any time since the end of the Cold War. The rapid growth of China, and other emerging economies, suggests that Europe faces the prospect of long-term decline in its relative power. Donald Trump’s record in his first year as president has generated widespread concern that the US is prepared to undermine global environmental and trade regimes and may no longer be committed to an international order based on shared values, alliances and institutions. Despite the protests of its closest allies in Europe and Asia, the US is also close to walking out of the Iran nuclear deal.

On every one of these issues, and in contrast (for example) to the position over the Iraq War in 2003, the UK is now closer to its main EU allies than to the US. One of the many ironies of Brexit is that it has come at a time when the UK’s approach to geopolitical and security issues is more closely aligned to that of the EU than for some time, and when the need for European foreign and security policy cooperation is greater than ever. This is the objective basis on which Prime Minister Theresa May has urged the creation of a ‘deep and special security partnership’ between the UK and the EU after Brexit.

The Security Spill-over from Economic Separation

The nature of the deal over the future UK/EU trading relationship is likely to have a significant impact on their political and security relationship.

If the UK does withdraw from both the single market and the customs union, and moves to a looser economic relationship, a substantial reduction in trade volumes is probable, bringing with it a significant reduction in projected national income for both the UK and (to a lesser extent) for those EU states with whom it has the closest economic links. Brexit could therefore undermine the EU’s nascent recovery from recession and accelerate the relative economic decline of both the eurozone and the UK. In doing so, it could further strengthen nationalist political forces across Europe, resurgent even in the EU’s most powerful states.

A ‘clean break’ Brexit – involving an end to regulatory alignment and withdrawal from the customs union - could also threaten the provisional withdrawal agreement reached in December 2017, have a damaging impact on intra-Ireland trade and incomes, and make it harder to sustain the fragile political settlement within Northern Ireland.

The psycho-political effects of Brexit are also likely to be profound. Most leaders on both sides of the Channel profess their commitment to strong post-Brexit security relations. However, both in
the UK and in the EU, there will be pressures to define political and strategic identities without, or even against, the other. The cleavages seen in the 2016 referendum will shape UK domestic politics for years to come; and much of the next decade is likely to be spent creating distinct new UK institutions and policies in areas which had previously been subject to shared regulation.

For its part, the intense institutionalisation of relations within the EU will mean that, once the UK is no longer represented in its councils, its views will become increasingly less relevant. The balance of internal policy debates in Brussels will change, potentially contributing to growing divergence from the UK in policies and regulations.

The Future of Foreign and Security Policy Cooperation

Shared values and geographical proximity suggest that both the UK and the EU27 will have powerful reasons to continue to cooperate on security issues after Brexit, and to limit the collateral damage to shared security interests.

Pre-existing institutional arrangements, most notably NATO, as well as bilateral security agreements, such as the 2010 UK/France Treaty, provide an important element of continuity outside EU structures. However, the EU itself is now becoming the primary mechanism through which its member states coordinate, and often pool, their approaches to non-military foreign and security policy. It is also becoming more important in relation to defence.

After Brexit, on current transition plans, the UK will no longer take part in the formulation of common EU policy on responding to new and ongoing international crises, trade, international climate agreements and other environmental regimes, development and humanitarian assistance, membership enlargement, arms exports, and setting standards for cyber security and nuclear safety.

From this date, the EU will insist on formulating its foreign, security and defence policies without UK participation. Even if a transition agreement is in place, the UK will no longer have a vote at the Foreign Affairs Council, or at the many other committees and working groups – both in Brussels and elsewhere – charged with developing and implementing common policies.

Nor is the EU likely to accept permanent UK observer status in its foreign and security policy mechanisms, especially if the UK is not prepared to commit to following the decisions that result. The Commission’s current negotiating position is that no such arrangement will be allowed even during the transition, except in exceptional circumstances.

If a transition agreement is to be reached, the UK will have to be prepared to follow EU rules in areas related to the single market and customs union without having a say in regulatory development: a position that can be justified because of the relatively small number of new rules that are likely to be developed over a short transition period. During the transition, the UK might be prepared, even without a seat at the table, to implement new EU decisions in circumscribed areas tied to transitional economic arrangements (such as sanctions implementation) and
allocation of budgets to which the UK has contributed (such as European Development Fund and EDF projects).

