

# FREEDOM TO MANOEUVRE VERSUS LOSS OF LEVERAGE? THE SECURITY POLICY IMPLICATIONS OF BREXIT

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## **Prelude**

A UK exit from the European Union has played out, and will continue to play out, profoundly differently in the security sphere in Britain than in almost any other area prior to or since the June 23 referendum. While the early motivations for what would become the EU may have had a security aspect to them (defusing potential future conflict between Continental European states by increasing their economic integration), the EU did not evolve primarily as a security mechanism. Security, foreign policy and defence are, however, areas into which there has been a post-Maastricht Treaty progression. Whether seen as a natural outcome of the ‘spillover’<sup>1</sup> effects of economic and regulatory integration, as an incremental and questionable EU ‘mission creep’ or (at the most trenchant) part of a wider, ‘Euro-Federalist’ constitutional ‘bait and switch’ between European Economic Community and European *Union*, security has become a significant sphere of EU policy and activity, and hence has implications for so-called ‘Brexit’ and for British national security that require some scrutiny.

The degree to which British security policy and its practitioners have been as divided on the European question as the rest of the electorate and political classes is indicated by the fact that two former chiefs of the Secret Intelligence Service (SIS, aka MI6) entered the referendum debate – on opposite sides.<sup>2</sup> Similar divisions of opinion could as easily have been found amongst the armed Services or the police and elsewhere in the UK’s defence, security and law enforcement worlds. UK defence and national security interests and plans do not, nor have they ever, aligned particularly naturally with any version of the European project. And yet, as a major politico-military power, the UK has been a major participant in the EU’s endeavours in the defence and security spheres. The respective balance of power, as it were, between the UK and the EU is therefore profoundly different here than in other aspects of their relationship.

The notion of security is an enormously broad and highly contested one, but for the current purposes it will be discussed in terms of four principal areas: defence; intelligence; domestic security and the global geopolitical strategic environment. Some key implications of each of these will be examined in turn. For simplicity and brevity, the security implications are more readily articulated if one assumes (however artificially) a comparatively swift ‘clean break’ or ‘hard’ Brexit.

## **Defence**

The first issue to appreciate with regard to defence is that the UK’s defence capabilities, commitments, policies and investments are driven principally by our role in the North Atlantic Treaty Organization (NATO) and the UK’s independent strategic role. That latter role is articulated in current British Defence Doctrine as collaborating as broadly as possible on a global basis to provide ‘collective security’, ‘maintain the international order’ and ‘underpin a robust rules-based international system’. This strategic posture envisions leveraging the UK’s sovereign political and military power-projection capabilities in a diverse array of international architectures including, *inter alia*, the Organization for Security and Cooperation in Europe; the Five Powers Defence Arrangement (FPDA) of the UK, Australia, New Zealand, Malaysia and Singapore; both the G8 and G20 frameworks; the African Union and the Gulf Cooperation Council.<sup>3</sup>

Brexit is, of course, irrelevant to NATO and UK participation therein, as it is to the wider global assortment of multilateral regimes in terms of which the UK pursues its defence policy. To be sure, there is the 2010 Anglo-French Lancaster House Treaty on defence cooperation, but this was pursued at the time by the coalition government of the day as a thinly veiled attempt to draw on French assets to fill UK capability gaps created by the corrosive defence cuts of the Strategic Defence and Security Review (SDSR) conducted that same year. In the event, the only palpable outcomes have been the deployment of British logistic and intelligence, surveillance, target-acquisition and reconnaissance (ISTAR) elements in support of French operations in Mali and the Central African Republic.

The main hazard for UK defence presented by Brexit is an indirect one. That is the risk of any significant and sustained post-Brexit contraction in the British economy which would limit or reduce the public funds available for defence expenditure, both in terms of immediate operational funds and long term investment and acquisition. This is a particularly serious consideration at a time when there are highly cost intensive defence systems due to come on stream, like the two *Queen Elizabeth* class aircraft carriers, or major investment programmes looming in the relatively near future (most notably the replacement programme for the Trident submarine-based nuclear deterrent<sup>4</sup>). Furthermore, the UK must address these programmes at a point when the recently retired Commander of Joint Force Command has warned that the UK's armed forces, still profoundly diminished in the wake of SDRS, are unable to meet the needs of the current fraught strategic environment. In this respect, whether or not the UK lives up to its 2006 NATO commitment to spending 2% of its GDP on defence (unlike the all but three of its European NATO partners<sup>5</sup>) is a red herring. The real question is whether that GDP will be big enough to sustain substantial and effective investment in national defence.

