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SWP Comment

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The Bilateralisation of British Foreign Policy

Status and Consequences for Germany and the EU after One Year of Brexit

Julina Mintel and Nicolai von Ondarza

Since Brexit, the United Kingdom (UK) has been increasing its focus on bilateral relations with EU member states, in particular in the field of foreign and security policy. One year after the end of the transition period, London has achieved its first successes: The UK has won over Germany and a number of European Union (EU) member states in its efforts to deepen bilateral relations and has agreed on new coordination structures. In order to demonstrate their importance to European security, the British have engaged intensively in crisis situations, such as the one on the Polish/Lithuanian EU external border with Belarus as well as the Russian military build-up around Ukraine. The EU, on the other hand, has no interest in this bilateralisation. Instead of insisting on a standard third-country model that does not suit London and faced with the possible return of a large-scale war in Europe, the EU and the UK should urgently work towards a joint security partnership.

Under Boris Johnson's government, the UK opted for a hard Brexit, also in foreign and security policy. In contrast to trade policy or even law enforcement and judicial cooperation, London has deliberately renounced any form of structured cooperation with the Union on foreign, security, and defence policy issues when negotiating the trade and cooperation agreement with the EU. In its strategy document *Integrated Review*, adopted in 2021, the Union is not mentioned as a partner. Instead, London formulates the ambition to assume its own global leadership position as "Global Britain" (see SWP Comment 31/2021). The approach is based on the analysis that the EU is weak

enough in foreign and security policy to allow the UK to bypass it without major negative consequences, and subsequently enable the UK to focus on deepening bilateral relations within Europe alongside the North Atlantic Treaty Organization (NATO).

Selective Engagement with the EU

One year after the end of the Brexit transition period, the successes and limitations of the UK's strategy for the European security architecture are becoming more visible. Looking at EU-UK relations, cooperation has



remained very selective. There has been no structured dialogue since the beginning of 2021, apart from the ongoing negotiations on the Brexit aftermath, especially with regard to Northern Ireland (see SWP Comment 51/2021). The UK has been the only major NATO country to not join the United States (US), Canada, and Norway in the EU military mobility project; Turkey has applied to participate, but this is still being blocked due to difficult EU-Turkey relations. Nor has there been any participation on the part of the Foreign Affairs Council, as there has been by the US Secretary of State, Antony Blinken.

On a case-by-case basis, there has been occasional cooperation between the UK and the EU in the context of international organisations and multilateral fora. For example, in 2021 the UK held the presidency of the G7, in which the EU also participates as a member. The British chairmanship launched several joint statements by G7 foreign ministers, including the High Representative of the EU, for example on Hong Kong/China, Myanmar, and Belarus. It was also on the margins of the G7 that the only bilateral meeting to date between the British Foreign Secretary and the EU High Representative took place in May 2021. In the World Trade Organization, the UK has joined the EU's case concerning Chinese trade practices against Lithuania.

More multilateral coordination between the EU and the UK has taken place whenever the US has been involved – and thus, from the British point of view, it is not Brussels or the EU member states that set the tone, but Washington. This was the case, for example, with the coordination of sanctions against China in March 2021 in response to the repression of the Uighur minority and coordinated sanctions against Belarus in December 2021. Last but not least, in early 2022, Washington has been coordinating with its key European partners – including the UK, the EU and its leading member states, as well as NATO – in negotiations between the US and Russia on the Russian troop build-up around Ukraine. As Russia escalated its threats against Ukraine and

recognised the territories of Luhansk and Donbas, coordination on the Western response also intensified between the UK and the EU, with telephone calls between both Boris Johnson and Ursula von der Leyen as well as UK Foreign Minister Liz Truss and EU High Representative Josep Borrell.

Bilateralisation in Practice

Instead of cooperating with the EU, London is focussing on expanding its bilateral cooperation in Europe. This is not too different from its previous behaviour as an EU member. Even within the EU, foreign, security, and defence policy remains a specialised area in which member states cooperate voluntarily and retain their vetoes, and the EU is only one of several possible forums for action alongside bilateral and multilateral formats as well as organisations such as NATO, the United Nations (UN), and others. For no EU member state was this more true than the UK, which – as a permanent member of the UN Security Council with its focus on close relations with the US and NATO and special relations with the Commonwealth – regularly set itself apart in EU foreign and security policy. Accordingly, there was no de facto restriction of national sovereignty here and no additional sovereignty gained by Brexit. What London has lost, however, are the regular consultation formats within the EU, in which the foreign ministers meet at least monthly; at the working level, consultations take place almost daily, now without the UK.

