

Bocconi

THE FUTURE OF EU AND UK FOREIGN POLICY

AN IEP@BU-CENTRE OF EUROPEAN LAW JOINT EVENT
BROUGHT TOGETHER EXPERTS TO EXPLORE OPPORTUNITIES
FOR COOPERATION IN FOREIGN, SECURITY, AND DEFENSE POLICY

EVENT CHAIR: **ELEANOR SPAVENTA**
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Introduction

On November 14, 2024, in London, the IEP@BU co-organized an expert panel discussion with the Centre of European Law at King's College on the future of EU and UK foreign policy. The event was chaired by IEP@BU managing board member Eleanor Spaventa.

With the election of a new British Government in July, participants considered what has been perceived to be a clear commitment in the Labour Party's manifesto to "an ambitious new UK-EU security pact to strengthen cooperation on the threats we face." Speakers included former armed forces members, the EU Commission, academia, and public affairs.

The EU Ambassador to the UK Pedro Serrano and other distinguished invited guests and government officials attended the event.

The event is part of a research project led by the Institute for European Policymaking (IEP) at Bocconi University, Milan. The project aims to devise a practical strategy for developing the highest level of structured foreign, security, and defence policy cooperation between the UK and the EU that is achievable in the medium term.

During the roundtable, participants considered whether an ambitious medium-term strategy is needed to develop an overarching structure for cooperation between the UK and the EU, encompassing foreign, security, and defense policy alongside counterterrorism and border control.

The discussion also noted the importance of the UK identifying a set of realistic objectives to implement these goals for the immediate and long-term future.

It is hoped that the formulation of a foreign, security, and defence policy cooperation proposal will attempt to resolve issues including:

- The framework for cooperation
- Participation in EU missions and cooperation on sanctions
- Cooperation in developing defence capabilities
- Security and law enforcement outside the areas of foreign, security, and defence policy
- The relationship with NATO and broader relations with allies.
- International reception



Why the UK and the EU Should Cooperate More on Security

The foreign policy landscape is shifting fast, and it is time to overcome the post-Brexit- mutual diffidence

by Julian King

We live in a shifting geopolitical and geoeconomic world, refocused on hard defence, but also with a broader appreciation of wider security and deterrence challenges.

The EU can be and is a security provider. On traditional security and defence, where the EU has a long history of military and civil peace support and peace-building missions, from Aceh to Gaza, to – still today – the Balkans.

Through Permanent Structured Cooperation (PESCO), EU member states share capabilities, from medical support to enabling military mobility, to building missiles. And, though so far to a limited extent, the EU funds the development of military capability, through instruments like the European Defence Fund.

But the EU also helps and supports member states to tackle a range of wider security challenges and to build their resilience: to counterterrorism, cybercrime and reinforce cyber security, to protect critical infrastructure, including telecommunication and digital infrastructure, to tackle dis- and misinformation and build online resilience, and to reduce critical dependencies, whether that's on energy, oil, and gas, or key inputs, such as rare minerals.

Secondly, Brexit was a missed opportunity, with mistakes made on both sides. The May government (2016-2019) made the case for continued cooperation on security after Brexit, setting out detailed proposals at the Munich Security Conference in 2018. But these were dismissed by the Johnson government in 2019.

The EU side did not always send a positive signal about cooperation, excluding the UK from the Galileo satellite programme, arguing that post-Brexit the UK was not a reliable partner.

We ended up with arrangements that preserved a certain amount of cooperation on crime fighting and data sharing, but no structured cooperation on foreign policy or international security.

And this, thirdly, as the world became a more dangerous place. The Covid pandemic served to underline several critical dependencies. Awareness of the challenge presented by China's behaviour increased. Russia's invasion of Ukraine completely changed the politics around defence, military capabilities, and deterrence.

Against this background, in the elections earlier this year, Labour Party's manifesto undertook to "seek an ambitious new UK/EU security pact to strengthen cooperation on the threats we face", as well as to rebuild and develop relationships with key European allies, including France and Germany, and with others like the Nordics and the Baltics.