In the short term, however, the main defence cost of Brexit would be to the European Union. A truly clean break would mean withdrawal of UK capabilities and leadership from the EU Military Staff (EU MS) and the withdrawal of British assets, personnel and support to EU-led combined military (primarily maritime) operations. These include Operation ATALANTA against piracy off East Africa and Operation TRITON directed towards trans-Mediterranean migration. Such EU operations have, however, been chronically troubled affairs with ATALANTA in particular suffering from almost prohibitive discontinuities in leadership, operational policy, doctrine and intelligence support resulting from the regular rotation of command between the various EU states involved.

## **Intelligence**

As in defence, the UK's foreign intelligence capabilities, commitments, investment, requirements and policies are almost entirely detached from the EU. Rather, Britain's national intelligence agencies and key elements of defence intelligence do their work in the context of the so-called '5 Eyes' intelligence special relationship with the United States, Canada, Australia and New Zealand.<sup>6</sup> The 5 Eyes has its institutional roots in the so-called UKUSA network of signals intelligence cooperation agreements subsequently reinforced by other national agency-specific agreements (such as between the Secret Intelligence Service and the Central Intelligence Agency) and the 1957 Burns-Templer Agreements on military and defence information sharing. The 5 Eyes States collect on the basis of one another's requirements, share and manage much of the resulting information through common technological resources and infrastructure, cross-invest in one another's systems and operations, and work according to highly interoperable standards and procedures. The 5 Eyes architecture gives the UK access to global intelligence coverage, at levels of granularity, which cannot be matched by any individual or combination of EU states. Consequently, Brexit is also almost irrelevant to UK intelligence and foreign intelligence in particular.

The main implication of Brexit for intelligence (and law enforcement), from a government policy perspective, is that it would considerably simplify legislating on investigatory powers. One would no longer have to deal

with interventions from, for example, the Court of Justice of the European Union on data retention. That intervention necessitated the hurried and poorly prepared 2014 Data Retention and Investigatory Powers Act which has proven problematic even before the British High Court. While there may be a running and keenly felt debate over the issues surrounding intercept and surveillance powers,<sup>7</sup> in purely practical policy terms the EU has often featured as a drag on the government's ability to manage its own affairs in this sphere. And it should also be borne in mind that any investigation, criminal or national security, depends on the ability and opportunity to interrogate as much relevant information as possible retrospectively after a crime, terrorist act or espionage penetration – sometimes (as in the case of Soviet penetration in the Cold War) reaching back decades rather than years.<sup>8</sup> A departure from the EU would simplify such matters considerably for the UK government.

To be sure, the UK has been cultivating increasingly close intelligence sharing arrangements with a number of EU states, but this is chiefly at the level of top-level strategic intelligence assessment and not clandestine collection methods and their highly sensitive products. Those sharing arrangements, however, like the Lancaster House Treaty, are based on bilateral relationships outside the context of the EU.

Also like defence, the chief hazard to British intelligence would come from any significant or sustained post-Brexit economic malaise that would limit or reduce the public moneys available to fund the national agencies under the Single Intelligence Account or Defence Intelligence from the Ministry of Defence Central Account.

Here again the immediate cost of Brexit would be felt more acutely by the EU which would lose UK participation in, contribution to, and support of EU intelligence functions in the form of the EU MS Intelligence Directorate and the EU Intelligence Centre (EU INTCEN) within the European External Action Service. It is important to keep in mind Britain was formative to both intelligence components, in particular providing the operating model for INTCEN (based on the Joint Intelligence Organisation in the UK Cabinet Office) as well as its first Director. It is, moreover, generally accepted in the intelligence sphere that the UK is the most forthcoming of the major powers within the EU in terms of sharing intelligence information, technique and best practice.

