

Towards security and defence cooperation between the United Kingdom and the European Union post-Brexit

A critical assessment of the ability of the United Kingdom to participate in Common Security and Defence Policy missions and operations after Brexit

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Abstract

The decision of the United Kingdom (UK) to secede from the European Union (EU) in 2016 has sparked discussions among the media, politicians and scholars. Not only does Brexit pose great challenges to the field of law and finances, it also alters the scope of EU's defence capabilities. Nonetheless, the UK has indicated that it is interested to continue to cooperate in the EU's Common Security and Defence Policy (CSDP), among which in its civilian missions and military operations. However, due to the UK's request of a deep and special CSDP partnership post-Brexit, the possibility of a future CSDP cooperation framework is uncertain. Therefore, this research focuses on formulating an answer to the following question: *to what extent is the United Kingdom able to continue participating in the European Union's CSDP missions and operations after Brexit?* This research starts off by discussing the current state of affairs, showing the UK's request for cooperation efforts that exceeds any other third country participation in the CSDP. Considering the fact that the UK will become a third country in the eyes of the EU after Brexit, existing research dealing with previous third country participation in EU CSDP missions and operations will be looked upon. The research provides an overview of all CSDP missions and operations initiated thus far, emphasizing the participation of third countries. Secondly, this information is used to delve deeper into the different CSDP partnerships closed between the EU and the respective third countries. The cumulation of these partnerships show the current possibilities for third country participation in CSDP missions and operations. This study shows that third countries tend to join CSDP missions and operations through closing a Framework Participation Agreement, and to a lesser extent through Participation Agreements for a specific missions or operation and on just two occasions by means of the Berlin Plus arrangements. Moreover, this research devotes attention to the various parameters that have to be taken into account in order to find a suitable CSDP partnership for the UK post-Brexit. By combining the UK's and the EU's stances towards a post-Brexit CSDP partnership together with past third country experiences in the field, this research concludes that the current available options to join CSDP missions and operations are deemed insufficient by the UK. Nonetheless, the current agreements in place, as well as the EU's official stances towards the matter, indicate that the EU has no intention of closing a special cooperation framework that exceeds that of any other third country with the UK. Therefore, this research continues by providing an overview of alternative options for a post-Brexit CSDP partnership by combining the different parameters and emphasizing partnerships that fit both the UK's and EU's stances. This research suggests a to revisit the current tools of CSDP participation, by means of creating an enhanced Framework Participation Agreement. This option could provide the UK with a degree of its requested influence on the shaping of decisions in CSDP bodies, such as the Political and Security Committee (PSC). Moreover, this option could allow the UK to participate in CSDP missions and operations in the future. The degree to which the EU is willing to adjust current CSDP partnership structures will have to be seen in prospective negotiations.

List of abbreviations

Brexit	Britain and exit, i.e. shorthand way of saying the United Kingdom is leaving the EU
CFSP	Common Foreign and Security Policy
CoC	Committee of Contributors
CONOPS	Concept of Operations
CSDP	Common Security and Defence Policy
DG EXPO	Directorate General for External Policies of the Union
DSACUR	Deputy Supreme Allied Commander Europe
EDA	European Defence Agency
EEAS	European External Action Service
EEC	European Economic Community
EI2	European Intervention Initiative
EOP	Enhanced Opportunity Partners Dialogue and Cooperation
EU	European Union
EUAM	European Union Advisory Mission
EUAVSEC	European Union Aviation Security Mission
EUBAM	European Union Border Assistance Mission
EUCAP	European Union Capacity Building Mission
EUFOR	European Union Force
EUJUST	European Union Integrated Rule of Law Mission
EULEX	European Union Rule of Law Mission
EUMAM	European Union Military Advisory Mission
EUMM	European Union Monitoring Mission
EUNAVFOR	European Union Naval Force
EUPAT	European Union Police Advisory Team
EUPM	European Union Police Mission
EUPOL	European Union Police Mission
EUSEC	European Union Mission to provide advice and assistance for Security Sector Reform
EUTM	European Union Training Mission
FPA	Framework Participation Agreement
NATO	North Atlantic Treaty Organization
OPLAN	Operation Plan
PA	Participation Agreement
PfP	Partnership for Peace Programme
PSC	Political and Security Committee
SSR	Security Sector Reform
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UNSC	United Nations Security Council
WEU	Western European Union

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1 Introduction

Ever since the United Kingdom (UK) decided to leave the European Union in the 2016 referendum, the future of the EU has become subject of fierce debate. Officially, the UK is set to leave the EU on the 29th of March 2019. The so-called Brexit, i.e. the UK's decision to leave the EU, poses several challenges to many facets of society, among which security and defence cooperation. Currently, little research about future CSDP cooperation between the UK and the EU after Brexit has been conducted. Yet, such research is of great importance for future EU security and defence efforts. The UK is the EU's main military power, but at the same time the country has also been the main opponent of EU defence integration in recent years (Rettman, Nielsen & Kirk, 2017). Completely integrating military capabilities by means of Article 42 (2) of the TEU, has therefore so far been blocked by the UK, since it requires unanimity in the European Council. Consequently, the UK's withdrawal leads to pros and cons for defence cooperation within the EU. Nonetheless, The UK has indicated that it wants to maintain defence and security cooperation with the EU after Brexit (Wintour, 2017). The UK's Prime Minister, Theresa May (2017) indicated in her Florence speech that the Brexit decision by no means indicates that the longstanding commitments towards the EU will disappear. More specifically, "our commitment to the defence- and indeed the advance- of our shared values is undimmed" (May, 2017, p.1). Additionally the Prime Minister of the UK indicated that "I believe it is essential that, although the UK is leaving the EU, the quality of our co-operation on security is maintained" (May, 2017, p.1). Such statements can however not be taken for granted.

This research focuses on the Common Security and Defence Policy (CSDP), and specifically on civilian and military missions and operations of the EU. In this regard the ability of the UK to continue to participate in this area is the key focus. One of the reasons being that the UK's ability to maintain the status quo concerning this area of CSDP cooperation is questionable. The goal of this research can therefore be described as to define the possibilities that allow the UK to continue to participate in CSDP missions and operations after Brexit in one way or another. The UK's withdrawal from the EU will make the country become a third country from the EU's perspective, based on the notion that the EU considers every non-EU member state to be a third country (European Parliament, 2017a). Therefore, looking at how third countries are collaborating with the EU in the field of CSDP missions and operations is key in this research. This gives insight in the current available means of joining CSDP missions and operations by third countries, which could be of interests to the future of EU-UK CSDP cooperation. In the foreign policy, defence and development – a future partnership paper of the UK Government (2017, p.1), the UK indicates that "The United Kingdom wants to build a new, deep and special relationship with the European Union". Additionally, the UK Government (HM Government, 2017, p. 19) advocates for "a continued contribution to CSDP missions and operations, including UK personnel, expertise, assets, or use of established UK national command and control facilities". Yet, the call by the UK to form a special CSDP relationship with the EU can be difficult to justify considering the importance of other third countries in EU CSDP missions and operations.

