

The Government welcomes the inquiry by the European Union Committee of the House of Lords into Brexit: Common Security and Defence Policy [CSDP] Implications. HMG Officials were pleased to have the opportunity to provide evidence to this inquiry. We have carefully considered the report published on 14 May.

This paper sets out the Government's response to the Committee's conclusions and recommendations, as contained in the Summary of Conclusions and Recommendations section of the report. The Committee's recommendations/questions are in bold and the Government's responses are in plain text. Paragraph numbers refer to the Committee's report. The responses to paragraphs 1, 2 and 3 are combined; as are those for 8 and 10; 9, 11, 12 and 13; 14, 15, 19 and 22; 20, 21 and 23; 24 and 26; and 25 and 27.

1. CSDP missions and operations are relatively limited in scale, compared to those of the UN or NATO. CSDP missions tend to focus on lower-intensity crisis management, such as capacity building, reform and training. (Paragraph 90)

2. CSDP missions and operations have often been slow to produce results. This has, in part, been a consequence of the challenging and often unstable environments in which they operate—such as Kosovo and Somalia. (Paragraph 91)

3. Nonetheless, since the first deployment in 2003, CSDP missions and operations have made a meaningful contribution to EU foreign policy priorities, including the strengthening of the rule of law, security sector reform, conflict prevention, and the tackling of piracy. (Paragraph 92)

The Government agrees with these observations. EU CSDP missions and operations are generally smaller than those of the UN and NATO. In the case of the UN, the nature of peacekeeping operations requires the deployment of significant numbers of personnel when compared with CSDP civilian missions, which generally deploy a smaller number of experts focused on specific institutional technical capacity building. Prior to completion of their mandates, civilian missions may also undergo a period of transition and reduction in size as certain activities are no longer required. For example, the EU Rule of Law Mission (EULEX) in Kosovo headcount reduced from over 2,000 staff in 2013 to below 800 in 2018.

Challenging conditions in the countries in which missions are situated can slow mandate delivery. For example, the EU Advisory Mission (EUAM) in Ukraine launched at the end of 2014 to provide/deliver Security Sector Reform at a time when most international focus was on the conflict at the border with Russia. Another example of conditions adversely affecting mandate delivery was the necessary relocation of the EU Border Assistance Mission (EUBAM) in Libya to Tunisia very soon after launching because of the deterioration of the internal political and security situation. We also acknowledge that missions and operations, once launched, face challenges as they begin to establish themselves and deliver on their mandates. This underlines the importance of monitoring and analysing progress to identify issues and react accordingly, and why the UK has pushed this approach, for example in EULEX Kosovo where the UK was central to the drafting of tighter performance indicators in 2015 and to the revisions to the operational plans of all missions.

CSDP action has contributed to meaningful EU external action across a range of issues and locations. European Union Naval Force ATALANTA (EU NAVFOR) has been effective in suppressing piracy off the Horn of Africa – reducing the number of recorded pirate attacks from 176 in 2011 to nine in the past three years¹. EULEX Kosovo has supported reforms; contributed to the creation of Rule of Law structures, bodies and agencies; and helped develop more effective Police and Customs operations. The EU Advisory Mission in Ukraine has taken forward important Security Sector Reform. The EU Policing mission in the Occupied Palestinian Territories has helped in the professionalisation of the local police as part of the drive to raise it to international standards.

4. Participation in military CSDP missions and operations has also contributed to operational collaboration between the Member States. (Paragraph 93)

The Government agrees that participation in military CSDP missions and operations has contributed to operational collaboration between Member States. Collaborative operations can strengthen inter-operability to the benefit of subsequent operations in other arenas. In addition, such collaboration can lead to the cross-pollination of doctrine and capabilities. Operation ATALANTA, the EU's counter-piracy operation off the Horn of Africa, has resulted in long-term suppression of pirate activities through one of the world's most important trade routes and allowed free flow of goods through and around the region. Because of the operation's work, the number of reported pirate attacks in the region fell from 176 in 2011 to just nine in the past three years.

EU Member States take part in the operation by deploying ships to the region or personnel to the Operational Headquarters, currently based in Northwood, UK. At the moment, 19 Member States and two non-Member States (Serbia and Montenegro) take part in the operation. Working together helps improve interoperability and practical ways of working between participants, not only in their important counter-piracy work in the Horn of Africa, but also in other EU operations, on a bilateral basis, and in other multilateral organisations.

