

To what extent has membership of the EU impacted Britain's ability to act as a sovereign state in matters of foreign and defence policy?

Word Count: 1999

[The following is an excerpt from a 6,000-word research paper which I completed as part of my Laidlaw Scholarship. After an introductory essay which defines British foreign policy sovereignty¹, the paper analyses the impact of membership on three different levels: organisational², structural³, and individual⁴. The following excerpt is the organisational section.]

¹ This specific definition is referred to as British foreign policy 'Sovereignty' (capital S). It is defined as 'successfully exerted will in the pursuit of public goods', but the will for such goods must be expressed by the people of the state in question, rather than imposed by an external authority.

² Impact caused by the EU organisations which deal with foreign policy.

³ Impact not caused by the actions of EU organisations, but which are nevertheless the product of British membership of the EU.

⁴ Impact caused by senior officials and politicians being influenced by British membership of the EU e.g. regular meetings with their EU counterparts in the Council of Ministers.

Organisational

The CFSP, the CSDP, the EEAS, and the High Representative for EU foreign policy

The largest shift towards EU foreign policy cooperation occurred at the creation of the CFSP⁵ following the signing of the Maastricht treaty in 1992. The 1997 Amsterdam Treaty appointed a High Representative for EU foreign policy⁶, followed shortly by the creation of the CSDP⁷ (then ESDP⁸), encouraged by the 1998 Saint-Malo Declaration⁹. The EU then formed its own discrete diplomatic service, the EEAS, under the 2007 Lisbon Treaty.

This section will examine the impact of these institutions on British foreign policy Sovereignty. It will investigate whether they imposed significant restrictions on policy, ask whether the UK gained influence through them, and evaluate their benefits to the UK national interest.

Intergovernmentalism and the Pillars

The Maastricht Treaty divided EU competencies into three 'pillars':

1. The European Community: A supranational organisation, founded by the Treaty of Rome, in which decisions were regularly made using Qualified Majority Voting.
2. Common Foreign and Security Policy (CFSP): An intergovernmental organisation, created by the Maastricht Treaty, in which decisions required unanimity.
3. Justice and Home Affairs: An intergovernmental organisation, but one which would evolve over time.

Because the decision-making processes of the CFSP and CSDP are intergovernmental, they have not significantly restricted British foreign policy¹⁰. The pillar system has allowed the UK (or other Member States) to dissent from CFSP positions and thereby to pursue policies opposed by other EU member states¹¹. This ability to dissent extends to the House of Commons: the Votes and Proceedings Resolution, 1998, prohibits the Government from agreeing to any EU proposal "which is still subject to scrutiny [or] which is awaiting consideration by the House"¹².

⁵ Common Foreign and Security Policy.

⁶ Wall, 2020, p.237.

⁷ Common Security and Defence Policy.

⁸ European Security and Defence Policy.

⁹ Daddow, 2011, p.39.

¹⁰ Niblett, 2016, p.7.

¹¹ Hill, 2019, p.9.

¹² Hansard HC Deb., 17 November 1998; See also Dickie, 2004, p.143.

The Treaty of Amsterdam appointed a High Representative¹³ for EU foreign policy, but this person is accountable to the (intergovernmental) European Council, and attempts to strengthen the High Representative have been blocked by members¹⁴. A similar intergovernmentalism was achieved in the European Security and Defence Policy¹⁵ negotiations. Here, UK negotiators judged that the UK government must retain operational control, or else parliament would not ratify ESDP¹⁶. Hence, Dover has argued that on security and defence policy “the EU was a co-ordinating forum for national policies reducing transaction costs between governments rather than extending an EU political system”¹⁷.

Transatlantic coordination

Intergovernmentalism has obvious downsides. The difficulty of reaching agreement among 28 countries meant that policies tended towards “the lowest common denominator”¹⁸. The decision-making process is often cumbersome and slow in response to a crisis, leading the UK to prefer transatlantic coordination over EU cooperation. During membership of the EU, a team at the Foreign Office under the Director General Europe was tasked with coordinating British foreign policy with other member states¹⁹. Yet Dickie records that according to experienced diplomats, this is “expecting hope to triumph over experience”²⁰. On security issues, NATO remains a much more powerful coordinating body than the EU because of American membership and because the UK has strong bilateral links to the US. MI5, MI6 and GCHQ have deep ties with their American counterparts. The Joint Intelligence Committee collaborates with the US but not with any EU member state²¹. As such, EU foreign policy coordination was seen by the UK as a means to pursue national interests through the NATO alliance, rather than as an end in itself²². In the period this paper covers, the ‘Kurd Safe Haven’ initiative²³ is the only clear example of an EU policy which was presented to the US as a *fait accompli*²⁴. By contrast, Tony Blair’s attempt to ‘sell’ a UK-US policy on the Iraq war to the EU is a salient counterexample²⁵. Thus, while the UK conceptualised itself as a ‘bridge’ between the US and EU, the traffic went

¹³ Created by the Treaty of Amsterdam.