This research adds knowledge to previous research, since the ability to take part in EU missions and operations after secession from the EU is a relatively underdeveloped topic. Black, Hall, Cox, Kepe, & Silfversten (2017) have indicated that the media and policy-makers, are speculating about the consequences of Brexit on security and defence in the EU. Yet, Black et al., (2007, p.4) argue that "much of this commentary has been reactive, political or else influenced by the lack of concrete evidence and objective research and analysis about what the UK's decision is likely to mean". Black et al., (2017) have taken a rather broad approach on the implications of Brexit on defence and security. This research attempts to narrow the scope to the ability of the UK to continue taking part in CSDP missions and operations after Brexit. Consequently, the research question can be defined as follows: *to what extent is the United Kingdom able to continue*

participating in the European Union's CSDP missions and operations after Brexit? This question can be regarded as a policy design question, since it focuses on providing options, or realising a situation in which the UK can join the CSDP post-Brexit. This research is crucial for the scientific community, since no country (besides Algeria, 1962, Greenland, 1985 and Saint Barthelemy, 2012¹) has ever withdrawn from the EU. Despite these cases, all of the countries that 'left' have never been actual EU Member States, but merely a part of a Member State, e.g. in the case of Greenland part of Denmark (see for instance Phillips, 2016), and the other cases part of France. Taking the example of Greenland, the country's withdrawal was mainly concerned with discontent over the fact that EEC (European Economic Community) countries were allowed to fish in Greenlandic waters, despite it being a huge part of the island's economy. Previous withdrawals cannot be compared to the UK, when taking into account that it (still) is an actual EU Member State, and considering the size and importance of the UK, among others in the field of security and defence. Currently, little is known about the extent to which the EU-UK CSDP relationship is able to continue after Brexit. Moreover, this research has societal importance due to the fact that a sustainable EU-UK CSDP partnership after Brexit adds to stronger security and defence capabilities, thereby directly affecting the safety of EU citizens and beyond.

On the basis of the research question three sub-questions have been defined in order to formulate an answer to the main research question. In order to grasp the possibilities of post-Brexit CSDP cooperation, past experiences of third countries that have participated in CSDP missions and operations is crucial. This leads to the first sub-question, namely *which CSDP missions and operations of the European Union do third countries take part in since 2003?* The year 2003 has been chosen, since this was the year in which the EU launched the European Security Strategy, which marked a turning point in multilateral security cooperation within Europe. Additionally, this was the year in which the first CSDP mission was launched. Indicating the missions and operations initiated thus far gives insight in the third countries that have participated in the CSDP. This leads to the second sub-question, namely: *how do third countries participate in CSDP missions and operations of the European Union since 2003?* This question emphasizes the different means of agreements closed between the EU and third countries in light of CSDP missions and operations. Therefore outlining existing means of CSDP cooperation between third countries and the EU, which could potentially offer the UK a CSDP partnership framework after Brexit. The final sub-question of this research examines the following: *which parameters have to be taken into account in order to establish a framework for the United Kingdom to continue to participate in the European Union's CSDP by means of missions and operations?* This question builds upon the other sub-questions. Among others, the different means of participation in CSDP missions and operations by third countries will be reflected upon by translating it to the UK's stance towards a future CSDP partnership. This outlines the degree to which the current CSDP agreements in place are suitable for the UK post-Brexit. Other parameters taken into account include the EU's stance towards post-Brexit CSDP cooperation. Moreover, there will be a reflection on the EU's and the UK's stances, to show similarities, differences and the subsequent possibilities of a CSDP partnership. This is followed by a discussion of the possibility and challenges of alternative types of CSDP partnership frameworks. The structure of this research is as follows: section two deals with the theoretical framework, followed by the methodology in section three. The results are discussed in the following sections, i.e. sub-question one is addressed in section four, followed by question two in section five and question three in section six. Finally, section seven is concerned with giving an overall conclusion and section eight will end with a discussion of the research.

¹ French Algeria was part of the French departments, giving it special EEC status until its independence. Similar to Algeria, Saint Barthélemy had been part of the EU, because it was part of a French overseas region, Guadeloupe. In 2007 the island seceded from the region, and thus the EU. Greenland, being part of Denmark, had to follow the Danes decision to join the EEC, despite widespread opposition. After continuous pressure, a new referendum was hosted, leading to secession from the EEC, coming into effect in 1985.

2 Theoretical framework

The goal of the theoretical framework is based on defining important concepts of the research questions and on embedding the research into existing research. Furthermore, the theoretical framework is aimed at discussing what is already known about the research subject in the scientific literature, as well as what is unknown. This chapter starts off by discussing the current state of affairs and existing knowledge regarding the research topic, followed by a discussion of the CSDP relationships between the EU, the UK and third states.

2.1 Current state of affairs

The UK has indicated that it is willing to continue collaborating in CSDP missions and operations after Brexit. This includes contributing troops to military missions (The Associated Press, 2017). Nonetheless, the UK government has indicated that it wants a security partnership “that is deeper than any other third country partnership and that reflects our shared interests, values, and the importance of a strong and prosperous Europe” (HM Government, 2017, p.18). This would include a continuation of joint efforts to tackle issues such as piracy off the Horn of Africa, as well as working on the Eurofighter Typhoon aircraft (Mason, 2017). Scholars such as Smith (2015) have argued in the past that UK withdrawal would not mean the end of European defence cooperation between the UK and the EU. One of the reasons being, that the UK is a key player in the development of the EU’s extensive approach to preventing conflict, and the fact that the UK would lose much of its influence in the EU by not cooperating (Smith, 2015). Moreover, the UK can be regarded as a military heavyweight, allowing it to provide a substantial amount of expertise, troops and hardware, incomparable to other EU nations (McTague & Vinocur, 2017). According to McTague and Vinocur (2017), whether the UK is able to secure greater decision-making powers and control of missions than is normally granted to third country participation is crucial for a post-Brexit CSDP partnership. In fact, UK officials have indicated that without this condition, it is unlikely that the UK will be willing to collaborate in missions and operations after Brexit. Yet, Brexit is also seen as a liberation by some, which offers the EU an opportunity to cooperate more strongly in the field of military missions and security. The reason being that the UK has often opposed European defence cooperation in the past. Despite the fact that it is uncertain what is going to happen after Brexit in the field of CSDP missions and operations, the question remains whether the UK is able to join CSDP missions and operations after Brexit in the first place. Consequently, this research does not focus on predicting what is going to happen, rather whether, and how the UK can join CSDP missions and operations after Brexit is essential. Past experiences have shown that third country cooperation in CSDP missions and operations is possible. Yet, since the UK is calling for a special relationship with the EU, the answer is not as clear-cut. As indicated by Fallon (2016, as cited in Farmer & McCann, 2016) “of course we won’t be member of the European Union, we won’t be participating in the same way, but we will certainly have interest in the success of those (military) missions”.