This was matched on the EU side by the ambition in the Commission's Political Guidelines for the next five years, to strengthen relations with the U.K. on security, and also on energy and resilience – echoing comments from leading Labour figures - like Foreign Secretary David Lammy - that we should be aiming for a broad security pact covering shared challenges on energy and climate too.



Since Labour won the election in the summer of 2024, progress on these issues has been slow. Some bilateral security relationships have strengthened, notably with Germany, but there's been little progress in developing a wider security relationship with the EU.

There are reasons to think that it might accelerate. The Labour government has set out some of its key domestic objectives, including in the recent budget. There's a new Commission from December, with a new mandate, including on defence.

But perhaps most importantly, Donald Trump's victory in the US presidential elections will change the dynamics of US relations with the EU, and with the UK, across a range of issues from Ukraine and defence, to China and technology, to climate and trade.

It's still early days and difficult to predict how all this will play out, but the shift in US priorities and policies will inevitably impact relations across Europe, including between the U.K. and the EU.

The debate has started on how the U.K. should manage relations with the US and Europe: can it balance or must it choose? This debate could be more acute on some issues than others.

Depending on what exactly the US does, there could be difficult decisions on tariffs and trade. But on defence, at least in principle, efforts to strengthen cooperation on European Defence should be welcomed by the Trump administration.

Strengthening the European pillar of NATO will be a key, central part of any such effort. But that's not our main focus today.

Our case today is that the underlying challenges and the evolution of the politics strengthen the case for the UK to redouble its work to develop cooperation with its European neighbours on security and, specifically, to pursue agreement on a broad-based Security Pact with the EU.

I want to focus on why it's worth making the effort, recognizing that some of the issues that arise will be difficult, and will require imagination and flexibility, from both sides.

So, why bother?

Quite simply, because of the significant potential mutual benefit. The foreign policy landscape is shifting fast. A structured framework for UK/EU foreign policy dialogue and cooperation would embed the ad hoc arrangements that have developed in areas like sanctions and enable cooperation on new and evolving challenges.

There is more to do with internal security. The UK already cooperates with EU neighbours on police, judicial investigations, and border management. But that cooperation could be significantly reinforced to tackle shared challenges, like fighting the gangs trafficking migrants.

There's a shared interest in looking again at where the U.K. could work with EU peace support missions, for example in Bosnia, and some of the EU efforts to share and support capability development, around improving military mobility for example.

There are areas like cyber, tackling dis and misinformation, and potentially space, where the U.K. has much to contribute, as well as to gain, from deeper U.K./EU cooperation.



Sir Julian King KCVO CMG is a Senior Advisor at Flint Global, Fellow of RUSI and the Oxford Internet Institute. He was the last British European Commissioner, serving as EU Commissioner for the Security Union from 2016-2019, with responsibility for counter-terrorism, cyber security, tackling hybrid threats, disinformation, and securing critical digital infrastructure. He joined the Foreign & Commonwealth Office in 1985. He has held various positions, including: UK Ambassador to France (2016); Director General Economic & Consular (2014); DG of the Northern Ireland Office London and Belfast (2011); UK Ambassador to Ireland (2009); EU Commission Chef de Cabinet to Commissioner for Trade (2008); UK Representative on EU Political and Security Committee, (2004). Sir Julian is a graduate of Oxford University and the Ecole Nationale d'Administration, Paris.



How to Structure an Initial EU/UK FSDP Partnership Package

by Alan Dashwood

My talk will focus on how to structure an initial EU/UK partnership package on foreign, security, and defence policy (or “FSDP”). I’m going to make four short points, under these headings:

- The choice between ad hoc and structured cooperation.
- An incremental approach.
- Models of structured cooperation.
- Elements of a plausible negotiating package.

The choice between ad hoc and structured cooperation

First point, on the choice between ad hoc and structured cooperation. Should the UK be content, for the time being, to show willingness, by proactively seeking out opportunities for ad hoc cooperation with the EU? Or should the aim be to establish a structured UK/EU FSDP relationship?

