

Can the EU and UK cooperate on foreign policy and sanctions?

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The UK sees no need to put foreign policy on the agenda of the Brexit negotiations. It is seeking a foreign policy relationship with the EU that is similar to the one the US has, combining bilateralism with EU member states and ad hoc coordination with EU institutions if deemed useful.

Greater foreign policy divergence between the EU and UK is likely, which in turn could impact cooperation on sanctions policies. The EU should build more expertise on sanctions, while a new foreign policy format outside of formal EU structures could be explored.

A preference for bilateralism

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The Political Declaration was clear. As part of their negotiations on the future relationship, the EU and UK would work towards a “broad, comprehensive and balanced security partnership”, including the issue of foreign policy cooperation.¹

However, at the start of the negotiations in February 2020, the UK backtracked on this commitment. It stated that foreign policy is “for the UK Government to determine, within a framework of broader friendly dialogue and cooperation between the UK and the EU” and does “not require an institutionalised relationship” with the EU.² It indicated no interest in discussing defence and foreign policy matters.

Foreign policy, of course, follows vastly different rules from EU trade, which is the dominant focus of the Brexit talks. The legal and regulatory structures are much weaker or absent. There is no European Court of Justice (ECJ) that oversees diplomatic relations, and level playing field guarantees play no role. Still, Britain's change of tune at the start of the negotiations is striking – not just because it reverses its earlier commitment, as agreed in the Political Declaration – and raises several practical issues.

Why did the UK change its mind? The UK has pointed out that it wants to negotiate as “sovereign equals”.³ On trade matters, this means that Britain's interlocutor is the European Commission, given its exclusive competence in the area. On foreign policy, however, the situation is different. The UK has had a long-lasting lukewarm approach to the Common Foreign and Security Policy (CFSP). Besides, member states generally lead diplomatic affairs.

The UK was never a strong advocate of a common European foreign policy, which helps explain why it is not keen to develop

institutionalised frameworks now. Rather than view it as a multiplier, the UK has traditionally considered CFSP as time-consuming and ineffective. London pushed back against the notion of the EU as a political union, yet EU ambitions to develop a common foreign policy identity pointed in that direction. The result is that the UK has a preference for bilateralism with national capitals rather than working through Brussels and its embryonic foreign policy machinery.

The UK prefers to decide whether to cooperate with the EU on an ad hoc basis; or exert influence on European foreign policy through a format like the G7, or through its bilateral ties with individual member states.

However, Commission President Ursula von der Leyen's ambition to lead a “geopolitical Commission”,⁴ accompanied by initiatives to promote European strategic autonomy – primarily in the realm of defence, technology and trade – indicate an increasingly important role for the EU in foreign affairs. In that context, it would be suboptimal not to agree on a framework for EU-UK foreign policy consultations.

What future for the ‘special relationship’?

London's newfound status outside the EU means that it will continue to work with the EU and its member states wherever their foreign policy objectives align. Nevertheless, in the same breath, the UK will pursue a different course if it so desires.

Even so, given geopolitical realities, the EU and UK should be expected to remain closely aligned on several issues, including the preservation of the Iran nuclear deal, sanctions against Russia, support for Ukraine, and the common threat of

terrorism. Equally, the UK has supported EU enlargement throughout its membership and continues to do so outside of the Union, even if the EU's enthusiasm for enlargement has cooled. However, on strategic issues like the response to China's growing influence and transatlantic ties, the UK and EU may gradually diverge.

The relationship with the US will be the most influential factor shaping the UK's future foreign policy outlook. And by extension, it will influence Britain's foreign

policy relationship with the EU. Put simply, if US-EU ties are strong, the EU and UK will find a way to cooperate. If, however, US and European foreign policies pull in different directions, the UK will be stretched.

A central building block of the UK's post-Brexit foreign policy is a strong relationship with Washington. Rather than embracing its newfound 'sovereignty' after leaving the EU, Britain's emphasis on its 'special relationship' with the US will draw London closer into Washington's foreign policy orbit. But turbulence lies ahead for London, no matter the outcome of the upcoming US presidential elections.

The close personal relationship between President Donald Trump and Prime Minister Boris Johnson has played an important role in cementing US-UK ties. It is an uneasy relationship, however, as witnessed by Prime Minister Johnson's discomfort when President Trump announced his intention to invite Russia's Vladimir Putin to the G7 summit in 2020. Trump may also cajole the UK to take sides on foreign policy issues that matter to Washington, such as going along with its increasing confrontationalist approach to China.

