



Independent Commission
on UK - EU Relations



THE MISSING LINK

UK-EU SECURITY COOPERATION AFTER BREXIT AND UKRAINE

01

ABOUT

INDEPENDENT COMMISSION ON UK - EU RELATIONS

The Independent Commission is a politically neutral, timebound commission which examines the impact of the Trade and Cooperation Agreement (TCA) and Northern Ireland Protocol (NIP) on the UK.

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Our recommendations will be developed in collaboration with UK and EU politicians and relevant officials. We confer with parliamentarians from all parties as well as with regional and devolved and local politicians and party staff.

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1 INTRODUCTION

Russia's invasion of Ukraine in February 2022 came as a shock to the European body politic, bringing about a robust response from the major strategic and institutional actors, as well as high-levels of European solidarity. Yet the invasion occurred at a low-point in the relationship between the UK and the EU, including in the domain of security and defence, where the UK had decided to forego agreement two-years before.

The shock of Ukraine helped in some ways to repair this relationship, but it remains to this day unsuitably ad hoc and informal, given the importance of both the UK and the EU to the European security landscape. Proposals for a more structured relationship have emerged, but are supported more by the Labour opposition than the governing Conservatives.

This report seeks to explain how the current situation has arisen out of the twin shocks of Brexit and the Ukraine War, how the confluence of these events have interacted to shape the UK-EU security relationship, and how it might evolve in the future. The report proceeds chronologically in order to deal with important questions regarding the evolution of the European security landscape, including: (1) Why the EU emerged as a security and defence actor, (2) how Brexit impacted the UK's relationship with EU security policy, (3) what impact the Russian invasion of Ukraine had on UK-EU relations, and (4) whether a formal security partnership is likely or desirable.

The report shows how European security collaboration emerged in the late 1990s out of fears of American disengagement and the desire to develop capacities for articulating specifically

European political and strategic aims. It also demonstrates that while the Brexit process did not necessitate a hard break with EU security policy, this was the eventual outcome of the difficult politics of the period. Further, the report shows how the invasion of Ukraine presaged an increase in UK-EU cooperation by demonstrating the indispensability of both the UK and EU for responding to Russia's aggression, but also how this cooperation was limited by outstanding political issues stemming from the Brexit negotiations. The report concludes by highlighting the recent increase in cooperation and noting the limitations of eschewing a formal security agreement in the years ahead.

The evidence for the report comes from 60 interviews conducted by the author in London and Brussels between 2017 and 2023. Owing to the Covid pandemic, the majority of interviews since 2021 have been conducted online. In order to maintain the anonymity of sources, direct quotations have not been used and the individuals concerned not identified. The arguments in the report are based on those first articulated in a recent article published in the *Journal of European Public Policy* (Martill 2023).

2 HOW DID THE EU BECOME INVOLVED IN FOREIGN AND SECURITY POLICY?

Until the millennium, the European Union (EU) was not a security actor in any meaningful way, and the task of guaranteeing security on the European continent was the preserve of NATO and of individual European countries.

Since the end of the Second World War, the Atlantic alliance emerged as the primary organ of European defence, since it essentially co-opted the strategic might of the United States in service of the defence of the European continent. Britain and France both pushed hard for an American strategic commitment to the continent, and when the North Atlantic Treaty was signed in 1949, the organisation de facto replaced those treaties signed between the Europeans themselves.

Efforts to establish independent European defence structures in the early 1950s emerged in response to the question of West German rearmament, with France proposing ambitious designs for a European Defence Community (EDC). When the EDC Treaty was rejected by the French National Assembly in 1954, it was through NATO that West German rearmament took place, establishing a division-of-labour between the military alliance and the 'civilian' project of European integration that would persist for several decades.

The 1970s were a tumultuous period for transatlantic relations, with the Vietnam War, the US abandonment of the Gold Standard and divergence in Middle East policy all suggesting to the Europeans that a more independent position in international affairs might be of value. One result was the establishment of a new format for collaboration on security issues between the European states – European Political Cooperation (EPC) – which saw regular coordination among foreign ministers and which was credited with gradually establishing a more independent European position on many issues, including on arms control talks.