### **Domestic security**

Domestic security is itself a potentially vast sphere of activity, but for the present purposes it will be addressed in terms of counter-terrorism, counter-intelligence, law enforcement and protective security of facilities and infrastructure. These functions share substantial overlap in terms of targets, concerns, regulatory frameworks and the organisations involved. The domestic security picture is more nuanced than either defence or intelligence, and more a case of 'swings and roundabouts'.

In the event of a 'hard' Brexit, the UK would lose access to a range of security and law enforcement mechanisms of genuine value. This would include loss of access to the information sharing and operational coordination available through Europol, an agency which has proven relatively successful within the bounds possible within the EU. We would also lose access to the European Arrest Warrant, an all but indispensable legal instrument when terrorism, organised crime and cyber threats are almost uniformly transnational, cross-jurisdictional phenomena.

On the other hand, the UK would benefit from a reduced dependency on weak-link-in-the-chain states and ineffective EU collective security mechanisms. Weak link states are characterised by ineffective or intentionally non-compliant security and frontier control mechanisms. In a number of cases the problem is with states dogged by inadequate professionalism in the law enforcement and domestic security sector as well as under-investment in such agencies, often combined with endemic corruption or pervasive organised crime. Elsewhere the UK (and the rest of Europe) has had to deal with the consequences of certain states

choosing not to comply with European collective security regimes. Typical here is Italy's conscious decision not to document incoming migrants crossing the Mediterranean, as required by the European Council on Refugees and Exiles Dublin Regulation, in order to avoid carrying the costs of monitoring and accommodation.<sup>9</sup> An end to continued exposure to the consequences of such weak links that propagate via the Schengen Area across Continental Europe would almost certainly be a gain to effective UK domestic security.

In a slightly different class are states with highly professional and dedicated agencies that suffer from a chronic, even near-terminal, lack of investment or political support such as Belgium, the Baltic and the Black Sea states. In these cases, one is likely to see continued intensive UK engagement on capacity building and operational support on bilateral grounds or, where appropriate, via NATO.

The withdrawal of UK capabilities and competencies from collective EU internal security efforts will be no less keenly than the loss of British defence and intelligence cooperation. By the same token, the UK's policing and domestic security organisations will be just as vulnerable to any significant economic contraction as the armed Services and intelligence community.

### **Geopolitical and strategic environment**

As we have seen from the discussion of Britain's defence posture, Brexit is essentially irrelevant to the UK's wider global commitments such as the FPDA in South East Asia, at least in the first instance. That being said, there may be longer term effects in this regard. There can be little doubt that the 'outward looking' UK on which Brexit advocates and the present government are staking their hopes will become increasingly concerned with trade in the Asia-Pacific region. One of the most likely consequences would be an increased dependence on trade with Asia-Pacific states within and through the so-called 'southern Silk Route' sea line of communication running from the Indian Ocean through the Straits of Malacca and the South China Sea. The UK would, as a result, become more exposed to the risks associated with China's increasingly aggressive and well-armed attempts to impose its authority and interests on the South China Sea region, and to expand those efforts into the Indian Ocean. In which case, it seems likely that the UK may have to confront and make far reaching decisions about its role in that potential conflict zone, either in terms of or outside FPDA. Britain will have to consider whether it is to be a passive beneficiary of attempts by others (chiefly the US) to maintain order and the security and freedom of sea lanes, or if we are to take on a role as one of the guarantors of that order – with all of the risks that seems likely to entail.

Within the more immediate Atlantic, European and Eurasian areas the principal challenge is that of an increasingly truculent and resurgent Federal Russia. Russian strategic discourse and doctrine do not significantly differentiate between NATO<sup>10</sup> and the EU. The two are typically perceived as functioning in lockstep as different facets of an integrated Western bloc dedicated to a continuation of the Cold War strategy of encircling Russia.<sup>11</sup> In this context, Britain's withdrawal from the EU is likely to be seen in Vladimir Vladimirovich Putin's government as a weakening of the resolve and robustness of that Western bloc. And any such sign of weakness is something that Russia will seek to exploit to the fullest possible potential at every opportunity.