Since Brexit, London has therefore also been focussing on intensifying its bilateral relations within Europe. The UK has achieved some notable successes in this regard. Formally, London has expanded its bilateral relations with a number of EU member states through partnership declarations. The UK began this process with a Statement of Intent on enhanced cooperation with Estonia in March 2021, and it concluded the first more comprehensive Joint Declaration with Germany in June 2021, setting out concrete objectives and mechanisms.

That Germany – one of the strongest supporters of the approach that Brexit should only be negotiated through the EU and not bilaterally – signed such a declaration seems to have been a precedent for other member states to make their own declarations of this kind. Since then, four more such bilateral partnership declarations have been added (see map, p. 4), and more are under negotiation.

In addition to the 2021 Joint Declarations with Germany, Latvia, Denmark, and Belgium, the Strategic Framework Agreement with Greece, and the Statement of Intent with Estonia, there are also treaties with France (2010) and Poland (2017) on cooperation in security and defence policy. In addition, the British government has started a dialogue with Italy that is intended to promote exports and investments through annual talks at the ministerial level and new forums for exchange between governments and companies. In addition to EU states, since Brexit the UK has concluded agreements with Iceland (2020) and San Marino (2021) within Europe.

Focus on Foreign, Security, and Defence Policy

The Joint Declarations and Framework Agreements adopted in 2021, as well as the two treaties under international law, are all largely related to foreign, security, and defence policy but with different nuances. The two treaties with France and Poland relate exclusively to security and defence and provide for the exchange of personnel, joint exercises, operations, and procurement. The British-French treaty allows for even deeper cooperation. Bilaterally, however, despite the close military cooperation in 2021, the UK-France relationship has turned out to be particularly conflictual, both in the implementation of post-Brexit relations (e.g. over fisheries) and in security terms after France was forced out of a submarine deal through the AUKUS agreement between the UK, the US, and Australia. The Polish-British deal, on the other hand, was sought by the Polish side in 2017 after the

Brexit referendum in order to keep the UK engaged on NATO's eastern flank in terms of defence policy. It has fostered British-Polish military cooperation, including on the border to Belarus and in support of Ukraine (see below).

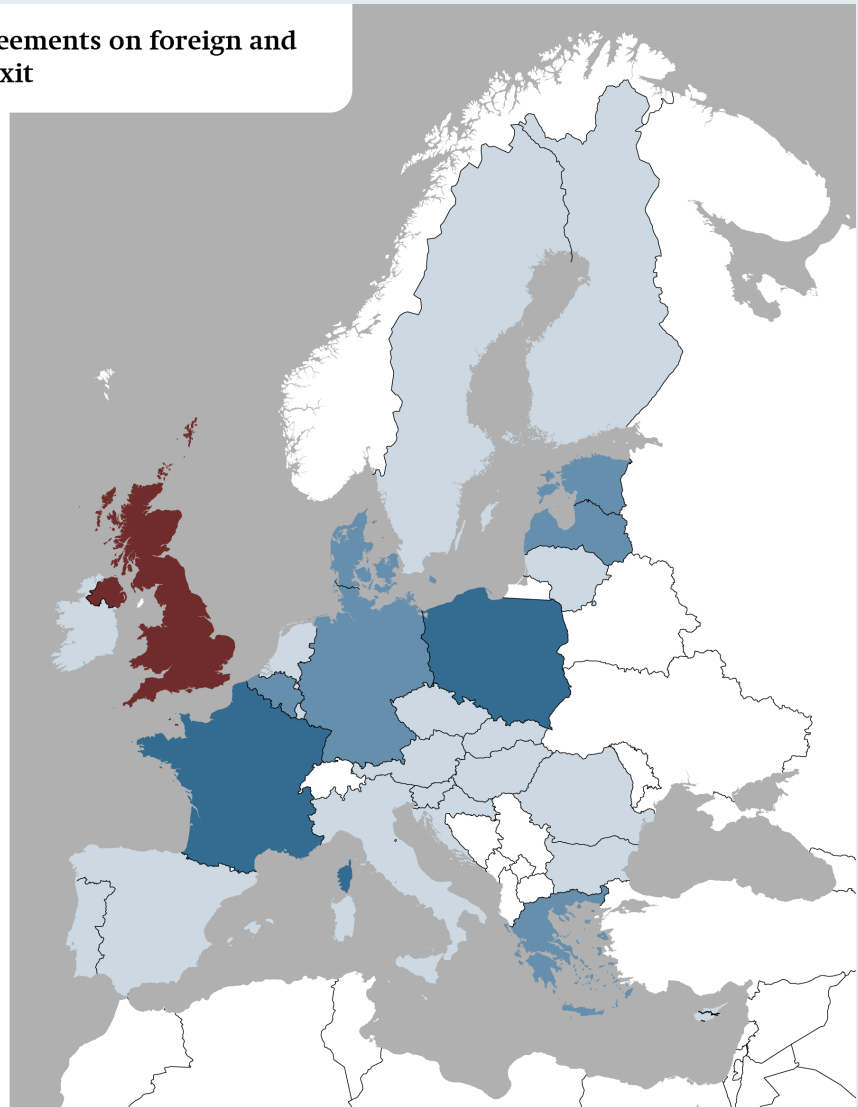
Among the agreements concluded last year, the British-German declaration is the most detailed in the area of foreign policy. It emphasises the global responsibility of both states to combat climate change and addresses a reform of the UN Security Council and the goal of a permanent German seat therein. In addition to references to almost all world regions and NATO-EU cooperation, the declaration also contains a detailed paragraph on international disarmament and arms control.