Following the end of the Cold War, attention in Europe turned to the Maastricht Treaty, which established the European Union (EU) and sought to articulate a basis on which Europe could thrive politically in the new international order. Increasing expectations about the EU's global role after the Cold War (Hill 1993), coupled with fears

of American disengagement and the perceived success of existing forms of security collaboration influenced the establishment of the Common Foreign and Security Policy (CFSP). Centred on the Foreign Affairs Council (FAC), the configuration of the Council of the EU in which foreign ministers are represented, the CFSP offered an intergovernmental means of arriving at a common EU foreign policy.

While the CFSP touched on security and defence issues, it was concerned principally with establishing a forum for member state discussions of political priorities, and as such did not establish common security and defence structures or offer a platform for deployment. That the CFSP was itself without 'teeth' was highlighted in the European response to the Balkan Wars of the mid-1990s, which also exposed the seriousness of divisions between EU member states. In spite of predictions that NATO would wither after the Cold War, it was through the Atlantic alliance – acting now 'out of area' – that the response to the wars in the Balkans would be primarily conducted.

WHAT IS THE MOTIVATION BEHIND THE CSDP, AND HOW HAS IT FARED?

European inaction in the Balkans contributed to a joint Anglo-French push in the late 1990s to establish a European security and defence capability, announced at St Malo in 1998.

France, which has had a thorny relationship with the US and NATO, had long supported efforts to establish indigenous European security structured, with the real turnaround at St Malo stemming from the change in the British position, which was generally opposed to any developments that might challenge NATO's primacy or undermine the 'special relationship' with the US. The UK's turnaround was motivated in part by political change (Hofmann 2013), with the incoming New Labour government arguably the most Europhile since the Conservative Heath administration. The Blair government was also keenly aware that Europe lacked the capacity to deal with post-Cold War conflicts on its own, and fearful of the enforced dependence on the US, given that America's role in European security was predicted to be on the wane.

The St Malo Declaration set in motion the institutional development of what was then called the European Security and Defence Policy (ESDP), envisioning new institutions and new actors – including the position of High Representative and the ambassadorial Political and Security Committee (PSC) – which were enshrined in the Amsterdam Treaty the following year. Javier Solana, the former NATO Secretary General, became the first High Representative, using his considerable political clout to smooth over potential tensions with NATO and to propose EU missions (Dijkstra 2012). Decision-making remained intergovernmental and centred on the FAC and the broader Council bureaucracy, with

little role for the Commission, the Parliament or the Court of Justice. The Lisbon Treaty in 2009 introduced institutional innovations designed to make decision-making more effective and joined up, making the HR a Vice President of the Commission and Chair of the FAC, establishing the European External Action Service (EEAS) – the foreign ministry of the EU – and re-naming ESDP the Common Security and Defence Policy (CSDP).

The first ESDP/CSDP deployments took place in 2003 in Bosnia, Macedonia and the Democratic Republic of Congo, and the intervening years have seen EU forces engaged in a range of civilian and military missions, including peacekeeping, training, border assistance, rule-of-law, security sector reform, and – more recently – maritime missions. Geographically, most of the EU's activities are centred around the European neighbourhood and the Mediterranean, with the majority of missions in the Balkans and the MENA region. Despite persistent myths to the contrary, there has never existed a 'European Army', and resources for CSDP missions are pledged by the member state militaries themselves, which also bear the brunt of the costs, albeit with a small percentage of common costs shared between member states. Until recently, no permanent operational headquarters existed, requiring either the use of NATO assets via the Berlin-plus arrangement (used only once) or reliance on the national headquarters of the framework nation.