2.2 Existing research and information

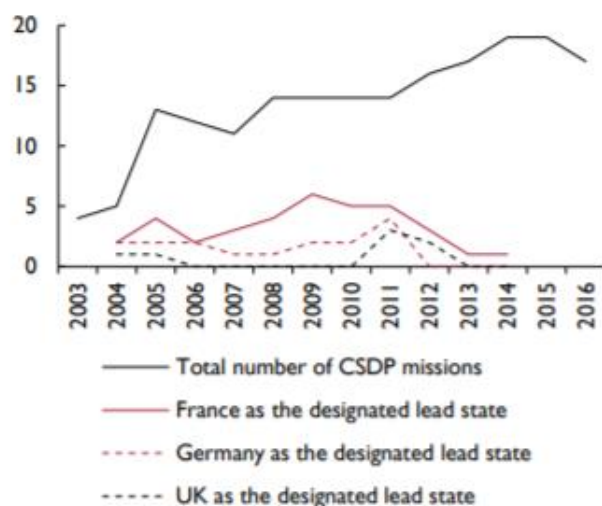
Concrete research concerning the ability of the UK to join CSDP missions and operations after Brexit is scarce. Apart from publications referred to below, Bakker, Drent and Zandee (2017a) have written a helpful report, dealing with participation in CSDP missions and operations post-Brexit. Ever since the creation of the CSDP, third countries have been participating. Approximately 45 third countries (i.e. non-EU countries) have contributed troops to civilian and military CSDP operations and missions. About 15 of these countries have become an EU Member State from 2004 onwards. Below, the relationship between the UK and the CSDP up until now (i.e. before Brexit) will be discussed on the basis of existing research, followed by a general

discussion of the relationship between third countries and the EU, taking into account factors influencing the decision to join CSDP missions and operations by third countries.

2.2.1 CSDP relationship between the UK and the EU

To give any substantial conclusions on if and how the UK will be able to continue taking part in the CSDP after Brexit, requires an overview of EU-UK CSDP relationships before the Brexit. The reason being that past cooperation could provide information about future partnerships. First and foremost, even though the UK is Europe's largest defence spender, technologically advanced, and has global connections exceeding that of other EU Member States, recent years has shown that the UK is scaling down in terms of its involvement in the CSDP (Black et al., 2017). At the time of development of the CSDP, the UK took an early leading role. In 1998, the Anglo-French summit, led to an agreement between Tony Blair and Jacques Chirac to push for greater EU defence capabilities. Both countries, being the strongest military powers in the EU, formed the starting point of what was soon to be the CSDP. Yet, the UK has moved from assuming a leading role concerning the development of EU defence policy, to becoming a laggard. When comparing the UK's size to its CSDP contributions, it becomes clear that the UK has made relatively little contributions to military operations. The UK has had the tendency to prefer the realisation of their commitments by means of NATO in the past. Concerning civilian operations, the UK has contributed personnel to most of the EU's CSDP operations (Whitman, 2016). Yet, the size of these contributions has been rather marginal in comparison to the size of the UK. Moreover, the UK has had a limited designated leading role, which can be described as having "operational control or contribute the most personnel in missions with a military or police component" (Whitman, 2016, p. 5). The table below provides an overview of the number of designated leading roles by the three biggest EU states, i.e. France, Germany and the UK (Whitman, 2016, p. 47).

Figure 1. Number of CSDP missions and designated lead states 2003–16



Sources: SIPRI Armaments, Disarmament and International Security Yearbook 2004–2015, Oxford: Oxford University Press. European External Action Service (2016), CSDP Missions and Operation, available at: <http://www.eeas.europa.eu/csdp/missions-and-operations/>.

Note: Designated lead states are those that either have operational control or contribute the most personnel in missions with a military or police component.

Figure I above shows that the UK has been behind large EU countries, such as France and Germany when it comes to taking designated leading roles concerning CSDP missions and operations. Hence, despite the UK's early contributions to CSDP operations, such as during Operation Concordia, EUFOR Althea, and EUNAVFOR Atlanta, the UK has been decreasing its contributions to CSDP operations and missions years before the Brexit referendum. In 2016, the UK was the fifth greatest contributor to CSDP military operations, after France, Italy, Germany and Spain. In terms of civilian operations, it scores seventh, after Germany, the Netherlands, Poland, Sweden, France and Finland (Faleg, 2016). According to Faleg (2016) the UK contributes 4,2% of all EU personnel to CSDP civilian missions. This being said, with the UK seceding from the EU, the CSDP loses modest civilian and military contributions, and a veto player. Countries such as Austria and Romania, being small military powers, have contributed more personnel to CSDP missions and operations in the past than the UK. Therefore, the operational implications of Brexit could be considered minimal. Additionally, despite the UK's strong military, Faleg (2016, p.2) argues "the EU has traditionally avoided engagement in expeditionary and high-intensity warfare, in which UK capabilities and know-how might have been decisive". Yet, the political implications may be much greater, since Brexit requires a reconsideration of the governance model of the CSDP, considering that it was created through a Franco-British summit. Hence, the UK was one of the main EU Member States driving the CSDP (Faleg, 2016). In general it could be argued that the UK's relationship to the CSDP has been weakening in recent years.

Based on the previous paragraph, it is important to understand why the UK would want to join CSDP missions and operations after Brexit. Despite the fact that recent years have shown a decrease in UK involvement in the CSDP, it is clear that they are interested in continued cooperation after Brexit, among others in CSDP missions and operations. The desire to continue to take part in the CSDP is largely political. On the one hand, continued UK CSDP involvement signals the United States (US) that the UK will continue to be a relevant and active security companion in Europe. Besides that, the UK's strategic interest in the continuation of a safe and stable Europe will remain after Brexit. Furthermore, participating in the CSDP may be crucial to the UK if it wants to stay committed to the defence and security of Europe (Wright, 2017). Moreover, in the Munich Security Conference of February 2018, Theresa May (2018) indicated two main reasons to continue cooperation in the field of the CSDP. Firstly, the UK wants to be able to continue taking part in major European diplomatic debates. Besides that, the UK wants to limit the consequences of Brexit on its internal defence, preserving entry to the market of the EU and other projects surrounding the CSDP (Major & Ondarza, 2018). In this regard, May (2018, p. 1) argued that "our security at home is best advanced through global cooperation, working with institutions that support that. Including the EU".