The other declarations in contrast focus more on security and defence: The UK and Greece plan to work together on initiatives in the Western Balkans and in the Mediterranean and MENA regions. The UK-Danish declaration is rather short and focusses on cooperation in the Baltic states and the Northern Group as well as military cooperation in various areas, such as joint exercises and frigate maintenance. The security and stability of the Baltic states, as well as increased security and defence cooperation, especially in NATO, are also mentioned in the declaration with Estonia, but they are not specified further.

Whereas Belgium and the UK only formulate the goal of strengthening their bilateral defence cooperation, the declaration with Latvia is much more detailed. It mentions the strategic unity of Europe, addresses the cultural and personal relations between the British and the Latvians, and – in addition to the fight against disinformation – focusses above all on the countries of the Eastern Partnership. Mirroring the wording of the German-British declaration, the importance of NATO is emphasised, but without the provision that cooperation should also be strengthened with regard to dealing with China. In the area of security and defence, the parties agree to cooperate more closely in counter-ing hybrid threats within the framework of

The United Kingdom's bilateral agreements on foreign and security policy before and after Brexit

- United Kingdom
- Agreements with EU member states before Brexit
- Agreements with EU member states after Brexit
- Other EU member states



Source: Official information from the UK government
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existing cooperation (Joint Expeditionary Force, Northern Group) and bilaterally.

Content beyond Foreign and Security Policy

Some of the declarations, however, also address objectives beyond foreign, security, and defence policy that may have conflict potential for cooperation in the EU due to overlaps with mixed EU competences. In comparison, the German-British declaration is the one that focusses the most on foreign and security policy.

In contrast, the agreement with Greece stands out because it addresses numerous

other policy areas: In addition to strengthening bilateral cooperation, including in the areas of digitalisation, education and research, tourism, and maritime affairs, cooperation is to be improved in the area of law enforcement as well. Furthermore, a structured exchange of information on the topic of migration is to be established.

The declarations with Latvia and Belgium, on the other hand, contain more economic policy goals. The former envisages increasing bilateral trade and investment volume and building closer economic ties in key sectors such as renewable energy and the digital economy. Other areas of cooperation are education, science, and

culture, but also law enforcement. Unlike the other declarations, this one also mentions the goal of cooperating on gender equality and girls' education opportunities. While the British-Estonian Statement of Intent also provides for increased cooperation in the areas of digital, trade, education, and culture, it also emphasises the joint commitment to press freedom and more engagement on climate protection. The British-Belgian declaration also provides for the strengthening of business relations and cooperation between administrations, for example between ports in the UK and Belgium. It also addresses cooperation in the fields of science, research, energy production, and innovation, and it reinforces the states' efforts regarding global access to Covid vaccines. Unlike the other declarations, this one emphasises that illegal migration via the sea towards the UK should be stopped through various methods. The declaration also stands out on the issue of internal security: Cooperation in the field of law enforcement is even planned to be strengthened through a cooperation agreement.