It is much harder to imagine that the UK will be prepared to accept subordination to EU foreign and security policy decisions which, by their nature, would be more responsive to changing circumstances. More generally, the UK will be prepared to cooperate with the EU on common foreign and security policy measures only if it has a say in their formulation, design and implementation. The EU, by contrast, is resisting any arrangement that provides the UK with the same rights to take part in policymaking as member states. In many areas, the UK’s commitment to take back control of national policy may make this tension moot in any case. Even where policy remains primarily a matter of inter-governmental negotiation, UK representation could be seen as undermining the ability of the EU27 to formulate its own policies and is likely to be opposed for this reason.

Towards a Global Britain – and a European EU?

Brexit will give both the UK and the EU more freedom to pursue their own foreign and security policy priorities than they currently enjoy. As a result, there will be areas of current foreign policy cooperation in which the UK and the EU will be more inclined to go their separate ways. The UK will no longer be able to influence the EU’s use of market access, and ultimately the prospect of membership, as a tool for shaping the development of its closest neighbours. UK influence in the western Balkans, as well as Ukraine, Belarus and Moldova, is therefore likely to decline substantially. In turn, it is possible that the EU could reduce the priority it gives to countries (such as Pakistan and Somalia) where the UK has been a strong advocate of engagement by European institutions.

The removal of one of its most globally oriented powers seems likely to increase the extent to which the EU focuses on its own neighbourhood (North Africa and the eastern Mediterranean, Russia and eastern Europe). The UK, for its part, will struggle to balance competing demands on its limited diplomatic, defence and intelligence resources from both European and global commitments. The withdrawal from Afghanistan and concerns over Russian aggression, reinforced more recently by the political imperatives of Brexit negotiations, have helped to persuade the UK to increase its military commitment to NATO, both in Eastern Europe and the North Atlantic. Whether this prioritisation of European defence is sustained in the long term, however, will depend in part on whether it is supported by strong political and security relationships with the EU and key member states. The more isolated that the UK becomes from European political consultation, the less inclined it may be to put Europe first.

The Future of Security and Home Affairs Cooperation

EU institutions play an increasingly important role in facilitating cross-border cooperation in combating terrorism and organised crime, as well as criminal activities more widely. The UK government wants to maintain as many of these agreements as possible, as well as being able to opt in to future developments as appropriate. The most important current agreements include
Europol, Eurojust and the European Arrest Warrant (EAW), together with the mechanisms for granting reciprocal real-time database access (such as the Schengen Information System (SIS), Passenger Name Record (PNR) sharing and the Prüm Convention on DNA, fingerprint and vehicle registration data). In relation to foreign and security policy, the UK also provides substantial levels of classified information to the EU External Action Service through the Security Information Agreement (SIA), allowing the UK to support, for example, the design and implementation of EU sanctions policy.

The EU is a unique organisation, involving a depth of supranational integration, based on the legal supremacy of EU law in defined areas, that has no equivalent in other significant international organisations. Because of this unique character, arrangements for security cooperation between its members go far beyond any current agreements with ‘third countries’, such as Norway, Switzerland, Canada and the US. The existence of the EU’s single juridical space, ultimately overseen by the ECJ, together with adherence to agreed EU standards for data protection, allows its member states to maintain levels of police and judicial cooperation (for example, in relation to arrest warrants and exchange of personal data) that do not exist with any non-member state. Due to the supremacy of EU law within member states, including the UK, these arrangements have allowed government security agencies to share sensitive personal information on their citizens, in a timely fashion, to an extent that is not possible with states (such as the US) whose governments are not subject to the rule of EU law.

Once the UK leaves the EU, if current levels of data exchange are to be continued, a new legal basis for the sharing of personal data between the UK, European agencies, and EU member states will be needed. One possibility, for an interim period, would be for the UK to agree to continue to accept ECJ authority in some areas for an extended transition period. Such an option might be part of a broader UK commitment to ‘regulatory alignment’, as envisaged in the provisional Withdrawal Agreement clauses related to Ireland.

Work-arounds (involving, for example, bilateral arrangements and replications of existing third-country arrangements) may mitigate the security costs of Brexit, given the mutual interest that the UK and key member states will have in maintaining security cooperation. In the absence of a wider agreement on ECJ oversight and the maintenance of EU standards for data protection beyond the transition period, however, there is a risk that current levels of information sharing will be substantially curtailed, with the UK largely excluded from future developments in EU policy (for example, in making PNR, EAW and SIS interoperable).