The EU also indicated to be interested in a continuation of UK involvement in the CSDP. Firstly, because once the UK leaves, the EU loses one of the greatest military powers in the CSDP. The UK's 52 billion dollar budget in defence makes it the biggest European defence spender, which will be hard to replace. As mentioned earlier, the UK has been reluctant to make its technologically advanced capabilities available to the EU. Nonetheless, the UK does bring much technical and military experience and knowledge to EU institutions, such as the European Defence Agency (EDA), the EU Military Committee (EUMC) and the Political and Security Committee (PSC). It also has to be taken into account that once the UK secedes, the EU loses the UK's contribution to the overall EU budget. According to Bakker et al., (2017a) this will lead to a financial gap of approximately 12% for the next Multiannual Financial Framework in 2021. This also impacts the capabilities surrounding defence and security, including the CSDP. Furthermore, the UK is a permanent member of the United Nations Security Council (UNSC), and a nuclear power. This means that UK support in the CSDP results in extensive political weight. Therefore, the UK's withdrawal from the EU may have crucial consequences for creating an EU defence market. Thus, the EU needs the UK due to its extensive capabilities and political weight. On the other hand, the UK has interests in the security and defence of Europe and beyond. Moreover,

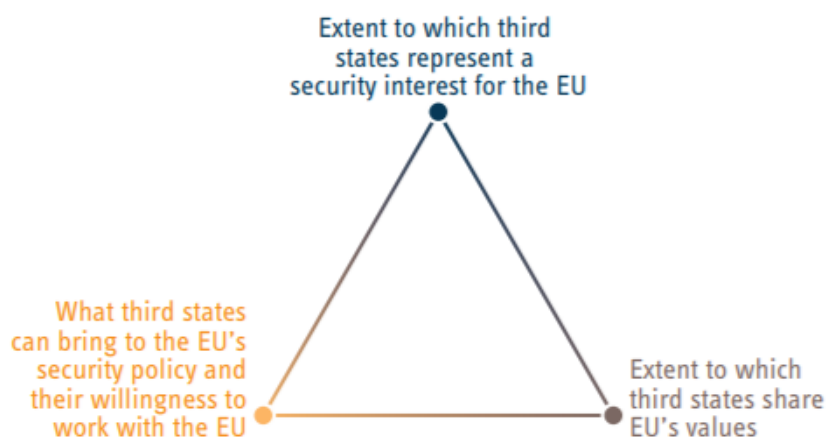
when it comes to the area of anti-piracy, border security, training, anti-human trafficking and so on, the CSDP offers the UK something that NATO is not able to (Bakker et al., 2017b). As former Defence Minister Michael Fallon (2016, as cited in Dathan, 2016, p.1) stated in the past:

“Of course we won’t be members of the European Union, we won’t be participating in the same way, but we will certainly have a national interest in the success of those [CSDP] missions, because if they are not successful, our trade and our security and our immigration will be affected.

2.2.2 CSDP relationship between third countries and the EU

For partnerships in general, the key question is, which third countries does the EU aim to establish partnerships with, and how? The Council of the EU (2017, p.5) has indicated that they [the EU] “(i) focus on partner countries that share EU values, including the respect for international law, and are able and willing to contribute to CSDP missions and operations, (ii) closely involve Member States, and (iii) fully respect the EU’s institutional framework and its decision-making autonomy”. Considering that the UK is still part of the EU till date, it is fair to assume that it shares EU values, even after the Brexit. This is also clear when considering May’s (2017, p.1) statement used in the introduction that “our commitment to the defence- and indeed the advance- of our shared values is undimmed”. Moreover, the UK is, and has been contributing to missions and operations since the start of the CSDP, and has indicated to be willing to continue to do so after Brexit in several documents (see for instance HM Government, 2018a, p.34). The UK also meets the other partnership requirements. Not only does the UK want to continue to cooperate with other EU Member States after Brexit, it also has noted on several occasions that it will respect the decision-making autonomy of the EU after Brexit. Among others, this is shown by the UK’s statement that “the UK wants to reach a security partnership with the EU that promotes our shared security and develops our cooperation. It must respect both the decision-making autonomy of the European Union and the sovereignty of the United Kingdom” (HM Government, 2018a, p.7). It is therefore possible to conclude that the UK meets the three requirements of the Council of the EU. Moreover, in respect to the willingness of the EU to involve third states in CSDP missions and operations, as well as the specific target countries of these missions and operations, Tardy (2018a) argues that there is the so-called prioritization triangle:

Figure II (The prioritisation triangle)



As can be indicated from figure II, Tardy (2018a) argues that the EU focuses on three indications for deciding where to deploy certain CSDP missions and operations and with whom. Third countries have been joining CSDP missions and operations ever since the first mission in 2003, and have been involved in nearly all missions and operations (Ashton, 2014). EU candidate countries tend to contribute to CSDP missions and operations with the aim of profiling themselves and getting to know the different components of the EU. This is also important to the EU, providing them with insights on how candidate countries interact and to establish or deepen political ties (Tardy, 2014). Moreover, countries such as Brazil, Georgia and South Africa, are mainly interested in joining CSDP missions and operations in order to raise their international profile (Tardy, 2014). Additionally, Tardy (2014) indicates that involvement of countries such as Turkey and Russia potentially use CSDP participation as a means to influence EU policies. This latter seems controversial. Yet, Tardy (2014) argues that there are two main dimensions for third country participation from an EU perspective, which can explain these involvements. Namely, capacity, and politics. When referring to capacity, the EU sometimes lacks expertise, assets and personnel. Hence, third countries involvement can provide the solution for the EU. This could also be a key driver in the UK-EU relationship post-Brexit, considering the UK's extensive expertise in the field of security and defence. Moreover, as stated earlier, the UK is the largest defence spender in Europe and is in possession of approximately 20% of the EU's total military capabilities (Bakker et al., 2017b). These facts could fuel the capacity argument of involving the UK in CSDP missions and operations post-Brexit. Moreover, the political dimension of third country participation is considered to be the most important. The EU is aimed at being visible and effective in crisis management situations, which is dependent on their ability to attract third countries and institutionalise relationships. The EU attempts to demonstrate soft power in this regard, i.e. "by nature of appealing rather than threatening" (Tardy, 2014, p. 4). Nonetheless, third country contributions to CSDP missions and operations remain small, making it difficult for third countries to significantly influence missions and operations. Generally speaking, third states are required to comply with the EU's agenda and procedures in CSDP activities. Considering the UK's current role in the EU and beyond, this is likely to conflict with its ambitions of a future EU-UK CSDP relationship. The results of this research devotes little attention to the question why third countries join CSDP missions and operations. Rather, the possibilities of a CSDP partnership in light of the EU's missions and operations after Brexit is key. In this regard past third country agreements and experiences, as well as the expectations and demands of the EU and the UK are crucial. The following paragraph will go into more detail about the methodology of this research, explaining how the answers to the sub-questions of this research have been gathered.