Thus, several of the bilateral declarations clearly reach into areas of mixed competences of the EU, which, however, were not regulated between the Union and the UK in the Trade and Cooperation Agreement. Legally, the member states are free to fill in unused mixed competences themselves. However, this could become problematic for the Union if the UK purposefully discriminates between EU member states through bilateral agreements and/or plays them off against each other in competition.

Bilateralisation and the Relationship with the EU

The extent to which the EU is mentioned in the declarations and treaties also points to national differences in emphasis. While the EU's Common Foreign and Security Policy is mentioned in several places in the 2010 Franco-British treaty, it is not mentioned in the treaty with Poland of 2017, which is similar in content, illustrating the effects of the Brexit referendum and the UK's changed

position vis-à-vis the EU. At that time, however, the then Prime Minister, Theresa May, was still seeking a security partnership with the EU.

Although the EU is not mentioned specifically in the British-Estonian declaration, the other bilateral declarations advocate good cooperation and collaboration between the EU and the UK (Germany, Latvia) and/or support good NATO-EU cooperation (Germany, Latvia, Denmark). In addition, the declarations with Greece, Belgium, and Germany contain similar passages that refer to implementing their goals in line with EU membership. The British-German declaration is the most detailed in this respect. It emphasises that EU membership is a fixed reference point for Germany and that Germany will ensure the highest level of transparency in all bilateral matters vis-à-vis the other member states and EU institutions. A comparable passage is missing in the other declarations. However, since Brexit, the Council of the EU has regularly asked member states about the state of bilateral relations with the UK, and the member states have consulted with the Commission when negotiating the declarations.

Establishment of Bilateral Coordination Structures

All of the bilateral declarations provide for structured dialogue formats. They can be seen as substitutes for the coordination possibilities that the UK lost within the EU, but they differ significantly in their specifications and the political level at which they take place. Whereas the declarations between the UK and Denmark as well as Estonia do not provide for separate structures for their implementation, the Joint Declaration with Latvia establishes regular bilateral dialogues at all levels and annual dialogues at the ministerial level. The Strategic Framework Agreement with Greece also provides for an annual dialogue.

In contrast, the structures created by the Joint Declarations with Germany and Belgium are more detailed. An annual Strategic Dialogue between the UK and Ger-

many is to take place, as well as regular consultations between state secretaries, political directors, and permanent representatives, among others. Shortly after signing the agreement, the then Chancellor, Angela Merkel, held out the prospect of regular UK-German government consultations in 2021 during her farewell visit to London.

Similarly, a British-Belgian strategic working group consisting of high-ranking officials is to meet at least once a year. In addition, there are annual meetings of the foreign ministers and, in contrast to the other bilateral declarations, additional government consultations. The treaties with Poland and France provide for similar mechanisms: With Poland there is a dialogue on defence and joint meetings of foreign and defence ministers. The British-French treaty provides for annual summits between the British Prime Minister and the French President.

Overall, it remains questionable to what extent the numerous annual dialogues with a large number of states can be integrated into the workload on the British side. Even if they involve different ministries, they not only tie up ministers' working time, but also considerable resources in preparation. A series of annual bilateral meetings may allow for more specific cooperation, but it would not substitute for regular exchanges with all other 27 EU members.

Bilateral Engagement in European Hotspots

In addition to the strengthening of bilateral relations with many EU member states, the UK's increased engagement in "hotspots" of European security stands out. Particularly noteworthy from an EU perspective are two examples in which the Union itself has only been able to act with difficulty, and the UK wants to position itself as a more effective partner.

The first is UK support for Poland when faced with the smuggling of refugees to its borders by Belarus. For normative reasons and to protect its own sovereignty, Poland

in particular has rejected the deployment of Frontex at the EU's external border, while the EU Commission, for its part, initially refused financial support for the construction of border facilities. London, on the other hand, reacted early to a Polish request for military support and was the first European country to send (limited) military assistance to Poland. Although in the end it was mainly the EU's pressure on the airlines that helped defuse the situation on the border with Belarus, it is telling that Poland and Lithuania turn to the ex-member UK in what they perceive as a hybrid attack on the EU's external border.