Despite its role as one of the architects, the UK's interest in the CSDP has not kept pace with its initial enthusiasm, and British contributions in terms of troops to EU missions in the years before Brexit was lower than its relative military might would suggest (Martill and Sus 2018). Britain's ability to operate outside the CSDP

is one part of this, since for a strategic actor like the UK the CSDP has always been an 'optional extra', rather than a strategic necessity (Whitman 2016). Britain's desire that the CSDP complement and not duplicate NATO's role has also led to a more sceptical UK position on potential developments over the years. Political developments in the early years also contributed to the UK's reluctance to invest significantly in the CSDP. Reportedly, the Blair government found the CSDP architecture cumbersome, and fell out of love with the merits of EU summitry as a means of responding to crisis situations, while the tensions between 'old' and 'new' Europe engendered by divergent positions on the 2003 Iraq War undermined political solidarity.

The CSDP and the CFSP within which it is embedded have not been without their problems. It can be difficult to reach common EU positions on many issues, with the unanimity requirement allowing any one member state to veto an EU-wide position. Member states have divergent

preferences on foreign policy issues and represent – between them – a considerable diversity of 'strategic cultures', from major military powers such as France to neutral states like Ireland. CSDP operations are, as a result, generally those that are politically 'safe', and tend to operate in low intensity settings within Europe's broader neighbourhood, on the basis of UN mandates and the permission of the governments concerned. And the relationship with NATO raises complex questions about which tasks are best suited for which organisation and how the EU/NATO relationship is to be managed given the divergent – and in some instances politically complicated – divergences in membership. Nonetheless, in spite of these widely acknowledged issues, by providing a capacity to operate outside of NATO and offering a platform for the joint discussion of security and defence issues, within its carefully delineated sphere of operation, the CSDP has added much to member states' foreign policy toolkits.

4 HOW DID BREXIT AFFECT EUROPEAN SECURITY?

Britain's vote to leave the EU in the June 2016 Brexit referendum raised some difficult questions for UK-EU security cooperation, as it did for almost every area of British public life.

This was in spite of the fact that security and defence issues were mentioned comparatively infrequently in the referendum campaign, which rather focused more on immigration, sovereignty, and the UK's budgetary contributions. Because the UK was destined to leave the EU, its departure from the EU's political institutions – including the Foreign Affairs Council – was also pre-ordained in the Brexit commitment. In fact, although the sovereignty cost of the intergovernmental CFSP/CSDP is quite low, this is not reflected in any additional ease of access for third countries. External participation in the CFSP/CSDP comes only through post-hoc alignment to EU positions and participation in missions through a Framework Participation Agreement in which the mandate has already been agreed.

To some extent security and defence was shielded from Brexit. The background presence of NATO meant that a 'no deal' in this area would not amount to the total loss of collaborative relationships with European partners, since the defence ties through the Atlantic alliance – and the host of 'interstitial' bilateral and mini-lateral arrangements – would survive Brexit. Moreover, Britain's formidable military strength and its status as one of only two countries in Europe willing and able to deploy the full-spectrum of military force meant that, whether or not an agreement was reached, the UK's security would not be imperilled.

Yet both the UK and the EU were keen to continue cooperation in the security domain. For the EU, losing the UK was a major loss to its credibility as an international actor, and the prospect of losing the UK's diplomatic, military and economic contribution to the EU's broader foreign policy goals was not treated lightly. For the UK, even with its 'NATO-first' perspective, it was felt that the loss of the ability to coordinate with the EU27 would come at a loss, and that security ties should be preserved as much as possible. Moreover, external developments during this period reinforced the desire to reach an agreement, with the election of the isolationist and populist Donald Trump to the Presidency in the US and well-justified fears of increased Russian aggression in the East. As has historically been the case, fears of American disengagement and increased external threat bolster the perceived value of European security cooperation.

With both sides desiring a deal, a clear pathway existed in 2017 for agreement on a post-Brexit security partnership. Auguring well for agreement was the UK's capacity as a security and defence actor, which meant there was much it could add, the strong desire from many member states for an agreement with the UK, and the generally low level of salience in the UK for security and defence issues. Making things more difficult were the politics of the Brexit negotiations. The EU was keen not to afford the UK the benefits of membership from outside, to preserve its autonomy of decision-making, and to maintain a united front, all of which induced a sceptical attitude towards the UK's a la carte approach to European integration. The Commission also insisted negotiations on security take place only after the Withdrawal Agreement had been negotiated (Martill and Sus 2022). On the UK side, the May government found itself fending off opposition from the pro-Brexit right, the demands of which hardened as the negotiations proceeded.