In favour of ad hoc cooperation, it might be argued that there’s still some way to go in dispelling the hangover from Brexit. The argument would be that the task of restoring the EU’s trust in the UK as a reliable international partner could better be achieved by maximising participation by the UK in the various aspects of FSDP activity that are open to third countries, and where it has interests in common with the EU. Attempting, at this stage, to negotiate an overarching framework for FSDP cooperation would be a distraction.

That is not my view. Cooperating, each time in an ad hoc way, may be difficult, as William Hague, speaking as a former Foreign Secretary, told the House of Lords European Affairs Committee in 2023. An organising framework that is appropriately flexible can incentivise cooperation in the policy areas that it covers. And it needn’t impede collaborative activity in other areas.

At all events, that ship has sailed. Both the UK and the EU have made it clear that they are committed, in principle, to a structured future relationship. The UK Foreign Secretary, David Lammy has repeatedly referred to the Labour government’s aim of negotiating a “security pact” with the EU. And the Statement that was issued after the meeting between Prime Minister Keir Starmer and the Commission President, Ursula von der Leyen, after their meeting on 2 October, referred to the resolve of the EU and the UK “to strengthen their structured strategic cooperation”.

An Incremental Approach

My second point is the need for the UK to adopt an incremental approach. We must be realistic about the level of structured cooperation we can expect to be able to achieve with the EU in the immediate term. But we should be ambitious as to what may be achievable in the medium term. Which I would understand as a period of 5 to 10 years, in other words, roughly covering the life of two Parliaments

In the medium-term, I suggest, the UK’s goal should be the development of an overarching structure for FSDP cooperation with the EU, framing the whole of foreign, security, and defence policy,



together with related areas such as counterterrorism, control of external borders and energy supply; and that cooperation should be underpinned by institutional arrangements enabling the systematic involvement of UK representatives at each stage of the process of preparing decisions by the EU Council on FSDP matters, up to the level of the Political and Security Committee (PSC).

Indeed, I can see no objection in primary EU law to the creation of a special form of observer status for the UK, and other close EU allies like Norway, giving them the right to speak but not vote, at Council meetings. And I'd go further.

If the EU follows up the idea of allowing candidates for EU membership to participate in actual decision-making for certain limited purposes, which would require Treaty amendments, why shouldn't the UK (and Norway) be given the same right regarding FSDP decisions?

Cooperation at such a high level of intensity could only be achieved incrementally, as the habit of working together develops, and with increasing experience of the value-added the UK, as a third country, may be able to bring to EU policy-making.

It will, of course, be for HMG (His Majesty's Government), and for the EU to determine how far along the path of intensive cooperation they wish eventually to go. But both sides need to be clear that the arrangements for FSDP cooperation they may be able to negotiate in the coming months represent, not a definitive FSDP relationship, but the first steps of an evolutionary process towards a broad, deep, and truly novel partnership.

Choosing a Model of Structured Cooperation

My third point is about choosing between models of structured cooperation, since it's handy in negotiations with the EU to be able to point to a precedent for what you're asking for. Realistically, there are just two possibilities: a strategic partnership agreement (or SPA), like the one with Canada; and a tailored security and defence partnership, like the one recently established with Norway.

At first sight, the EU/Canada SPA might seem an attractive model for organising the UK/EU relationship on FSDP. It's a legally binding international agreement, not yet ratified by all Parties, though large parts of it have been given provisional application. The SPA extends over a wide range of policy areas, including human rights, democracy and the rule of law; international peace and security; economic cooperation and sustainable development; science, technology, and innovation; and energy, the environment, and climate change.

The cooperation mechanisms take the form of annual summits at the leader level and regular meetings and consultations at ministerial and official levels.

Periodic reports on the state of the EU/Canada relationship indicate a high level of satisfaction with its operation on Canada's part. However, there are telling arguments against the UK opting for the SPA model, at least at this stage.

First, negotiating a binding international agreement covering a range of highly sensitive matters is likely to take several years. Negotiations for the EU/Canada SPA commenced in September 2011, and the Agreement was signed on 3 December 2016 and given provisional application from 1 April 2017. In the present perilous state of geopolitics, the UK and the EU will be looking for a quicker result.