3 Methodology

The research method of this thesis can be described as conducting qualitative research, mainly by focussing on the question ‘how’. As discussed in the introduction, the central question of this research is: *to what extent is the United Kingdom able to continue participating in the European Union’s CSDP missions and operations after Brexit?* At first glance, judging to what extent the UK would be able to join the CSDP after Brexit is speculative, since the country calls for ‘a special relationship’, i.e. a relationship that exceeds any other relationship between the EU and third countries in light of the CSDP. Such agreements do not yet exist, meaning that there is no straightforward answer to the question. Yet, since it is still questionable whether the UK will be able to achieve a special CSDP relationship in the first place, looking at previous examples of third country participations in the CSDP made it possible to outline the options available to join the CSDP as of this moment. Doing so required to emphasize desk research, since it was first of all important to understand which third countries have joined CSDP missions and operations in the past and present as well as how, by scrutinizing agreements closed. The procedure to conclude agreements between the EU and third countries is based upon Article 218 TFEU (see annex I for full text). This is a crucial clause, considering that it allows for agreements to be closed between the EU and third countries. The UK will become a third country in the eyes of the EU after Brexit, and agreements, either existing or completely new, will have to be closed in order to continue taking part in the CSDP. There is currently no database which indicates third country involvement in CSDP military operations and civilian missions. Yet, this information was essential in order to understand which third countries have joined CSDP missions and operations, and how. The European External Action Service (EEAS) provides an overview of all finished and pending missions and operations on their website till date, but does not provide a clear overview of the specific third countries involved in CSDP missions and operations. Moreover, Tardy (2014) has identified third country contributions to CSDP operations up until 2014, whilst Carrasco, Muguruza & Sánchez (2016) have identified all CSDP missions and operations between 2003 and 2016. Both data have been used as a starting point for gathering third country contributions. The following paragraph elaborates on how information of each sub-question has been gathered into more detail.

3.1 Analysis of empirical sub-questions

The first sub-question focuses on: *which CSDP missions and operations of the European Union do third countries take part in since 2003?* The second question has been defined as: *how do third countries participate in CSDP missions and operations of the European Union since 2003?* Both questions have been analysed by means of cross-examining two databases in order to create a catalogue. First of all, the Treaties Office Database of the European External Action Service (EEAS, 2017a) has been scrutinized. This database consists of bilateral and multilateral international treaties and agreements, which have been concluded by the EU (EEAS, 2017a). Besides that, the Official Journal of the EU (n.d.) has been consulted. The journal devotes a special section to international agreements, consisting of a collection of agreements concluded by the EU and third countries. In order to find the specific agreements closed with third countries and the EU in light of CSDP missions and operations, the website of the EEAS served as a starting point, by defining all CSDP missions and operations initiated thus far. The website of the EEAS provides an overview of all CSDP missions and operations, but is limited, since it does not go into great detail about the third countries involved in the respective missions and operations. Therefore, the respective missions and operations have been scrutinized in the Official Journal of the EU and the Treaties Office Database of the EEAS to define the third countries involved, as well as the tools of cooperation. Collecting information through the databases provided an overview of EU CSDP missions and operations in which third countries have participated, as well as the types

of missions and the specific agreements closed between the EU and third states. The official names of finished and pending missions and operations, retrieved from the website of the EEAS, served as keywords in the Official Journal of the EU. Additionally, within the Treaties Office database of the EEAS (2017a), attention has been devoted to the section 'List of treaties by activity: Foreign and Security Policy'. This list indicates treaties closed in light of the CFSP, which also include agreements closed concerning the CSDP. Specific CSDP agreements have been filtered by focusing on 'Participation Agreement' (PA), 'Framework' and 'Exchange of Letters', which are tools to close CSDP agreements with third countries. Additionally, keywords included Framework Participation Agreement (FPA), Berlin Plus Agreements and Committee of Contributors (CoC). The reason being that FPAs and PAs form the main means of cooperation between the EU and third countries in CSDP missions and operations. Once third countries are involved in CSDP mission and operations, a CoC is set up, detailing the third states involved in specific missions and operations. Hence, including Committee of Contributors as a keyword in this research, allowed for an overview of involved third states for specific missions and operations. Additionally, the Berlin Plus Agreements offers countries a unique way of joining CSDP missions and operations through NATO, which has been included as a keyword to discover all CSDP agreements closed with third countries. Furthermore, this research has made a distinction between the types of missions closed with third states. Article 42 (1) TEU, stipulates that:

"The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States".

In practice this means that the CSDP consists of both civilian and military missions and operations. This distinction has also been made in the results. Moreover, considering that the EU may use civilian and military assets in a variety of ways, such as to prevent conflicts, the results divide missions and operations into their respective category. This has been done to discover whether such distinctions have an effect on the involvement of third countries and the availability of agreements closed. Only missions and operations deriving from the CSDP have been included from the year 2003 until now by including a time range between 2003 until 2018 in the Treaties Office Database and the Official Journal of the EU. The main reason being that the first CSDP mission was initiated in 2003.