Simultaneously, Donald Trump is undermining the system of global governance built around international and regional institutions – such as the World Trade Organization and North Atlantic Treaty Organization (NATO) – on which post-Brexit Britain relies. President Trump has not shown an appetite to forge coalitions to tackle global problems, favouring a mix of isolationism and unilateralism instead. If Trump is re-elected, the special relationship could be a difficult pairing for the UK: Trump's 'America First' would likely relegate the UK to a very distant second.

If instead Joe Biden is elected US president in November, Britain's problems will be different. Before Brexit, the UK functioned as a bridge between the US and the Union. That role has now disappeared. Should Biden win, the UK may find that his administration prefers to build closer ties with the EU rather than double down with Brexit Britain. Biden, contrary to Trump, is no fan of Britain's departure from the EU. Furthermore, his Irish-American heritage could make it more difficult for London to strengthen US-UK ties if Brexit is perceived to jeopardise stable relations between Northern Ireland and the Republic. A US-UK trade deal would also not likely be at the top of Biden's list of priorities.

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Areas of divergence?

As an extension of its foreign policy reorientation towards the US, Britain is intensifying its ties with other English-speaking countries, such as Canada and Australia, with which the UK also shares close security and intelligence ties. Together with the US, this 'Anglosphere' is emerging as a substitute intergovernmental framework in which to embed UK foreign policy. For example, a statement on developments in Hong Kong was signed by the UK, US, Canada and Australia. The absence of support for the statement by an EU member state is striking and could point to greater divergence between the EU and UK in the future. The pursuit of 'Global Britain' may result in British overcompensation: to justify its newfound status post-Brexit, the UK may deliberately not reach out to the EU, even if this would make sense diplomatically, and focus on others instead.

The COVID-19 pandemic has led the UK to reassess its relationship with China. While Europe and the US were busy addressing the domestic consequences of the virus, China pushed through a new national security law

for Hong Kong, which seemingly violates the 1984 Joint Declaration and impacts the status of British Nationals (Overseas). The UK also showed solidarity with Australia when it was singled out for criticism after questioning China's initial handling of the epidemic. Combined with US pressure to block Huawei from supplying parts of the UK's fifth-generation technology (i.e. 5G) infrastructure, the UK has adopted a tougher line vis-à-vis China. Furthermore, Britain has proposed the creation of a 'D10' alliance of 10 liberal democracies – the G7, Australia, India and South Korea – to counter China's growing technological influence.

It remains to be seen how the EU will respond to this initiative. What is clear is that the UK is now more hawkish towards China than the EU is prepared to be. Though it has toughened its rhetoric towards Beijing, the EU does not want to jeopardise its economic ties with China and avoids taking sides amidst growing Sino-American competition. It could spell greater EU-UK differences of opinion over how to respond to China.

How could EU-UK foreign policy cooperation look?

From a practical point of view, there is, of course, much foreign policy coordination that can be done on an ad hoc basis. However, the reverse is also true. Few foreign policy issues would be easier to address *without* established consultation mechanisms, particularly in the event of a crisis. Neither does the existence of consultation mechanisms predetermine that the UK and EU will always think alike.

It is in this spirit that the Political Declaration stated that both sides would seek to design cooperation mechanisms that are "flexible and scalable" and that can be used in the event of a contingency.⁵ The Declaration even made a specific proposal that the EU's High Representative for Foreign Affairs and Security Policy could invite British counterparts to participate in informal ministerial meetings.

Former US foreign secretaries John Kerry and Rex Tillerson participated in informal meetings of the Foreign Affairs Council (FAC) in 2016 and 2017, respectively. However, that precedent was not enshrined in an international agreement between Brussels and Washington, and the UK may not see the need for such an agreement now. London has a point: Why should the UK not participate in informal meetings of the Foreign Affairs Council if it is invited?

The UK, through its foreign minister, has made no secret of its desire to pursue less formalised meetings with the EU and intensify ties with other powers around the globe. London views consultation mechanisms with EU institutions as needlessly constraining. It appears that the UK is seeking a foreign policy arrangement

with the EU that is akin to the one the US has with Brussels; as a third country with strong ties to capitals and irregular summitry with the EU, rather than as a ‘former EU member-state’ with a degree of privileged access to the bloc’s CFSP machinery.

Many EU member states have close ties to the UK, which translates into close cooperation on day-to-day foreign policy, defence and national security issues. However, can strong bilateral ties substitute Britain’s regular consultations in the Political and Security Committee (PSC) or the FAC? Would an annual EU-UK summit – like the one the EU holds with the US (at the best of times) – be sufficient? The answer to both questions is probably not. The area where this becomes most apparent is the issue of sanctions.