5. The key competitive advantage of CSDP missions and operations, when compared to those conducted by NATO or the UN, is the EU's ability to draw together military, political, diplomatic, economic and legal lines of operation in a comprehensive approach. EULEX Kosovo and Operation Atalanta are striking examples of this. Effective co-ordination both among the EU institutions and among the Member States is, however, sometimes problematic. (Paragraph 94)

The Government agrees that EULEX Kosovo and Operation ATALANTA are good examples of the EU's ability to draw together military, political, diplomatic, economic, and legal lines of operation in a comprehensive approach. More generally, CSDP is flexible and can deliver a wide range of activities. A unique feature of CSDP is the ability to draw on a wide range of technical expertise, which helps share the burden of supply. The EU can also act through CSDP in places where other multilateral organisations cannot due to the host government's preference, where there are sensitivities to the presence of other organisations, or they are unable to agree a mandate. The civilian CSDP mission in Georgia is an example of where the UN and OSCE were unable to agree support for a monitoring mission.

¹ <http://eunavfor.eu/>

6. One CSDP operation has been a particular success: Operation Atalanta has contributed to the dramatic fall in piracy in the Horn of Africa and the Gulf of Aden. (Paragraph 95)

The Government agrees with this observation. At the height of piracy off the Horn of Africa, in January 2011, there were 32 ships and 736 hostages held by pirates. By October 2016, that number had dropped to no hostages and no ships held. Somali piracy remains suppressed, primarily by a combination of industry best management practice measures and the presence of international naval forces. Since March 2017, there has been one major incident. The arrested pirates are currently awaiting trial in the Seychelles.

One of the keys to Operation ATALANTA's success is its use of "legal finish", i.e. the agreement between the EU and selected non-Member States, including the Seychelles, to try captured pirates through courts of law. A legal finish clearly demonstrates the consequences of engaging in piracy, unlike "catch and release" practices. Another key is that ATALANTA is the only military force that has bilateral arrangements with Somalia, which authorises entry into Somali internal waters.

The EU has the ability to bring together cross-Government action in a coordinated and comprehensive approach. The EU adds particular value when there is a need for a mix of military, civilian, development, political, and diplomatic tools, all of which are being used in Somalia. The result is the long-term disruption of pirate activities that allows for the free flow of goods around the region and through one of the world's most important trade routes.

7. Although established by unanimity, CSDP missions and operations do not always enjoy strong support from the Member States, which have differing priorities and often look for short-term results to complex challenges. Securing the requisite number of assets and appropriately skilled personnel for missions and operations is a longstanding problem (Paragraph 96)

The Government agrees that CSDP missions and operations do not always enjoy strong support from Member States, which may have differing priorities and often look for short-term results to complex challenges. National interests and geographic proximity often have bearing on levels of support for specific missions and operations. Member States are also conscious of pressures on the Common Foreign and Security Policy budget, which funds civilian missions, and that it does not have resources to fund additional activity. Member States are therefore often selective in their support.

Securing the requisite number of assets and appropriately skilled personnel for missions and operations is important. It is vital that CSDP missions are staffed adequately so they can deliver on their mandates. On average, civilian missions are at 82% of the staffing capacity allowed within their respective Council Decisions/budgets. A significant number of positions in civilian missions are seconded slots i.e. where Member States fund and deploy their own national experts. These positions will remain unfilled if Member States do not put staff forward. To boost capacities, Member States have agreed to reclassify some jobs (in civilian missions) as 'internationally contracted' whereby staff are recruited centrally by the EEAS from a broader pool of candidates, with costs falling to the missions (CFSP budget) and not Member States. In terms of assets, civilian missions utilise their budgets to procure

required equipment. The strengthening of the support framework (CSDP Warehouse and Mission Support Platform) should improve procurement and logistics.

We assess that all military operations and missions are currently sufficiently staffed, except EU Training Mission (EUTM) Somalia, which is currently running at 60% capacity and its operational effectiveness is constrained.

Securing sufficient assets for Operation ATALANTA has been a challenge, but the Political and Security Committee has directed a reduction of its Combined Joint Statement of Requirements, based on a reduced threat of piracy in the region. Operation SOPHIA has also experienced problems with force generation as it seeks to address significant challenges such as mass illegal trafficking.

8. CSDP missions and operations have made a significant contribution to a number of the UK's foreign policy priorities—including tackling piracy, promoting the rule of law, and peacebuilding in post-conflict states—and have been an important channel of UK influence. (Paragraph 139)

10. CSDP missions and operations are agreed between 28 countries by consensus. They correspond in varying degrees to UK foreign policy priorities — the EU's maritime operations are particularly closely aligned to UK interests, as are Operation Althea and EULEX Kosovo. (Paragraph 141)

The Government agrees with these observations. CSDP contributes to a broad range of UK National Security Council priorities, such as building stability in Somalia, Libya, and the Occupied Palestinian Territories; supporting security reform in Ukraine and Iraq; combating organised crime and building resilience in Kosovo; supporting efforts to manage conflict, promote peace, and build space for dialogue in Georgia; and, countering terrorism in Iraq. The UK uses its permanent membership of the UN Security Council (UNSC) to support CSDP, including securing UNSC resolutions for Operations Sophia and Althea. The UK will continue to use its global influence to promote European security interests and values.