The final sub-question involves: *which parameters have to be taken into account in order to establish a framework for the United Kingdom to continue to participate in the European Union's CSDP by means of missions and operations?* First of all, one of the parameters that has been taken into account in this research is the UK's stance towards post-Brexit CSDP cooperation, as well as the EU's stance towards this matter. The main means of acquiring the UK's stance towards post-Brexit CSDP cooperation consisted of analysing official documents by the HM Government concerning post-Brexit cooperation. This included Theresa May's Florence speech (May, 2017), the Foreign policy, defence and development: A future partnership paper (HM Government, 2017), Framework for the UK-EU Security Partnership document (HM Government, 2018a) and the recently published White Paper of the HM Government (2018b), called The Future Relationship Between the United Kingdom and the European Union. Gathering information of the EU's stance has been obtained

by official speeches of the High Representative of the EU for Foreign Affairs and Security Policy, Federica Mogherini. Additionally, the European Parliament's (2017b) resolution on negotiations with the UK following its notification that it intends to withdraw from the EU has served as a key document, as well as information of the Task force on Article 50 (2018), the Directorate-General for External Policies of the Union (2018), the European Council (2018) and the European Parliament (2018). Moreover, information of the second sub-question has been used to define issues that have occurred due to third country partnerships in the past. This made it possible to reflect on the stances of the UK and the EU, by indicating the extent to which the current available agreements align with what the UK and the EU propose. Additionally, the description of the EU's and the UK's stances towards post-Brexit CSDP cooperation allowed for a reflection on the similarities and differences between both stances. Finally, research papers and essays of academics from sources such as Scopus and Google Scholar have been used to provide more theoretical insight in the possibilities of a suitable post-Brexit CSDP cooperation framework. Keywords included CSDP OR Common Security and Defence Policy AND Brexit, as well as EU missions OR operations AND Brexit. Other keywords consisted of Enhanced FPA OR Framework Participation Agreement, Norway Plus, European Intervention Initiative AND Brexit. Main sources in this regard included Bakker et al., (2017), Tardy (2014 & 2018b), DG For External Policies of the Union (2018), Koenig (2018), Cameron (2017), Barnier (2017 & 2018), Chappell & Barrinha (2018), Biscop (2018), Boffey (2018) and Major & Ondarza (2018).

3.2 Units of analysis and variables

Units of analysis relate to the what and who that is being studied in this thesis. The unit of analysis of this research is the UK, since this is the main entity that is being analysed. The research analyses to what extent the UK will be able to join CSDP missions and operations after Brexit, among others by examining past third country experiences. Besides that, alternative options that have not yet been explored in previous partnerships have been discussed, taking into account the UK's and the EU's proposals for post-Brexit CSDP cooperation. Based on the research question of this thesis, the main dependent variable is the UK's ability to join CSDP missions and operations. This is the variable that is being affected by the independent variables, the Brexit, past third country participation and experiences in the CSDP, potential new means of CSDP partnerships, as well as the UK's and the EU's stances towards the matter, including expectations, demands and legal considerations.

3.3 Conceptualization and operationalization of variables

According to Babbie (2013, p. 166) conceptualization is "the mental process by which fuzzy and imprecise notions (concepts) are made more precise and specific". First of all, key variables of this research, consists of the Brexit and the CSDP. Secondly, participation in the CSDP, third countries, CSDP missions and operations, past CSDP cooperation challenges, and the EU's and the UK's stances towards post-Brexit cooperation are important concepts in this research. The reason being that all of these concepts affect the ability of the UK to join CSDP missions and operations after the Brexit. Consequently, giving a definition of these concepts provides a better understanding of the elements of this research.

Brexit is a combination of the words Britain and exit, hence "it is a shorthand way of saying the United Kingdom is leaving the EU" (Hunt & Wheeler, 2017). This covers the date of the decision to leave the EU on the 23th of June 2016 until the cession on the 29th of March 2019 (May, 2017). Therefore, *participation after Brexit*, implies the period after the 29th of March 2019. It is not possible to predict if and how the UK will join CSDP missions and operations after Brexit. Therefore this research has focused on existing and new options to join CSDP missions and operations after Brexit. This has been measured by looking at past experiences,

potential future cooperation efforts, as well as the position of the EU and the UK in this matter. This included discussing previous third country participations in the EU's CSDP, legal and political challenges that have occurred during these partnerships, information of scholars, and statements by EU and UK officials regarding future CSDP relationships. Another key concept in this research consists of the Common Security and Defence Policy (CSDP), which should not be confused with the Common Foreign and Security Policy (CFSP). The CSDP deals with peace-keeping operations, conflict prevention and international security (EEAS, n.d.a). The CSDP is part of the wider CFSP, acting as EU's foreign policy. Specifically, Section 2, Article 49 (a) of the Treaty of Lisbon indicates that "the common security and defence policy shall be an integral part of the common foreign and security policy". The CSDP replaced the former European Security and Defence Policy (ESDP) and aims to establish a collective European defence capability. In contrast, the CFSP consists of all areas of foreign policy, and EU's security.

Moreover, participation in the CSDP has been divided into direct participation by being an EU member and indirect participation through third countries' involvement in the CSDP. Indirect participation in the CSDP mainly occurs by means of forming a Framework Participation Agreement for CSDP missions and operations in general. Secondly, third countries are able to join CSDP mission and operations by closing a Participation Agreement for a specific mission or operation. This latter also includes participation through the Berlin Plus arrangements, and letters of exchange, since these tools are used for missions or operations on a case-by-case basis. After Brexit the UK will no longer be part of the EU, thus this research has focused on indirect participation in the CSDP. Article 42 TEU stipulates that the CSDP provides the EU with "an operational capacity drawing on civilian and military assets... the Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the UN Charter". Missions and operations in this research have been restricted to missions and operations in the light of the CSDP. The reason for including both missions and operations as terms in this research, is due to the fact that, despite seemingly similar, both are different. When referring to CSDP missions, the EU refers to civilian CSDP activities, whilst operations concern military CSDP activities. This is also shown by Tardy (2015a, p. 17), which indicates that "in EU parlance, CSDP military activities are called 'operations' while civilian activities are called 'missions'". Moreover, in EU-jargon, the definition of a third country can be defined as a country that is not member of the Union. Consequently, after the Brexit, the UK falls within the scope of this definition. Furthermore, participation in the CSDP by third countries has been measured by acceptance of either a Framework Participation Agreement (FPA) with the EU, closing a Participation Agreement (PA), and an agreement in the form of an exchange of letters and the Berlin Plus arrangements. These options provide the political and legal foundation of outside cooperation in the CSDP (Tardy, 2014). Finally, the EU's and the UK's stances towards post-Brexit cooperation are defined on the basis of official sources that represent the UK and the EU. The specific sources that have been used in this regard have been discussed in paragraph 3.1.