Sanctions

The UK has played an important role in shaping EU sanctions policy. This is due to a combination of factors: Britain’s political willingness to wield the sanctions instrument, London’s central role as a global financial centre, and the Foreign Office’s and HM Treasury’s forensic and legal capabilities to help compose sanctions listings. The UK adopted a national sanctions act in 2018, enabling it to pursue an autonomous sanctions policy.

In London, officials say that the UK’s expertise on sanctions is essential to EU sanctions policy: the UK is the largest contributor to the preparation of EU sanctions packages, followed by France, Germany, the Netherlands and the Commission. This suggests that whatever the result of the negotiations on the future relationship, the EU will need to make additional staff and resources available to replace British skills and expertise.

It also underlines that the EU has an interest to ensure a continued link with the UK on sanctions. This helps explain why the EU’s draft treaty states that, where relevant, the EU and UK “shall endeavour to reinforce the coherence and effectiveness of their sanctions policies and decisions, including as regards their implementation”.⁶

The UK also has an interest to cooperate with the EU. When it comes to sanctions, size matters: they are more effective when more countries sign up to them. The value of continued UK-EU cooperation on sanctions is widely appreciated. The EU benefits from the UK’s expertise, and the UK has benefited from the clout offered by a common EU position to pursue its foreign policy goals. For instance, it is questionable whether the EU would have imposed sanctions on Zimbabwe’s leadership if Britain had not pushed for them.

Within the EU, discussions on sanctions and listings are generally prepared in smaller groups: France, the UK and Germany took the lead on Iran sanctions, while a group including Spain, the Netherlands, UK and France worked on sanctions for Venezuela. Post-Brexit, it is not a stretch to imagine that the UK could be included in a small group of like-minded countries on preliminary discussions regarding future sanctions policies.

However, this would not obviate the need for EU-UK consultations. While the political push for sanctions generally comes from member states, EU institutions play a crucial role in implementing them. Sanctions involve trade relations, investment ties and access to the Single Market, and may include the freezing of personal assets, travel bans or restrictions on access to capital. In all instances, the EU has the competence – sometimes exclusively – under the judicial oversight of the ECJ.

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Moreover, EU decision-making to extend sanctions regimes is moving away from unanimity and towards qualified majority voting. As such, the distinction between national and EU-level policies regarding sanctions is diminishing, and so an EU-UK framework is desirable.

A new format, such as a 'European Security Council', could go a long way to ensuring that the UK continues to play a central role in discussions about the foreign policy challenges facing the continent.

If EU-US ties are indeed a model for future EU-UK cooperation, there are both good and bad examples to consider. The Iran sanctions regime was created by the E3 (i.e. France, Germany, the UK) together with the US. The regime was later backed by the European Council and United States Senate, and implemented in a joint, transatlantic and coordinated manner.

An example of the latter, however, is the breakdown in transatlantic cooperation on new sanctions against Russia in 2018, when the US and EU pursued separate tracks, and their policies diverged. Then, a degree of institutionalised transatlantic consultation would have been helpful.

A controversial element in future EU-UK coordination on sanctions is whether a data-sharing agreement will be necessary. Some say that it is not necessary to craft sanctions policies, as the information shared with other governments is mainly open-source. But it seems unlikely that the EU and UK could pursue close cooperation on sanctions if there is no data-sharing agreement to underpin it. Even the US and EU have a data treaty.

Post-Brexit, Britain cherishes its autonomy. However, its pursuit of a sanctions policy that is entirely separate from the EU could clash with the reality that, in many cases, EU and UK sanctions policies do align and, therefore, both sides have an incentive to

cooperate. Britain's fear of being constrained by the EU could make actual cooperation more cumbersome, impacting both parties' abilities to achieve foreign policy results. Cooperating on sanctions only makes sense if there is a broader agreement on the overarching foreign policy objectives. If there is no shared foreign policy outlook, then cooperating on sanctions will not happen either.

The major uncertainty, therefore, is whether British and EU foreign policy outlooks will remain broadly aligned in the future. If so, Britain's insistence on avoiding any institutionalised framework that could be perceived as constraining the UK's autonomy, could complicate the pursuit of practical cooperation.

A new format?

The UK may either feel that it does not need the EU – and that existing intergovernmentalism suffices, or that the 'Anglosphere' offers alternatives –, or it may expect EU member states to bring a better proposal to the table. The UK is aware that the role it plays in European foreign and security policy issues could strengthen its negotiating hand. It is worth remembering that the talks in 2017 had a false start when Britain's Article 50 notification letter appeared to suggest a quid pro quo between continued British participation in European security matters and market access to the EU.