Reaching such an agreement would require difficult choices on both sides. As with the wider economic relationship, both the UK and the EU will face difficult trade-offs between access and autonomy. The UK will not be prepared to make an unconditional commitment to implement relevant new EU regulations (for example, on data protection) decided upon after its departure. Nor does it show any sign of being prepared to accept the supremacy of ECJ judgments over those of its own Supreme Court. For its part, the EU has made clear its reluctance to continue current levels of database access without assurance on these, and other, key issues.
The UK could introduce legislation that will instruct its own courts to ‘have regard to’ judgments from the ECJ (the EU’s supreme court), and to give assurances that it will seek to maintain close regulatory alignment with the EU on data protection and other security-relevant areas. It is not clear whether this would be enough to satisfy the European Commission, which remains determined to ensure that Brexit does not establish a new model for third party participation in its processes. It fears that a special arrangement for the UK could open the way for other states to gain member-state levels of access without commensurate levels of ECJ oversight and regulatory alignment.

Yet the security incentives for reaching an agreement that allows continuing UK/EU cooperation are substantial and growing. The threats facing European countries from transnational terrorism and organised crime, as well as from states seeking to exploit cross-border vulnerabilities, are growing in complexity. Both the UK and the EU will need to be able to respond creatively, and rapidly, to new threats as they emerge.

To create a new security partnership with the UK that addresses this challenge, the EU needs to move beyond existing third country agreements and recognise that the loss of the UK from existing arrangements would pose a much more significant risk, potentially even undermining them from outside if member states begin to divert more resources into new mechanisms for cooperation with the UK. For its part, the UK is likely to have to go further to reassure the EU on its willingness to adhere to EU regulatory standards and court judgements.

The Future of Defence Cooperation

The EU has made it clear that, as of 29 March 2019, the UK will no longer take part in the decision-making structures of the CSDP. While UK policy statements have left their options open on future participation in EU security and defence missions, such participation would require the UK to be adequately represented in the processes whereby the mandates of such missions are developed, and their effective resourcing ensured. Otherwise, it is hard to imagine that the UK will want to be more involved in CSDP than it was when it was a full member.

The logic of Brexit points to a progressive disengagement of the UK from EU CSDP missions. The EU has already stated that the headquarters of its counter-piracy operation (Operation Atlanta), currently provided by the UK and based in Northwood, will need to be transferred to a EU member state. New arrangements will have to be found to ensure access to NATO command and control assets for the EU military mission in Bosnia, currently provided through the Operational Command provided by the UK officer serving as Deputy Supreme Allied Commander Europe (SACEUR). Unless the UK is persuaded to give up this position, this suggests that another senior NATO position, held by an EU national, will need to be designated to fulfil this role. The UK’s role as the framework nation for the EU’s Battlegroup Roster – currently scheduled for the second semester of 2019 – would also have to be reallocated. The Galileo Security Monitoring Centre will need to be relocated from the UK to an EU27 state.
Brexit and European Security

UK withdrawal from the CSDP will have a greater impact on its effectiveness than raw personnel numbers may suggest. As one of the few EU states able to provide high-level command, control, intelligence and reconnaissance assets, the UK has made a significant addition to the credibility of key missions. UK in-country support for EU missions has also been important, drawing on one of the EU’s strongest diplomatic networks in fragile and conflict-prone regions and countries. After Brexit, these arrangements will no longer be able to continue in their current form.

Nor is it clear that there is much political appetite in London for the UK to take part in future CSDP missions. Ministers are likely to see little reason why the UK should commit to new missions when the country is about to leave the EU, and when stories of a planned ‘EU Army’ have not yet disappeared from the political discourse of some member states. Their reluctance is likely to be redoubled if the EU also insists that the UK cannot be represented in the decision-making committees charged with mandating and managing any missions.

There is a strong security case for creating a mechanism through which the UK and EU member states can generate multinational military missions when a NATO mandate is not available or appropriate. It is not hard to imagine scenarios – for example, in the western Balkans – where both the UK and the EU agree on the need for action to be taken in the European neighbourhood, but where either the US or Turkey is not prepared to give its assent for NATO assets to be used. In such circumstances, UK military participation could contribute substantial capability to a joint mission.