3.4 Validity and reliability

Validity is "the appropriateness, meaningfulness, and usefulness of the specific inferences made from the measures" (Dooley, 2000, p. 9). Concerning content validity, it is crucial to measure what we want to measure. Moreover, reliability is "the degree to which observed scores are free from errors of measurement" (Dooley, 2000, p.9). Thus, others should be able to come up with similar results under the same conditions. According to Lincoln and Guba (1985, as cited in Golafshani 2003, p. 601), "reliability and validity are essential criterion for quality in quantitative paradigms, but in qualitative paradigms the terms credibility, neutrality or confirmability, consistency or dependability are essential criteria for quality". This research is qualitative in nature. Following Golafshani's (2003, p. 604) view "reliability and validity are conceptualized as trustworthiness, rigour and quality in qualitative paradigms". This research has aimed to find convergence

between a variety of sources of information in order to provide a valid and reliable foundation to examine to what extent the UK is able to continue participating in CSDP missions and operations post-Brexit. The evidence provided in the sources used, the intended audience of the author(s) and the authority of the author(s) have been key in establishing the trustworthiness, rigour and quality of this research. For instance, when looking for third country participation in military operations and civilian missions, sources from the Treaties Office Database of the EU and the Official Journal of the EU have been used (EEAS, 2017a), since the authors provide credible evidence and possess high levels of authority. Besides that, the research has made use of sources from UK and EU officials, combined with sources from both Scopus and Google Scholar. Particularly in regards to the latter two sources, whether or not an essay, article or paper has been peer-reviewed has been key, as well as the function and reputation of the author in question, and the institution that it represents.

4 Third country participation in CSDP missions and operations

In order to be able to draw conclusions on the ability of the United Kingdom to participate in CSDP missions and operations after Brexit, this section devotes attention to past and present third country attendance in CSDP missions and operations. This central question of this chapter has been defined as: *which CSDP missions and operations of the European Union do third countries take part in since 2003?* According to Carrasco, Muguruza & Sánchez (2016), the EU has initiated 34 CSDP missions and operations between 2003 and 2016. These missions can be divided into different types of missions and operations. In total, there have been ten military missions, 23 civilian and one civil-military operation (Carrasco et al., 2016). It should be taken into account that the name of some missions and operations have been changed over time. For instance, some missions and operations are extensions of earlier missions, e.g. EUPOL RD Congo followed on from EUPOL Kinshasa. Due to this reason, some missions and operations in this chapter have been counted as one. Chapter 2, Section 2 of Title V of the Treaty on European Union (TEU) indicates the provisions on the common security and defence policy, consisting of articles 42 to 46. Article 42 (1) TEU stipulates that the CSDP “shall provide the Union with an operational capacity drawing on civilian and military assets”. Consequently, CSDP missions have been divided into civilian and military missions and operations. According to Article 42 (1) TEU, for military missions it is key that military assets have been used, whilst in civilian missions, civilian assets have been used. This does not imply that ever mission, that has made use of military personnel has been a military mission. To give an example the EU Monitoring Mission in Aceh (AMM) was a civilian mission, instead of a military operation, despite the fact that some monitors had a military background. The EU Council Secretariat (2006, p. 2) indicated that “some monitors had a military background as this was necessary to perform certain technical tasks required by the mission”. The distinguishing factor here, was that none of the deployed personnel carried weapons.

Additionally Article 43 (1) TEU indicates that Article 42 (1) “shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation”. This clause shows the different types of civilian and military assets that can be deployed by the respective countries involved in CSDP missions and operations. The tables in the following paragraphs have focused more specifically on the content of each mission and operation, since the characteristics offered by article 43 (1) TEU tend to be rather broad. Additionally it is often not entirely clear to which of these categories a mission or operation belongs to. In essence, every mission and operation has been scrutinized in order to define the characteristics of each mission and operation. The tables below provide an alphabetical overview of respectively, finished and pending CSDP missions initiated since 2003, taking into account the type of cooperation, the category, location, duration, and the third countries involved. The most essential information of the tables below consists of the third countries involved, since this information is necessary to look at the agreements that have been closed between the respective third countries and the EU. The other information has mainly been included to see if there are any patterns between third countries involved and for instance the type, location or duration of the respective missions and operations.

4.1 Finished CSDP missions and operations

Table I (Finished CSDP missions and operations)

Mission	Type	Category	Location	Duration	Third countries
Aceh Monitoring Mission (AMM)	Civilian	Monitoring	Aceh/ Indonesia	Sep 2005 – Dec 2006	Brunei, Malaysia Norway, Philippines Singapore, Switzerland, Thailand
Artemis	Military	Peacekeeping (ceasefire agreement)	Democratic Republic of Congo	June 2003 – September 2003	Canada, Brazil, South Africa
Concordia/ FYROM	Military	Monitoring	Former Yugoslav Republic of Macedonia	Mar 2003 – Dec 2003	Iceland, Norway, Turkey
EUAVSEC	Civilian	Advisory and training	South Sudan	June 2012 – January 2014	-
EUFOR RCA	Military	Humanitarian aid	Central African Republic	February 2014 – March 2015	Georgia, Serbia Turkey
EUFOR RD Congo	Military	Military	Democratic Republic of Congo	June 2006 – November 2006	Switzerland, Turkey
EUFOR Tchad/RCA	Military	Protection of civilians/ improving humanitarian situation	Eastern Chad, North East of the CAR	January 2008 – March 2009	Albania, Russia
EUJUST LEX	Civilian	Rule of law Mission	Iraq	July 2005- December 2013	Norway
EUJUST THEMIS	Civilian	Rule of Law Mission	Georgia	July 2004 – July 2005	-
EUPAT	Civilian	Police advisory	Former Yugoslav Republic of Macedonia	December 2005 – June 2006	-
EUPM BiH	Civilian	Police advisory	Bosnia- Herzegovina	January 2003 – June 2012	Canada, Iceland, Norway, Russia, Switzerland, Turkey, Ukraine
EUPOL Afghanistan	Civilian	Police advisory	Afghanistan	May 2007 – December 2016	Canada, Norway, New Zealand
EUPOL KINSHASA	Civilian	Police advisory	Democratic Republic of Congo	April 2005 – June 2007	Canada, Turkey, Angola, Mali
EUPOL PROXIMA/ FYROM	Civilian	Police advisory	Former Yugoslav Republic of Macedonia	December 2003 –	Norway, Switzerland, Turkey,

				December 2005	Ukraine
EUPOL RD	Civilian	Security Sector Reform (SSR)	Democratic Republic of Congo	July 2007-September 2014	Angola Switzerland, United States
EUSEC RD	Civilian	SSR	Democratic Republic of Congo	June 2005 – June 2016	United States
EU SSR Guinea-Bissau	Civilian	SSR	Republic of Guinea Bissau	June 2008 – September 2010	-

Comprised by the author, on the basis of a variety of sources: Carrasco et al. (2016), Council of the EU (2003; 2007a; 2007b; 2008a; 2008b; 2012a), EEAS (2003; 2005; 2006; 2009; 2010; 2012; 2014a; 2014b; 2014d; 2015a; 2015b; 2015d; 2016a; 2016b), Official Journal of the EU (n.d.), PSC (2008; 2014a; 2014b; 2014c) & Tardy (2014;2015b).