¹⁴ Gaskarth, 2013, p.4. See also: Hill, 2019, p.83.

¹⁵ Later to be renamed to the ‘Common Security and Defence Policy.

¹⁶ Dover, 2007, p.51.

¹⁷ Dover, 2007, p.74.

¹⁸ Hill, 2019, p.60.

¹⁹ Dickie, 2004, p.39.

²⁰ Dickie, 2004, p.39.

²¹ Dickie, 2004, p.106.

²² Dover, 2007, p.21.

²³ Major, 1999, p.242; Dickie, 2004, p.208.

²⁴ With the possible exception of the EU initially taking the lead on the break-up of Yugoslavia.

²⁵ Wall, 2020, p.246

mostly one way²⁶. Therefore, the EU did not significantly influence British foreign policy during membership because the UK usually preferred to coordinate with the US.

Gaining influence and uploading preferences

The UK was in a strong negotiating position at the creation of CFSP and CSDP²⁷. Consequently, UK negotiators could 'upload' British preferences and implant British ways of working²⁸. France and Germany were not able to shape the CFSP and CSDP in ways damaging to British interests²⁹. The CFSP has provided a 'politics of scale', helping to push votes through in the UN and allowing access to more leverage than any single member state could achieve alone³⁰. 'Enhanced cooperation' clauses in the Nice Treaty have often allowed the UK to pursue its objectives without the need for unanimity³¹, thus serving as a multiplier of British influence rather than a constraint on Sovereignty.

The British national interest: case studies

Did experience show that the UK gained public goods such as security and prosperity³²?

The Balkans

The EU initially tried to hold Yugoslavia together in the 1980s with a Trade and Cooperation Pact³³, but by 1991 Slovenia and Croatia had declared their independence³⁴. Following the Serbian attack on the Croatian city of Vukovar, the German government saw the breakup of Yugoslavia as inevitable, a view not strongly held in Britain or France³⁵. Under pressure from Germany and in the face of opposition from Lord Carrington³⁶ (appointed by the EC to seek a negotiated settlement) the EC recognised Croatia and Slovenia in December 1991³⁷. In early 1992, the UN deployed a Protection Force in the former Yugoslavia, the largest contingents of which came from EU Member States³⁸.

²⁶ Wall, 2020, p.298.

²⁷ Dover, 2007, pp.73-8.

²⁸ Dover, 2007, p.1.

²⁹ Dover, 2007, p.75; This "anarchy problem" (Dover, 2007, p.75) would have still exist if the UK was not an EU member, but the UK would not have had a seat at the table to shape these institutions.

³⁰ Hill, 2019, p.56.

³¹ Hill, 2019, p.65; Dover, 2007, p.71.

³² (According to the definition of sovereignty given in the introduction to this paper).

³³ Hill, 2019, p.64.

³⁴ Major, 1999, p.533.

³⁵ Hill, 2019, p.64; Major, 1999, p.533.

³⁶ Former Defence Secretary (1970-4), Foreign Secretary (1979-82) and NATO Secretary General (1984-88).

³⁷ Major, 1999, pp.533-4.

³⁸ Major, 1999, pp.534.

After Bosnia declared independence in April 1992, the fighting escalated, and evidence emerged of ethnic cleansing³⁹. Impatient with the progress of the European effort, the US intervened decisively at Dayton in 1995, alongside European allies⁴⁰. Although European nations had successfully blocked the preferred US policy of 'lift and strike', this episode humiliated the EU as a forum for coordinating foreign policy, showing its reliance on the US to maintain peace on its own continent⁴¹. When Kosovo seceded from Serbia in 1999, the international community was poised to intervene and avoid a repeat of Bosnia, but with NATO, rather than the EU, leading and applying force. The EU was hamstrung by internal divisions over the recognition of Kosovo⁴².

Subsequently, the EU has been instrumental in keeping the peace through initiatives such as the Stability Pact for South-Eastern Europe⁴³. Following the withdrawal of most of the NATO forces in 2008, the EU Rule of Law Mission (EULEX) has promoted stability in Kosovo⁴⁴. In Bosnia, EU-UN cooperation has provided the aid and, crucially, the international legitimacy to keep the state from backsliding into violence⁴⁵, far surpassing what the UK or a joint European mission could have provided alone⁴⁶.