A second issue concerns ratification by the EU and all 27 Member States. I mentioned that the



ratification process of the EU/Canada SPA hasn't yet been completed, some eight years after it was signed. Though that's less serious than might at first appear, given the very extensive provisional application that was deemed legally possible and appropriate for the Agreement.

However, to my mind, the main argument against the SPA model for the UK/EU relationship on FSDP is that it would be too constraining. As I've said, the UK's approach to its relationship with the EU on FSDP should be incremental. A binding international agreement in the form of a SPA would risk inhibiting the evolutionary potential of the relationship.

In contrast, the alternative model of a tailored security and defence partnership appears eminently suited to the UK's purposes.

The idea of developing a new security and defence instrument, in the form of a tailored, non-binding framework of cooperation for selected partners, was first floated in the document known as the "Strategic Compass", which the EU Council approved in March 2022. That document, it's worth recalling, referred in the context of its discussion of this new instrument to the EU's being open to "a broad and ambitious security and defence engagement with the United Kingdom".

A Security and Defence Partnership between the EU and Norway was signed in May of this year. The Partnership text begins by noting "the volatile and increasingly challenging security environment in Europe" and the Parties' commitment to upholding international law, the rules-based international order, democracy, and human rights; and it recalls existing areas of cooperation between them.

There's a section on the "dialogue and consultation mechanisms" underpinning the project. And the text goes on to provide an extensive list of areas of cooperation. These include continued long-term support for Ukraine; international peace and crisis management, with Norway undertaking to continue its participation in the EU's CSDP civilian missions, and to consider extending this to military missions; exploring the possibility of Norway's further involvement in the EU's defence industry initiatives and in PESCO projects; cyber issues; counterterrorism; and external aspects of economic security.

Of course, Norway's relationship with the EU is quite different from the UK's. It's a member of the EEA and thus a participant in the internal market; and the Partnership text describes it as "the EU's most closely associated partner, including in the area of security and defence". Whereas the UK remains, for the time being at least, resolutely outside the single market, and has yet to win its spurs as a third country partner of the EU on FSDP matters.

Nevertheless, the EU/Norway Security and Defence Partnership seems to me an extraordinarily apt template for those that will soon be negotiating the future FSDP relationship with the EU on the UK's behalf.

The Elements of a Plausible Negotiating Package

This brings me to my fourth and last point: the elements of a plausible negotiating package. I suggest that those elements are to be found in the Security and Defence Partnership between the EU and Norway, with suitable adaptations.

Indeed, the opening paragraph of the EU/Norway text, on the security situation in Europe and the Parties' shared values, could be transposed directly to a Security and Defence Partnership between the EU and the UK, merely substituting references to the UK for those to Norway. And other



passages could similarly be copied out, such as the paragraph on NATO and several of the provisions defining the various areas of cooperation.

However, significant adaptations will be needed to cater for the specific situation of the UK.

In the first place, the various references to participation by Norway in EU activities such as CSDP missions or PESCO projects, will have to be re-written in terms that look forward to the UK's future participation.

Secondly, I suggest the UK should propose that the scope of the Partnership be extended to cover foreign policy. This would make sense, because foreign policy, security, and defence are a continuum, as the EU Treaties recognise. And because foreign policy is a field where the UK has traditional strengths from which the EU can benefit. The extension to foreign policy, if acceptable to the EU and wanted by Norway, could be applied to the latter.

Thirdly, lacking the institutional ties that Norway already has with the EU through the EEA and other cooperation structures, the UK will need a more muscular institutional framework for its FSDP partnership than the three consultation mechanisms referred to in paragraph 11 of the EU/Norway text. These are: a standing invitation from the High Representative for Norway to participate in the biannual Schuman Security and Defence Forum; the High Representative to invite Norway, where appropriate, to high-level meetings, including of the Council; and a dedicated Security and Defence Dialogue between Norway and the EU to take place annually.

I agree with Luigi Scazzieri, [in his excellent piece for the CER on a UK/EU Security Pact](#), that the UK and the EU should agree to hold an annual summit and regular meetings between ministers and officials.