We have seen the awful reality of war in the Western Balkans. The EU and other international actors, including the UK, are fully committed to ensuring that the region remains peaceful. This is a priority for the UK, as seen at the recent Western Balkans Summit in London where the Prime Minister announced that the UK would increase funding to the region to £80 million in 2020-21.

The EU's work in the Western Balkans supports our foreign policy priorities by:

- EULEX Kosovo builds regional resilience and tackles serious and organised crime. Our strong commitment to European defence and security is not just about military presence, but also how civilian efforts contribute to day-to-day stability;
- The joint EU-NATO Operation ALTHEA demonstrates the many benefits both organisations can bring to security and stability in Bosnia and Herzegovina. The UK has long championed closer EU/NATO cooperation, and in the Western Balkans this reduces the risk of duplication and strengthens their impact in the region.

9. One of the UK's primary objectives for the CSDP has been to encourage other EU countries to develop their defence capabilities and increase their willingness to participate in crisis management and defence operations. (Paragraph 140)

While the UK has long supported the idea of the EU encouraging capability development among European countries, and there have been some successes, such as the development of deployable battlegroups by some member states, overall European Defence has not had the impact in this area that many had expected. A number of initiatives are now under way to try and address this, notably PESCO, CARD and the Commission's EDF programmes.

11. The UK's personnel contribution to CSDP missions and operations to date account for just 2.3% of total Member State contributions. This has, in part, been a result of UK defence commitments across the globe. The UK has also provided assets—including naval vessels and aircraft—and troop reinforcements on standby for CSDP operations. (Paragraph 142)

12. The UK's financial contribution to civilian missions is 15%. As 85–90% of the costs of military missions and operations are financed by the participating countries, the UK's 17% contribution to the common costs of military missions and operations is relatively lower. (Paragraph 143)

13. The UK's principal contribution to CSDP missions and operations has been strategic guidance and advice. It has filled a small number of influential roles, and leveraged its role as a permanent member of the UN Security Council to secure authorisation for EU missions and operations. (Paragraph 144)

The UK has made a significant operational contribution to many military operations and missions:

- hosting the Operation ATALANTA's Operational Headquarters since its foundation in 2008. The UK's 55 personnel contribute significantly to suppressing piracy;
- deploying three Royal Navy ships to Operation SOPHIA over its lifetime: UK vessels have made a significant impact, helping to rescue 13,383 people between August 2015 and July 2018; and,
- providing the Operational Commander and a reserve battalion for Operation ALTHEA.
- The UK has a long history of contributing to civilian missions. We currently contributing 26 experts, covering a range of activities including *inter alia* prosecutions, organised crime, policing, border management, gender and planning.

We have also provided considerable diplomatic support and leadership across the life cycle of missions, from inception to transition and closure. We have guided the mandates for Operation ALTHEA and Operation SOPHIA through the UN Security Council. This leadership has extended to our proactive approach to the development of thematic initiatives such as the development of the EU frameworks for Security Sector Reform, CSDP training policy, and reform of civilian CSDP.

Staff deployed by the UK have helped to provide insight and influence in senior positions across civil and military missions and operations, including Head of Mission at the EU Co-ordinating Office for Palestinian Police Support (EUPOL COPPS), and the Command of Operation ALTHEA and Operation ATALANTA. In addition, the UK has deployed staff to several Deputy Head of Mission, Chief of Staff and Senior Adviser roles, where their expertise has contributed to mandate delivery.

14. There is an established precedent for third country participation in CSDP missions and operations through the negotiation of bilateral agreements with the EU. Third countries are well integrated into the CSDP missions and operations in which they participate, and have some influence at an operational level. (Paragraph 173)

15. Third countries have no formal role in decision-making or planning, and the Committee of the Contributors model—designed to facilitate consultations between the EU and contributing third countries—does not work well. (Paragraph 174)

19. The existing model for third country involvement in CSDP missions and operations would not give the UK the input and influence that it currently enjoys as a Member State. (Paragraph 254)

22. In its future partnership paper on foreign policy, defence and development the Government set out broad, high-level aspirations for co-operation with the EU on CSDP missions and operations. These included a role in “mandate development” and “detailed operational planning”. This goes well beyond the existing third country model offered by the EU. The prospects for changes to this model are uncertain. (Paragraph 257)

The Government believes that the established framework for third country participation in CSDP missions and operations enables their integration and provides them with a level of influence at an operational level, but it has not translated into a formal role in decision-making and planning. The Government agrees that existing framework partnership agreements would not offer the UK the input and influence that it currently has as a Member State. The Government White Paper on the Future Relationship with the EU, released on 12 July 2018, makes clear that future UK-EU foreign policy, defence, and development cooperation is likely to require a combination of formal agreements enabling coordination on a case-by-case basis where it is in the mutual interest.