Overall, the EU enhanced the UK's ability to execute its foreign policy objectives in the Balkans and did not stand in the way of the UNPROFOR or NATO interventions. While the UK did not support Germany's argument for the recognition of Croatia, John Major himself argues that "subsequent events do not suggest that withholding recognition would have prevented the evil that followed"⁴⁷.

Sub-Saharan Africa, the Southern Mediterranean, and the Indian Ocean

In Africa post-1990, the UK, with declining relative power, has preferred to work through the EU or bilaterally, usually with France. The EU has conducted its own operations in three African countries: the DRC (2006), the CAR (2014-15) and Chad/CAR (2008-9)⁴⁸. These operations were in areas of primarily French interest, and the UK's involvement was largely symbolic⁴⁹.

³⁹ Major, 1999, pp.534.

⁴⁰ Hill, 2019, p.64.

⁴¹ Hill, 2019, p.64.

⁴² Hill, 2019, pp.64-5; Bogdanor, 2020, p.132.

⁴³ Bogdanor, 2020, p.139; Lyne, 2006, p.97; This Pact was superseded by the Regional Co-operation Council in 2008.

⁴⁴ Hill, 2019, p.65.

⁴⁵ Hill, 2019, pp.65-6.

⁴⁶ Hill, 2019, pp.65-6.

⁴⁷ Major, 1999, p. 534.

⁴⁸ Hill, 2019, p.66.

⁴⁹ Hill, 2019, p.66.

The EU has conducted two maritime operations: Operation Atalanta (EU NAVFOR Somalia) against Indian Ocean piracy and Operation Sophia (EU NAVFOR Med) intercepting human trafficking off Libya⁵⁰. The Royal Navy has contributed to Atalanta which has reduced attacks from 176 in 2011 to 0 in 2020⁵¹ with direct benefits to British interests.

Iran Nuclear Sanctions

In the early 2000s it came to light that Iran had been enriching uranium in breach of the Non-Proliferation Treaty (NPT)⁵². After a coordinated European effort, Iran agreed to allow inspectors into the country and signed the 2004 Paris Agreement⁵³. A Russian deal to supply Iran with uranium and take back the depleted fuel threatened to breach the agreement⁵⁴. Then ensued 10 years of negotiations leading to the 2015 Vienna Agreement (the JCPOA⁵⁵)⁵⁶. The solidarity shown by EU states on this issue compared favourably with the fractiousness over the Balkans conflicts. During its presidency of the EU (2005), the UK successfully maintained a consensus among the member states⁵⁷, and played a leading role in sustaining that consensus thereafter⁵⁸. Leveraging the economic and political heft of the bloc, the UK was able to impose sanctions and incentives (far beyond its own capacity) to keep the Iranians at the table⁵⁹. Three of the 'P5+1' countries which negotiated the JCPOA were from the EU (UK, France, Germany) and were strongly backed by the European Council. If the agreement can finally be put into effect, it will be an important achievement.

If the UK was not in the EU, it would have almost certainly chosen to oppose the nuclear programme since it was an issue of global security rather than being specifically related to the EU. Yet it would have had to pursue this policy alongside a diminished EU, missing the opportunity to lead and endangering the cohesion necessary to succeed. Again, the intergovernmental nature of the EU sanctions process allowed the UK to dissent from the proposal if it so chose. Thus, membership of the EU increased British foreign policy Sovereignty in pursuit of effective sanctions on Iran, increasing national and global security.

Conclusion

⁵⁰ Hill, 2019b, p.77.

⁵¹ EU Naval Force, 2021.

⁵² Hill, 2019, p.69.

⁵³ Hill, 2019, p.69.

⁵⁴ Hill, 2019, p.69.

⁵⁵ Joint Comprehensive Plan Of Action.

⁵⁶ Hill, 2019, pp.69-70.

⁵⁷ Dover, 2007, p.110.

⁵⁸ Hill, 2019, p.71.

⁵⁹ Niblett, 2016, p.12.

By giving the UK leverage, British membership of the EU generally increased British foreign policy Sovereignty. The intergovernmental status of the CFSP and CSDP allowed the UK government and Parliament to dissent, where necessary, from 'common positions' and therefore did not restrict British foreign policy. The advent of the EEAS and High Representative for EU foreign policy have not significantly affected the intergovernmentalism of EU foreign policy. Three areas of EU operation (The Balkans, Africa, and Iran Nuclear Sanctions) illustrate that membership of the EU generally facilitated the UK's national interests and helped it to achieve its foreign policy objectives.

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