That being said, it must be acknowledged from a geostrategic point of view that for many of its members, not just the UK, the EU and its post-Maastricht Treaty goal of a common foreign and security policy (CFSP) has proven far more a liability than an asset. From balkanised, fractious and divisive foreign policies of certain key EU members in the 1990s contributing to the bloody and tragic disintegration of the former Yugoslavia to the complete failure to achieve an effective and forceful corporate EU response to Russian aggression in the Crimea and eastern Ukraine, the CFSP has been little more than an increasingly

expensive and counter-productive drag on European collective security even (as Lord Owen has suggested<sup>12</sup>) undermining the effectiveness of other arrangements such as NATO.

A withdrawal from the sometimes Byzantine workings of EU policy making could, therefore, unshackle Britain's ability to pursue the international order and 'rules-based international system' so central to its geostrategic self-perception. But this will only be the case if the UK is able to leverage its post-Brexit global international trade and economic position with sufficient effectiveness to ensure that it is prosperous enough to pay for the capabilities required to back up those aspirations. But this is a medium to long term concern. In the shorter term, however, the very real defence, intelligence and security costs that Brexit would incur *on the EU* should be seriously considered and clearly articulated as bargaining chips by the UK government in the coming Brexit negotiations.

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## Notes

1. To borrow Ernst Haas's concept; see Haas *The Uniting of Europe: Political, Social and Economic Forces 1950-1957* (Stanford CA: University of Stanford, 1968).
2. Sir Richard Dearlove entered the fray in favour of departure in his 'Brexit Would Not Damage UK Security' in *Prospect* April 2016, downloadable at <http://www.prospectmagazine.co.uk/opinions/brexit-would-not-damage-uk-security> 14 October 2016. His successor-but-one John Sawers sought to rebut Dearlove's case with 'I Am a Former MI6 Chief and I Am a Patriot. Here's Why I Am Voting Remain' *The Telegraph* 16 June 2016 <http://www.telegraph.co.uk/news/2016/06/16/why-this-lifelong-patriot-is-voting-remain/> (downloaded 14 October 2016).
3. Development, Concepts and Doctrine Centre (DCDC) *JDP 0-01: British Defence Doctrine* (Shrivenham, UK: DCDC, 2014) pp.5-6.
4. It is important to note that, given France's consistent commitment to their own independent nuclear *force de dissuasion*, the EU is also irrelevant to nuclear deterrence policy and strategy.
5. Those three are, surprisingly enough, Greece (as of figures for 2015), Estonia (who face an especially immediate threat to the East) and Poland (similarly placed). By comparison, the USA spends more than 3.5% of GDP. See Rob Page *Defence Expenditure – NATO 2% Target* House of Commons Briefing Paper CBP7343 21 October 2015 (London: House of Commons Library, 2015).
6. At the operational and tactical levels of military and defence intelligence there is also a central focus on NATO intelligence cooperation and sharing mechanisms, but this is essentially a special case of the issues discussed under 'defence'.
7. For a highly detailed analysis of the issues and legislation, see Sir David Anderson *A Question of Trust: Report of the Investigatory Powers Review* (London: Williams Lea Group, 2015).
8. In the case of Soviet penetration, this entailed archived intercepted Soviet communications codenamed VENONA as much as thirty years old. For a British perspective on the US-led project see Nigel West *Venona: the greatest secret of the Cold War* (London: HarperCollins 2000).

9. Mark Micallef 'Can Italy "Hurt" Europe?' *Migrant Report* 14 June 2015; <http://migrantreport.org/if-eu-fails-to-move-on-migration-we-go-for-plan-b-italian-pm/> 13 October 2016.
10. NATO specifically has been cited in the 2014 Defence Doctrine of Russia as *the* principal external military threat to Russia due to expansion and 'violation of the rules of international law'. See the English translation of V.V. Putin 'The Defence Doctrine of Russia' published by the Russian Embassy in London <http://rusemb.org.uk/press/2029> 14 October 2016.
11. See, e.g. Maria Lipman's 'Commentary: What Russia Thinks of Europe' for the European Council on Foreign Relations [http://www.ecfr.eu/article/commentary\\_what\\_russia\\_thinks\\_of\\_europe5084](http://www.ecfr.eu/article/commentary_what_russia_thinks_of_europe5084) 14 October 2016.
12. Lord David Owen 'The UK's In-Out Referendum: Implications for EU Foreign and Defence Policy' delivered at the Royal United Services Institute 25 April 2016; <https://rusi.org/event/David-Owen-EU-Referendum> 14 October 2016.