The Government White Paper on the Future Relationship with the EU stated that any UK decision to deploy our Armed Forces must be taken on the basis of adequate information and consultation. This is the case for the UK in any international operation, and to enable the EU to make best use of UK assets, the UK would require sufficient insight, including access to planning documents. The UK could bring its significant expertise to support EU operational planning. This would not undermine the important principle that only EU Member States have a formal role in the decision making process and a vote over the launch of EU operations.

We judge there to be scope to strengthen the Committee of Contributors mechanism. As part of work to deliver the ambition of the European Global Strategy, the EU is developing an enhanced strategic approach to partnerships with third countries on security and defence by taking a more coherent and systematic approach. A recent EEAS paper has proposed reforms to the Committee for better consultation and information sharing with contributing third states. This would concern day-to-day management of missions and operations not under the exclusive responsibility of respective Heads of Missions or Operation Commanders and be in keeping with EU Crisis Management Procedures. The EEAS is also considering an overarching structure, such as an EU Partnership Forum, for regular or extraordinary discussion of issues of common concern. The overall initiative to strengthen strategic partnerships with third countries is ongoing.

16. The UK's foreign policy priorities are unlikely to change significantly upon leaving the EU, in which case the UK will continue to derive value from participation in current CSDP missions and operations. In particular, the UK will continue to have interests in the Western Balkans (Operation Althea and EULEX Kosovo), and in the Horn of Africa (particularly Operation Atalanta). (Paragraph 251)

The Government agrees that UK priorities for European security are unlikely to change significantly once the UK has departed the EU. Core UK priorities such as building regional stability and combatting terrorism and organised crime will remain important. What is important is the method by which the UK will seek to achieve its objectives, be that through a new form of engagement with CSDP or enhanced bilateral activity and engagement with other multilateral actors.

In the case of Operation ALTHEA, a joint EU/NATO operation under the Berlin Plus agreement, the UK would be able to continue to participate in the mission as a NATO member.

17. The UK will require a higher level of political control to participate in military operations—such as Operation Atalanta—where service personnel undertake executive operations than to participate in civilian or military missions, where tasks relate to training and capacity building. (Paragraph 252)

The UK Government believes that a new security partnership should go beyond current arrangements between the EU and third countries if it is to capture the full depth and breadth of our envisaged relationship. We believe that a flexible and scalable framework of consultation and cooperation with the EU would be in our mutual interest. The UK could continue to contribute to missions and operations, including Operation ATALANTA, on a case-by-case basis with UK personnel, expertise and assets. However, our contributions are likely to look different to today. For instance, in Operation ATALANTA, the Operational Headquarters is transferring from Northwood (where it has been since the operation's foundation in 2008) to Rota in Spain, as the Withdrawal Agreement precludes the UK from hosting an operational headquarters once we have left the EU. We believe that our level of influence should reflect our contribution and the level of risk involved.

18. The UK's role in CSDP missions and operations has been more a 'manager' than a 'player'. It is unlikely that the EU27 will be willing to allow the UK—as a non-Member State—a decision-making role on CSDP missions and operations. (Paragraph 253)

The UK has contributed expertise to operations missions since the inception of CSDP. In addition, the UK has provided intellectual leadership in the development of missions and operations and CSDP initiatives. Furthermore, we have been able to use our permanent membership of the UN Security Council (UNSC) to support CSDP, including securing UNSC resolutions for Operations SOPHIA and ALTHEA. The Government White paper on the Future Relationship states that the UK will remain a committed partner, including as a leading NATO ally and a permanent member of the UNSC.

The scope of the UK's participation in CSDP, including decision-making, remains under negotiation. The UK has proposed a tailored partnership with the EU that includes consultation and regular dialogue on geographic and thematic issues and the global challenges the UK and the EU face.