5 HOW DID WE GO FROM 'SECURITY PARTNERSHIP' TO 'NO DEAL'?

The May government presented outline plans in mid-2018 for a partnership in foreign, security and defence policy with the EU, proposing that structured cooperation be established across the political and administrative levels in all policy areas (e.g. security, defence, development, etc.).

The UK would seek to shape those policies where it was to be involved, feeding into decision-making processes where necessary, and would seek to participate in select CSDP missions. The UK additionally sought to contribute to individual projects launched under the aegis of the EU's new (and post-Brexit) initiatives, the European Defence Fund (EDF) and Permanent Structured Cooperation (PESCO). The intention of May's proposals was explicitly to go beyond existing third country arrangements, on the basis that the UK – given its diplomatic weight – could not be a 'rule taker'. But the proposals were more concerned with establishing collaborative relationships than creating new and cumbersome institutions.

The response from Brussels was mixed. While the Commission was keen to negotiate on security and defence, UK proposals for an agreement to be negotiated immediately were rejected, on the basis that such immediacy would undermine sequencing and allow the UK to trade off the security commitment for preferential treatment on other issues. There was also clear opposition to the terms of UK participation in EU decision-making, on the basis that this would undermine the decision-making autonomy of the EU.

Domestically, individuals on the pro-Brexit right also opposed May's plans, on the basis they would see the UK subsumed into a 'European Army', and that the plans exposed the government's desire to continue to engage in EU policymaking under the radar. Nevertheless, the broad contours of the proposals were incorporated into the Political Declaration, the agreed basis for the negotiations on the future relationship that was to accompany the Withdrawal Agreement.

Events in the UK, however, would conspire to sink the May government and her vision for a bespoke Brexit agreement marked by continuity across key policy areas. The three-time defeat of May's deal in Parliament forced the prime minister to extend Article 50 and lessened her political capital, contributing to her resignation and to Boris Johnson's election as Conservative leader in July 2019. While Johnson changed the language of the Political Declaration as part of his 'renegotiation' effort in late 2019, the intention to negotiate a security agreement remained, and was passed along with the Withdrawal Agreement in January 2020 following Johnson's success in the December 2019 general election. The passage of the Withdrawal Agreement saw the UK enter the transition period, formally outside the Union (and its decision-making apparatus) but still subject to its rules and regulations – including the CFSP – while an agreement on the future relationship was negotiated. Johnson's approach



HOW DID WE GO FROM ‘SECURITY PARTNERSHIP’ TO ‘NO DEAL’? (continued)

to the future relationship differed from May’s in the extent of divergence sought, with ideas of a bespoke Brexit deal and sectoral access replaced with a stated desire to negotiate a Canada-style free trade agreement.

Talks on what would become the Trade and Cooperation Agreement (TCA) began in February 2020 and were to include talks on a security partnership, but for the last-minute announcement by the Johnson government that it did not wish to negotiate in this area. The decision shocked the Commission, which interpreted the move as a negotiating ploy. Behind the UK motivation was a clear belief that the terms of the Political Declaration were not binding, as well as a belief that NATO and existing bilateral ties could make up for a lack of UK-EU coordination on foreign and security policy. This in turn made security and defence an easy area to lose from the talks, which could also go some way to demonstrating the harder Brexit which Johnson was negotiating. Moreover, since the economic relationship was to be more distant, there was arguably less need for corresponding linkages to the EU’s foreign and security policy architecture, while the removal of one more arena for the talks potentially freed up time in the limited window for the talks to discuss other areas.