Equally, the UK has been one of the European countries most willing to provide military support to Ukraine in the face of the Russian build-up at its borders in early 2022. Although the UK is actually one of Ukraine's guarantor powers under the Budapest Memorandum, it played only a minor role in the diplomacy during the annexation of Crimea in 2014 and in the Minsk negotiations; the negotiators on the European side were Germany and France. In 2022, the initial negotiations have taken place between the US and Russia, though with further engagement of Russia by the French President, the UK Prime Minister, and the German Chancellor. In the diplomatic consultations from Washington, the British are fully on board as a central NATO state. As an early signal of their commitment, they have also sent their own weapons to Ukraine, something that Germany and France have not been willing to do so far. Other NATO/EU countries such as Poland, Canada, the US, the Baltic states, the Netherlands, and the Czech Republic are also sending defensive weapons. To this end, the UK also agreed on a trilateral initiative with Poland and Ukraine in January 2022 and promised to deepen the security partnership and increase its military presence in Poland. With these actions, London also wants to make it clear to both Washington and its partners in Central and Eastern Europe that, even after Brexit, a European security order is only possible with strong British participation.

Conclusions for Germany and the EU

The UK remains an independent actor in the European security architecture and, in addition to its joint membership in NATO, now also offers itself to targeted EU states as a bilateral security partner. It is true that the new British network of bilateral consultations will not compete with cooperation within the EU in terms of intensity and regularity. Moreover, in terms of content, the various “joint declarations” often contain such general formulations that any other NATO or EU state could also sign them. The growing network of bilateral relations, however, poses two different challenges for Germany and the EU.

Germany faces the conflicting goals of being interested in close foreign and security policy ties with the UK, but at the same time wanting to strengthen the EU in foreign and security policy with the goal of strategic sovereignty. In many cases, European capacity to act will therefore not be possible without British participation, but British participation through bilateral channels and/or minilateral forums such as the E3 weakens the EU. In the further development of bilateral relations with London, the new German government will have to weigh very carefully how far it wants to intensify them without harming the EU. British-German bilateral initiatives in foreign and security policy that have not been coordinated with the European partners beforehand, thus potentially weakening the EU, should be avoided. On the other hand, Berlin should aim to “Europeanise” formats such as the E3 – if possible through the participation of the High Representative – and rely on close coordination of EU initiatives in bilateral and minilateral initiatives with the British. Germany can also act as a bridging power if, for example, it coordinates sanctions with the UK in parallel to the EU decision-making process and works towards the simultaneity of sanctions.

For its part, the EU faces the dilemma of how to treat London in foreign, security, and defence policy. To date, the mantra

in Brussels has been that the UK could cooperate with the EU in foreign, security, and defence policy like other neighbouring states such as Norway and Switzerland. But being a mere recipient of decisions that is allowed to participate in individual missions, sanctions, and EU civilian missions or military operations without a say is not an attractive option for London. If the Union insists on treating the UK like a normal third country in foreign and security policy, there will be no structured cooperation in this area in the future.

On the other hand, it should not be the EU’s goal in the medium term for its member states to act exclusively bilaterally with London in foreign and security policy – or even in areas with mixed EU competences such as migration – and in the worst case even to be played off against each other. EU member states and EU institutions should therefore collectively reflect on whether there is a more flexible model for engaging the UK in foreign and security policy in the common interest.

Firstly, the EU member states should immediately establish transparency among themselves as to what agreements they make with the UK as a third country. The UK-German declaration establishes such a transparency mechanism, while most others at least enshrine the importance of EU membership. In the Brexit negotiations, this mutual transparency contributed greatly to preserving the unity of the EU-27, and this should also be the goal in the long term. This is particularly true where the agreements touch on EU competences, for example in trade policy and internal security.

Secondly, the EU should be open to a sui generis model of UK involvement in foreign and security policy. It cannot be in the Union’s interest to keep London on the outside in foreign and security policy and thus promote bilateralisation. As the threat of a large-scale war returns to Europe, it should be of imperative interest both to the UK and the EU that they put their Brexit differences behind them and work together in foreign and security affairs as closely as possible. The EU should, for instance, be open to in-

volving the UK as closely as possible in coordinating its response to Russian aggression. At the same time, London should put its ideological attempts to bypass the EU aside and embrace an EU-UK security partnership.

Thirdly, the EU and Germany in particular must ask themselves why the UK, now as a non-EU member, is nevertheless an attractive partner, especially for Central and Eastern European member states. This also has a lot to do with the EU's credibility and disunity as an actor vis-à-vis Russia. London's resolute support in the current crisis over Ukraine – compared to Berlin's hesitant or even obstructive reaction, for example, from a Polish perspective – has reinforced this perception. Only when the EU can convince its own members of its ability to act in foreign and security policy will it also be a convincing partner to do so.

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