20. The negotiations on the UK's withdrawal from the EU have not yet focused on foreign policy and defence. This area of EU co-operation is largely intergovernmental, which makes it different to areas embedded within the *acquis*. (Paragraph 255)

21. It is also not yet clear how negotiations on foreign policy and defence cooperation will be structured, by whom they will be conducted, or how far they will be separated from the negotiations on future trade and other issues.(Paragraph 256)

23. We are concerned that the Government has yet to explain how its high level aspirations could be put into practice. We strongly urge that the FCO develop and transmit to the EU detailed proposals for future co-operation in the area of foreign policy and defence. It should do this before the June 2018 European Council meeting, to give the EU an opportunity to respond before any political declaration on future UK-EU relations is finalised. (Paragraph 258)

The Government agrees that foreign policy and defence is a unique area of cooperation given its intergovernmental nature.

The Government's negotiation team has had constructive exploratory talks with Task Force 50 on issues related to our future partnership on foreign policy, defence, and development. To accompany the talks that took place on 4 and 23 May, and 20 June, the UK also published a series of technical notes for discussion with the EU, detailing further our proposals for the future external security relationship. The Government White Paper on the Future Relationship with the EU reflects the content of the technical notes and builds on the Prime Ministers Munich speech.

24. The UK's defence capabilities are significant, and well-respected by the EU27. These capabilities do not, however, necessarily translate into leverage for the UK, given that most CSDP missions and operations are at the lower end of the crisis management spectrum, with a focus on training and capacity building. (Paragraph 259)

26. The UK must decide whether to use the leverage afforded by its significant military capabilities to negotiate modifications to the model under which it can contribute to CSDP missions and operations after Brexit. (Paragraph 261)

The Government agrees that the UK's defence capabilities are significant and well-respected by Member States. The UK provides approximately 20% of the EU Force Catalogue on a voluntary and non-binding basis, and has a suite of military capabilities that is broad ranging and includes several strategic enablers, such as strategic lift. Subject to national authority, these can be employed in support of CSDP missions and operations. The Government is unconditionally committed to European security

It is clear that there are UK priorities delivered through the EU, particularly in the Western Balkans and Horn of Africa but also in other regions including the Sahel and the Middle East. Third states make valuable contributions of personnel and assets to almost all EU military and civilian operations and missions. Before we can agree to continue to contribute to EU

operations and missions after Exit, we will need to establish consultation mechanisms with the EU that are commensurate to our proposed contributions.

25. The fallback position in the Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community suggests a much more limited role for the UK than that envisaged by the Government. It excludes the possibility of the UK maintaining the Operational Headquarters of Operation Atalanta, or Operation Command of Operation Althea via the Deputy Supreme Allied Commander Europe. We note that these issues are subject to negotiation. (Paragraph 260)

Language in the Implementation Period text of the Withdrawal Agreement prevents the UK from hosting an Operational Headquarters or from command of a CSDP operation or mission. In June 2018, the EU27 decided to move Operation ATALANTA's Operational Headquarters to Rota, Spain, and the Maritime Security Centre Horn of Africa (MSCHoA) to Brest, France. The current Operational Headquarters in Northwood is working to ensure a smooth transition.

DSACEUR's role as Commander of Operation ALTHEA is a matter for the EU and NATO to decide; we do not see this as a Brexit issue. The Withdrawal Agreement's language states that non-EU states cannot command an EU operation, but Operation ALTHEA will remain important to the UK due to its status as the only joint EU-NATO operation and its role in support of UK foreign policy priorities in the Western Balkans and our commitment to European security and defence.

27. CSDP missions and operations are a subset of wider foreign policy and engagement on security and defence with the EU. The UK should seek to negotiate observer status in the EU's planning and decision-making bodies, such as the Political and Security Committee, after Brexit. (Paragraph 262)

In the White Paper on the Future Relationship with the EU, the Government was clear that consultation is vital for an effective foreign, defence, and development policy partnership that allows the UK, the EU, and its Member States to combine efforts around the world to the greatest effect and achieve common objectives. The future security partnership should enable flexible responses where different situations and policy issues require them. The Government has therefore proposed consultation across all foreign policy areas, with regular dialogue between officials, ad hoc invitations to meetings, for example to the Political and Security Committee in informal sessions, provisions for discussion between EU27 leaders and the UK Prime Minister and at other political levels.

28. It is possible to influence the EU from the outside, as shown by the example of the United States. To do so, the UK will have to invest significant resources in Brussels and in Member States' capitals, to maintain influence from outside the structures of the EU. (Paragraph 263)

The UK has a successful record of influencing other international organisations and has planned for continuing our strong relationship with the EU. In recognition of the need to support a successful EU exit, the FCO has strengthened its diplomatic network in Europe. Since 2017, the FCO has upgraded seven Ambassador posts and created 50 new diplomatic positions in Embassies in Europe.