The EU, of course, has an interest in maintaining close relations with its neighbours, particularly if its neighbour is a permanent member of the UN Security Council, the G7, the G20 and NATO, and boasts nuclear power. Despite the UK not being a strong supporter of CFSP, the EU foreign policy debate will be poorer because of Brexit. Britain's global perspective has helped the EU focus on foreign policy developments further from home. The UK also tended to take a strategic view of, for instance, developments in Southeast Asia when other EU member states viewed ties with Asia primarily through an economic lens. There is a risk that due to Britain's absence, the EU will mainly focus on regional issues at a time when Sino-

American competition requires a broader strategic perspective on Europe's global role. It helps explain why, in its draft treaty, the EU pitched "close Political Dialogue", "structured consultation" and "regular thematic dialogues on issues of mutual interest" with the UK.⁷

Now, alternative frameworks may need to be considered. A permanent invitation for Britain to participate in the FAC or PSC would be problematic for the EU amongst others, because of the precedent it would set towards countries like Norway and Turkey. The G7 is a useful format, but it lacks the bureaucratic mechanisms for sanctions coordination. Furthermore, the geopolitical differences between its members – from Italy to Japan – are too large. Despite NATO's aspirations to expand the political dimension of its political-military alliance (e.g. to better understand China's challenge to international security), its North Atlantic Council is not an effective venue for political dialogue and has become too unwieldy with 29 members.

A new format, such as a 'European Security Council', could go a long way to ensuring that the UK continues to play a central role in discussions about the foreign policy challenges facing the continent. This Council, based around the E3,

would be organised outside of formal EU structures, though the Commission or High Representative should have a seat at the table. Such a council could discuss strategic questions, including sanctions policies.

Based on conversations with UK officials, there is an interest in Westminster to explore a European Security Council. However, the EU and its member states would first need to resolve a number of questions, including which countries could join the Council, the number of times it would meet, and the party who would set the agenda. And, more importantly, the EU27 would need to assess the impact a European Security Council would have on the integrity and autonomy of EU decision-making on foreign policy matters.

That discussion, of course, would not take place in the immediate context of today's EU-UK talks. Nevertheless, the High Representative could now initiate internal consultations among the EU27 to explore how such a security framework could work.

Finally, foreign policy may not be on the agenda of the talks on the future relationship, but it can intervene. In the short run, sanctions policy could prove to be problematic. During the transition phase, the UK is expected to follow EU decisions and regulations. Should the EU27 decide to impose sanctions on a country with which post-Brexit Britain is seeking to intensify ties, this could have detrimental effects on EU-UK

talks. In fact, this is not entirely hypothetical. In February 2020, tensions between the EU and Turkey rose in response to Turkey's unilateral decision to open the Turkish border to Greece, potentially precipitating a new migration crisis. It led to a standoff between the EU and Turkey. The UK foreign minister gave a press conference with his Turkish counterpart where he stressed the strength of bilateral UK-Turkish ties and supported Ankara.⁸ The crisis de-escalated, but it became apparent that regarding Turkey, the EU and UK think differently.

As this chapter has shown, the main question for future EU-UK foreign policy cooperation is how Brexit will impact the UK's and EU's foreign policies in the context of Trump's America and Xi's China. The EU, its member states and the UK are increasingly caught between US-Chinese geopolitical, economic and normative competition.

On the face of it, this should create an incentive for European countries, including Britain, to stick together, regardless of Brexit. Neither Washington nor Beijing are entirely reliable. This should provide the necessary glue for close cooperation, despite the absence of formalised structures. However, the pull of divergence unleashed by Brexit is strong, and initially Britain's foreign policy will develop through the momentum Brexit has generated. It suggests that a period of growing foreign policy estrangement between the EU and its erstwhile member lies ahead.

¹ Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 TEU (2019), [Revised text of the Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom as agreed at negotiators' level on 17 October 2019, to replace the one published in OJ C 661 of 19.2.2019](#), TF50 (2019) 65, para.78.

² UK Government (2020), "[The Future Relationship with the EU: The UK's Approach to Negotiations](#)"; London, para.8.

³ *Ibid.*

⁴ European Commission, [The von der Leyen](#)

[Commission: For a Union that strives for more](#), 10 September 2019.

⁵ Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 TEU (2019), *op.cit.*, para.92.

⁶ European Commission (2020), [Foreign Policy, Security and Defence part of the Draft text of the Agreement on the New Partnership with the United Kingdom](#), UKTF (2020) 15, Art.FPSD.4(5).

⁷ *Ibid.*, Art.FPSD.2.

⁸ Raab, Dominic, "[Foreign Secretary's joint press conference Turkish foreign minister, March 2020](#)", Ankara, 03 March 2020.