However, such a mission would carry with it significant political and operational risks, especially if the US had already absented itself. In these circumstances, the UK could not be expected to accept a mission mandate that had already been pre-cooked by the EU. If the EU wants to maintain an option for involving the UK in future European military operations, therefore, work may be needed to create new structures for doing so.

A potentially important step in this direction came with the UK's agreement to work with France and other states to develop Macron’s proposal to create an EII, designed to ‘improve operational planning and coordination of military deployments among European partners with meaningful capabilities’. Since the EII will be separate from the EU, it could potentially be developed into a valuable means of ensuring UK involvement in future European military missions, widening the core capabilities provided by the UK/France Combined Joint Expeditionary Force, due to be fully operational by 2020.

The European Defence Fund

The EU has agreed ambitious plans for a European Defence Fund, devoting substantial amounts from the EU budget (as much as €1.5 billion annually after 2020) for the funding of European Defence Research and Development Programmes. The amounts involved may turn out to be smaller, not least because of the additional pressures on the EU budget from Brexit. Even so, if the UK were still to be an EU member state, there would have been substantial opportunities
for UK-based defence companies to benefit from the EDF, and to contribute to enhancing the competitiveness of the EU’s defence industry.

Once the UK is outside the EU, it will no longer be able to fully participate in project selection processes (due to be led by the Commission). Once the transition is over, moreover, it will no longer be contributing to the EU’s general budget, from which the EDF will be funded. In these circumstances, it is hard to imagine that the UK Ministry of Defence will be prepared to contribute a significant part of its own budget to finance a European fund over which it has little or no control.

In the face of fierce competition from major US defence contractors, and increasingly from East Asia, the case for closer cooperation between the industries of the EU27 and the UK remains as strong as ever. Rather than pursuing direct UK participation in the EDF after Brexit, however, it may be better to ensure that the rules of the fund maintain maximum flexibility for involving UK industries in joint ventures with EU-based companies, and for joint EDF/UK funding of pan-European initiatives.

**Conclusion: Towards a ‘Deep and Special’ Security Partnership?**

From 29 March 2019, the UK will no longer be taking part in existing EU mechanisms for cooperation on foreign, security and defence policy. The increased transaction costs involved in justice and police cooperation, the curbing of intelligence exchanges involving personal data, UK withdrawal from CSDP and EDF: all of these will have costs, both financially and in relation to national security. These costs can be mitigated over time, both through other existing multilateral arrangements and new bilateral mechanisms. However, these are real, and, in combination, could risk serious negative consequences for European security.

The extent to which Brexit has serious strategic consequences for European security will therefore depend on whether the UK and the EU are able to move beyond Brexit to create a new and substantial security partnership. This will not be easy, with political forces on both sides opposed to the compromises that are likely to be involved. In the end, though, both the UK and the EU may come to recognise that they remain uniquely bound by common interests and values.

Both the UK and the EU27 have a strong interest in negotiating new agreements, at strategic and operational levels, that can help fill the post-Brexit institutional gap in defence and security cooperation. Existing ‘third party’ agreements with Norway, Switzerland or Canada, while valuable, do not provide an adequate model for future EU security relations with a large European ally and a soon-to-be former member. An agreement on ‘deep and special’ security cooperation will therefore require both the UK and the EU to support the creation of a new type of bespoke partnership involving new policy instruments, including new legal frameworks for European cooperation.
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Professor Malcolm Chalmers is Deputy Director-General of RUSI, where he has been based since 2007. His research is focused on UK defence, foreign and security policy. His recent publications have included RUSI studies on: the implications of the UK’s National Security Capability Review for defence priorities; prospects for, and implications of, a war in Korea; the UK and the North Atlantic; implications of Brexit for UK foreign and security policy; future nuclear threats to the UK. He has been an Adviser to Parliament’s Joint Committee on the National Security Strategy since 2012. He was a Visiting Professor in the Department of War Studies, King’s College London (2008–2011). During 2006–2007, he was a Senior Special Adviser in the Foreign and Commonwealth Office to Foreign Secretaries Jack Straw MP and Margaret Beckett MP.