The decision to forego a security and defence agreement meant that when the UK exited the transition period on 1 January 2021 the ties with the CFSP and CSDP were cut,

precluding structured dialogue, alignment with – or participation in – EU actions, and making communication increasingly difficult. Contacts between both sides were discouraged by political masters, making coordination UK-EU increasingly difficult, and limiting the flow of information. This was especially problematic on the UK side, since the lack of access to EU decision-making structures meant finding alternative venues for communicating with 27 other states. Rather than seek an agreement at the EU-level, the UK instead sought to bilateralise its relationship with European allies, signing defence agreements with a number of countries aimed either at initiating or ramping up bilateral cooperation (von Ondarza and Mintel 2022). Beyond the cessation of structured cooperation, 2021 was a political low-point for other reasons related to the UK’s departure, including the announcement of the AUKUS agreement with Australia and the US, which came at the price of French defence-industrial interests, and the UK’s continuing refusal not to implement the terms of the Northern Ireland Protocol, which undermined political relations with the EU27.



6

HOW DID THE RUSSIAN INVASION OF UKRAINE CHANGE THIS SITUATION?



The Russian invasion of Ukraine in February 2022 came as a severe shock to the European political landscape and was met with a robust response from the UK, the EU, the US, and NATO.

The act of aggression was roundly denounced across national capitals and the political spectrum, with high levels of public support for what has – for the past year – become a proxy war with Moscow in which Europe and the US have sought to prop the government in Kyiv up against the Russian army whilst avoiding escalation and seeking in parallel to reduce their dependence on Russian gas. Significant change has occurred across Europe, especially in those countries with ostensibly civilian and/or neutral identities, with Finland having acceded to NATO, Sweden awaiting a decision on membership, Germany committing to a more active defence role (the so-called *Zeitenwende*) and Denmark voting to repeal its opt-out from the CSDP.

Britain’s support for Ukraine has been robust. The UK has thus far funded £5bn of military equipment for Ukraine, including heavy weaponry and aircraft, and as of the end of the year will have trained 30,000 Ukrainian troops. Britain has also enhanced its forward presence in neighbouring NATO countries, allowing these states in turn to extend further support for Kyiv, whilst shoring up cooperation with Nordic and Baltic states in particular, through joint exercises and new bilateral agreements. London also extended security guarantees to Finland and Sweden pending their anticipated accession to NATO and has enacted several rounds of sanctions packages in line with

the EU’s own sanctions policy. The UK’s response has won plaudits from the Ukrainian government and EU countries for its comprehensiveness, while the Russian invasion itself has validated many of the UK’s assumptions on European security, including the threat from Russia and the indispensability of NATO.

The EU’s own response has also been strong. Empowered by the high degree of unity among member states, the EU has launched the European Peace Facility through which £3.6bn of military aid has been transferred to Kyiv from the member states, and has enacted ten rounds of sanctions on individuals and firms close to the Putin regime. EU member states have between them accepted over 8m refugees, while Ukraine’s application for membership of the EU has been fast-tracked, such that it now holds ‘candidate country’ status. Through the CSDP the EU is launching a military training mission of its own and with the recent Strategic Compass member states have set out their collective response to the Russian invasion. The EU is no substitute for NATO as a defence actor, but its actions show what can be achieved when unity holds between the member states. It also highlights an emerging division-of-labour between the EU and NATO with regards the conflict, with the EU better equipped for some tasks, including the coordination of sanctions, planning for post-war reconstruction, proffering membership, and diversifying European energy supplies.

The shock of Russia’s invasion and the stakes involved brought about increased informal coordination between the UK and the EU, whilst contributing to an improvement in the bilateral relationship during a time of significant post-Brexit discord. The UK was invited – along with the US, Canada and Norway – to extend an extraordinary session of the FAC to coordinate a response to the invasion, while high-level calls between then Foreign Secretary Liz Truss and the EU’s High Representative, Josep Borrell. UK-EU cooperation on sanctions was strong and resulted in both sides enacting similar packages, albeit with slight differences on both sides. And the UK had a presence in the clearing cell established in Brussels to identify and route military aid to Ukraine. Officials on both sides reported that, since the invasion, the relationship had been stronger, with EU officials noting a reputational uptick for the UK in Brussels.

7 IS AN AGREEMENT IN SECURITY AND DEFENCE LIKELY?

That Russia's invasion occurred during a low-point in the EU-UK relationship presented limits to how much cooperation could be achieved.