This should be done immediately (realistically, in early 2025), by way of a joint declaration, which could be subsumed into a subsequent FSDP partnership instrument, once that has been negotiated.

I suggest also that there be a reference to possible invitations for the UK's Foreign Secretary to attend the informal so-called "Gymnich" meetings of EU Foreign Ministers; and perhaps even a standing invitation, though that may be too ambitious for the time being. Any such strengthening of the consultation framework should also be offered to Norway.

Those are my ideas for a plausible negotiating package on FSDO cooperation, which I hope would be a good first step towards a much deeper medium-term relationship. I had better end there.

Professor Sir Alan Dashwood KC began teaching European Community Law in 1970 and have been specialised in it since the period he spent at the European Court of Justice as Advocate General Warner's Legal Secretary (1978-1980). At Cambridge, until his retirement, he lectured on the Part IB/Part II EU Law paper of the Law Tripos (undergraduate degree) and he established or helped to establish new LLM courses on External Relations Law of the EU, Contemporary Issues in the Law of European Integration and EU Trade Law. He also supervised a large number of PhD students. At City University, he lectured on EU Law to undergraduate students and lectured to and tutor students who were candidates for the Graduate Diploma in Law (the former "Conversion Course").



First Steps Towards a Broad and Deep EU-UK Partnership on Foreign, Security and Defence Policy

by Jonathan Faull

The UK and the EU are neighbours facing major challenges as they develop their foreign, defence, and security policies in today's dangerous world.

One is a country with longstanding experience and traditions, the other an essentially legal and economic grouping of 27 European nations of very different sizes and outlooks, which felt it necessary last week (8 November, 2024) to add a footnote to its *Budapest Declaration on the New European Competitiveness Deal*¹ stating that a commitment to increase defence readiness and capabilities was "without prejudice to the specific character of the security and defence policy of certain Member States".

Among those member states, there are Security Council members with nuclear weapons, several landlocked countries, Mediterranean islands, countries that were neutral until very recently, some which still are, and countries with land borders with Russia.

Speaking of countries with a land border with the EU, there is the UK, which tends to think of itself as an island, but of course, is not. The UK and the EU used to be together, feeling their way gingerly towards some degree of commonality in their foreign, security, and defence policies. Now they are in the early stages of working out what Brexit means in a world that has changed significantly since the 2016 Brexit referendum.

I think it is uncontroversial to say that the UK has not yet made a success of Brexit. The political turmoil after the referendum was corrosive and divisive. The agreements finally concluded were not well negotiated by the British side.

It was extraordinary that a British Prime Minister did not know or claimed not to know the difference between tariff and non-tariff barriers. The distinction between a customs union, a free trade area, and a single market got lost in the rush to get Brexit done.

Most unforgivably, some British leaders seemed not even to know their own country, perpetuating the myth that the UK is an island, thus neglecting Northern Ireland and the issue of the land border with the EU.

These are not matters for academic policy wonks; they are or should have been essential to the consideration of British interests and negotiating strategies.

The EU is also at fault. Flexibility to move beyond templates, models, previously agreed language and structures is often hard to find in Brussels, where negotiators rely too much on precedent and can lack the imagination and agility of an established sovereign with centuries of experience in dealing with a sometimes hostile outside world.

If Dean Acheson was right in 1962 that Britain had lost an empire and not yet found a role, what would he say in 2024 about the embryonic efforts of the European Union to assume responsibilities for foreign, security, and defence policies?

But reality must be faced. These are the two parties who are talking about coming together to face



the challenges of an uncertain and dangerous world. Both have to up their game, re-establish trust, and be prepared to be creative. Hard-headed identification of areas of disagreement and willingness to bear the consequences will be part of the picture, but so will pragmatic measures to cooperate and coordinate across the legal barriers brought about by Brexit.

If Brexit and its immediate aftermath were characterized by a lack of planning and foresight on the part of those who campaigned for it, it is only fair to acknowledge that very few people foresaw what happened next: the Covid pandemic and the Russian invasion of Ukraine. We must make sense of the world in which we now find ourselves and blame games are not going to help.