The EU found Johnson difficult to work with and was unwilling to cooperate fully with the UK until London acknowledged its responsibilities under the Northern Ireland Protocol, an issue which dragged on during the conflict. Domestically the UK preference for bilateralism continued after the Russian invasion, with a preference for individual agreements with Baltic and Nordic states. Moreover, both sides were keen to distance one another politically. London discouraged contacts with EU officials and went to great lengths to avoid any formalised arrangements with EU counterparts, with the EU similarly keen to avoid engagement with UK officials. While Britain took the opportunity to demonstrate its Global Britain credentials in its response to the war, narrating a British/Western/NATO response as opposed to a European one, core EU documents seldom mentioned the UK.

Several events conspired from late 2022 to rebuild trust in the relationship. The departure of Johnson in September removed a significant obstacle to progress, providing the opportunity for a reset under his replacement, Liz Truss. For while Truss had appeared vehemently Eurosceptic when appealing to Conservative electors, in her brief tenure she sought to work constructively with European partners, even offering to host a meeting of the European Political Community initiative. Rishi Sunak, her successor as Prime Minister, continued this trend, reportedly mooting at one time softer designs on Brexit – which were swiftly withdrawn – and working behind the scenes to negotiate

a solution to the Northern Ireland issues. The Windsor Framework, agreed between Sunak and Commission President Ursula von der Leyen was unveiled in February 2023 and passed overwhelmingly in the British Parliament on 22 March, removing a significant source of tension in EU-UK relations.

The thawing of tensions has contributed to increased cooperation, as no doubt has the revival of contacts during the Johnson era. UK participation in the Military Mobility PESCO mission was announced during Liz Truss's tenure, and both sides have recently coordinated on the EU's new training mission, which will work alongside an existing UK one. And opposition to formal, structured ties are being weakened following the announcement of the Windsor Framework. In the days that followed, both sides pledged to increase cooperation on security and defence issues, stepping up existing dialogues and contacts (Financial Times 2023). While opposition to formal ties remains strong in the Conservative Party, largely owing to a perceived backlash from pro-Brexit constituencies, the opposition Labour Party pledged if elected to negotiate a security agreement with the EU which would resemble that of the May government in many respects (Labour Party 2023). The EU, for its part, had seen the border issues as a significant stumbling block, such that in the absence of a solution (certain) member states would not be willing to support a security agreement with the UK.

Formal or informal, regularised dialogues might end up looking quite similar, although the higher the degree of institutionalisation the more robust – and less vulnerable to political change – these dialogues will be. What is needed is regular

conversations across all levels and all external-facing sectors, which allow civil servants on both sides to exchange information and identify productive areas of cooperation. A formal agreement, such as that proposed by Labour, will require careful negotiations, but would allow for more options, including UK participation in CSDP missions through a Framework Participation Agreement and potentially deeper engagement with EU defence industrial initiatives. In the background, broader formats like the EPC are valuable for maintaining solidarity, but they are insufficiently granular and frequent to provide the kind of coordination on security issues necessary at moments of significant external threat.

Strategically greater institutionalisation makes sense. Civil servants on both sides value increased contact with their counterparts as a way of obtaining information and confirming that policies are aligned. Bilateral coordination is inefficient and can never be as effective

as a single mechanism for consulting with the collective EU27. The Ukraine war has highlighted not only that the EU and UK need one another, but also the significance of each actor in a contested world marked by continued complex interdependence. The UK-EU security relationship is the missing link in Europe's response to Ukraine. Politically, too, the time is right for an agreement. Surveys show public support for harder variants of Brexit is draining away (Hix et al. 2022). Moreover, the idea of increasing security cooperation has cross-party support. And security and defence cooperation opens up far fewer difficult sovereignty trade-offs than other areas of closer relations. At a time when solidarity among Europeans is paramount and the UK has engendered considerable goodwill, it would be propitious for London to take advantage of the window of opportunity and negotiate closer arrangements with its closest security partners.

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