We have seen that some of the models developed so far are not suitable for the European Union and the United Kingdom. That should not surprise us. Their previous relationship, the challenges facing them, and their current and foreseeable needs are all unprecedented.

History seems to have accelerated in recent years and, to take the obvious example, relations with Russia are becoming a European responsibility as the US worries more about China. The EU's determination to play its part in defence policy should not be underestimated. But what could, what should that part be? Not, I hope, as an alternative to NATO, but as a constructive pillar within that indispensable alliance.

It is also worth remembering the EU's core business: building a single market through painstaking standardisation of products, enforcement of free movement and competition rules and insistence on fair and non-discriminatory public procurement.

All of these will be relevant to the establishment and implementation of EU security and defence policies and are likely to attract the interest of the new EU defence Commissioner. Some degree of protectionism in the name of strategic autonomy is likely to appeal to the EU's legislators. Increased defence spending will be easier to sell to public opinion if the money is largely spent within Europe.

The problem for the UK is that it is outside the EU's single market and does not want to be a rule-taker and subject to the jurisdiction of the European Court of Justice. So is it condemned to remain alienated from this process, as third a country as any other, even those on other continents?

That should not be allowed to happen if it leads to fragmentation and incoherence in security and defence. Imagination and political leadership on both sides are going to be necessary to move away from the antagonisms, shibboleths, and dogmas of the recent past.

Consultation and joint rule-making structures can be created. There is not enough time to negotiate a treaty-based European Defence Community or Union with its own rules, institutions, and links with allied third countries, although work could begin in parallel on that herculean task.

Alan Dashwood and Julian King have argued previously² about what the EU has done with other countries and what it might do with the UK. Richard Barrons has set out starkly the scale of the challenge and Isabel Hoffmann has explained the state of public opinion on these issues.

Let us not forget the UK's successful experience as a member state. It knew how to build coalitions to further its aims. It was adept in opting in and out of complex relationships with the EU's Institutions and agencies, a well-developed practice for example in the fields of justice and home affairs. To have been close to the Schengen system without membership required careful identification of common interests, political will, and imaginative lawyering. The same can be said of having held a leading position in the internal market for financial services in years of calm and severe crisis without joining the euro.

However, the muscle memory and habits of the long years of EU membership seem to have



dissipated quickly. The UK must resist the temptation to favour unilateral gestures or bilateral arrangements with individual member states at the expense of involvement at ground level in the development of continental responses to developments in Russia, Africa, the Middle East, Asia, and the USA to name but a few.

Whether London likes it or not, some of that work has to be done in and with Brussels and the EU is likely to resent and resist attempts to divide its member states into pro- and anti-British camps.

Alan and Julian have spoken of a new framework, a possible security pact covering joint missions, capability development, cooperation with EU agencies, law enforcement, and judicial coordination, work on cyber threats, crisis and emergency response, space, intelligence, economic security, sanctions, and energy policies.

It is not hard to think of other related areas in which cooperation makes sense: post-war reconstruction, border management, people trafficking, and relations between the Common Travel Area and Schengen.

Specific problems created by Brexit, including border management in Northern Ireland and Gibraltar, would benefit greatly from close cooperation, as of course would management of far more dangerous borders.

So perhaps politics, geography, history, and economics will combine to remind us that the UK is a European country that cannot ignore contemporary European realities, just as those wrestling with them in the EU cannot ignore the UK.

It is said hopefully in Brussels that President Donald Trump's America First policies in economics, trade, and foreign affairs are likely to drive Europeans together and encourage the EU to find ways of associating the United Kingdom with its endeavours.

Trump, on the other hand, might be tempted to accentuate rather than mend the divide between London and Brussels. Differential tariffs and other trade measures could be part of that game.

Britain should not be asked to choose between Europe and America. It is a European country with close historical ties with other parts of the world. The same could be said, by the way, of several EU member states.

The UK is an important part of the democratic world's economic and security systems. To take one obvious example, if Trump thinks the defence of Europe and the conduct of neighbourly relations with Russia are Europe's responsibility, there can be little doubt that Europe's chances of rising to the challenge would be greatly enhanced if British involvement were secured. The stakes could hardly be higher.

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