4.2 Pending CSDP missions and operations

Table II (Pending CSDP missions and operations)

Mission	Type	Category	Location	Duration	Third countries
ALTHEA/BiH	Military	Peacemaking (peace enforcement mandate USC 2183)	Bosnia-Herzegovina	Dec 2004 -	Albania, Argentina, Canada, Chile, Dominican Republic, the Former Yugoslav Republic of Macedonia, Morocco New Zealand, Norway, Switzerland and Turkey
EUAM Ukraine	Civilian	SSR	Ukraine	July 2014 -	Canada, Georgia Norway, Switzerland Turkey
EUBAM Libya	Civilian	Border control	Libya	May 2013 -	Georgia, Switzerland
EUBAM Moldova and Ukraine	Civilian	Border control	Moldova/ Ukraine	October 2005 -	-
EUBAM Rafah	Civilian	Border control	Gaza Strip/Egypt	November 2005	-
EUCAP Nestor EUCAP Somalia	Civilian	Advisory and training	Djibouti, Kenya, Somalia, Seychelles and Tanzania	July 2012-	Australia, Norway
EUCAP Sahel Mali	Civilian	Advisory and training	Mali	January 2015-	Switzerland
EUCAP Sahel Niger	Civilian	Advisory and training	Niger	August 2012-	-

EULEX Kosovo	Civilian	Assist and support Rule of Law	Kosovo	December 2008-	Canada, Norway Switzerland, Turkey United States
EUMAM RCA/ EUTM RCA	Military	Advisory and training	Central African Republic	March 2015-	Bosnia and Herzegovina Moldova, Georgia, Serbia
EUMM Georgia	Civilian	Monitoring	Georgia	October 2008-	-
EUNAVFOR MED	Military	Crisis management operation, specifically to tackle human smuggling/trafficking	Southern Central Mediterranean Sea	June 2015 – December 2018	-
EUPOL COPPS/Palestinian Territories	Civilian	Police advisory and rule of law	Occupied Palestinian territories	January 2006-	Canada. Norway, Turkey
EUTM-Mali	Military	Advisory and training	Mali	February 2013-	Albania, Georgia, Moldova, Montenegro Serbia, Switzerland
EUTM Somalia	Military	Training	Somalia	April 2010-	Serbia

Comprised by the author, on the basis of a variety of sources: Carrasco et al. (2016), Council of the EU (2009; 2012b; 2014; 2015), EEAS (2014c; 2015c; 2015e; 2016b; 2016c; 2017b; 2018a; n.d.b; n.d.c; n.d.d;), European Council & Council of the EU (2016), Official Journal of the EU (n.d.), PSC (2014d; 2014e; 2015a; 2015b; 2015c; 2015d; 2015e; 2016; 2017), & Tardy (2014).

Not all EU Member States involved in the missions and operations have contributed equally in terms of personnel and materials. This is also the case with third countries. Every EU Member State has to vote in favor of CSDP civilian operations for a civilian mission to occur. There is an exemption to military operations in this regard. Denmark is the only EU country with an opt out in CSDP military operations, meaning that they do not take part in these operations. In practice, not every EU Member State actually contributes personnel and resources to CSDP missions. For instance, despite the approval of all EU Member States regarding EUPOL RD Congo, seven EU Member States actually contributed personnel and resources to the mission, whilst only France, Portugal, Italy and Estonia contributed to EU SSR Guinea-Bissau) (EEAS, 2010). Thus, contributions vary per mission and operation. Additionally, the composition of the EU vary, depending on the mission involved, since new Member States have acceded over the years. Member States that have in the meantime become a EU Member State have not been considered as a third country in this research. The reason being that these countries were already either EU Member State candidate countries or acceding countries at the time. The objective of this research is to look deeper into the extent to which the UK is able to continue to take part in CSDP missions and operations after Brexit. Therefore, the next chapter of this research focuses on discussing how third countries have concluded agreements with the EU in light of CSDP operations and missions. The variety of means by which agreements have been closed gives insight in the current available options to join CSDP missions and operations. These options have the potential of offering a format for a post-Brexit CSDP partnership between the EU and the UK.

5 Cooperation between third countries and the EU's CSDP

In order to understand the processes underlying the civilian and military operations and missions of the previous chapter, it is crucial to understand third country participation in the CSDP. The following question is central in this chapter: *how do third countries participate in CSDP missions and operations of the European Union since 2003?* To formulate an answer to this question, the chapter starts off by providing an overview of the different means that allow third countries to join CSDP missions and operations by looking at the theory and legal texts. Moreover this chapter discusses the specific means of participation, in order to gain insight in the content and availability of these methods.

5.1 Participating in the CSDP

According to Tardy (2018a), there are at least six categories to which third states that join CSDP operations and missions belong to. These third states, are either involved, because the CSDP operations and missions are deployed in the respective countries, have signed a (Framework) Participation Agreement with the EU, have had political dialogues with the EU on counter-terrorism related issues, are European Neighborhood Policy (ENP) countries, are EU candidate or potential candidate countries, or have signed Migration Compacts with the EU. Belonging to one of these categories, does not rule out the possibility of belonging to other categories. For instance, Georgia and Bosnia-Herzegovina have been contributors as well as host states of some operations. There are currently two main ways that allows for third country participation in CSDP missions and operations. Firstly, the EU is able to close a Participation Agreement (PA) for a specific mission or operation. Secondly, there is the possibility of concluding a Framework Participation Agreement (FPA), allowing third country participation in any mission or operations by virtue of the EU (Bakker et al., 2017a). The third states that have joined CSDP missions and operations up until now, have done so by means of these two key agreements. With regards to the PA, there is the possibility of joining through the so-called Berlin Plus Arrangements or by means of an exchange of letters. This former offers third countries the possibility to join CSDP missions and operations as a NATO member through Berlin Plus Arrangements. The Berlin Plus has been used in the past. However, only on two occasions, namely during operation Concordia and EUFOR Althea. In order to conclude whether one of these scenarios could be a suitable partnership framework for the UK, information about past third country participation in the CSDP will be discussed. The following paragraphs start off by examining the legal aspects and current means of third country participation in CSDP missions and operations, followed by discussing the existing agreements into more detail.

5.2 Legal aspects and current third country participation

Despite the role of third states in missions and operations, it should be noted that EU Member States tend to provide the majority of assets and personnel (EEAS, 2016b). In this regard, the High Representative, together with the European Commission, is able to use both national and EU resources and instruments (Article 42 TEU). Article 42 (4) TEU stipulates that:

“Decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State”

CSDP missions and operations tend to be initiated on the basis of a request of the country that is in need of assistance, taking into account the principles of international law. The EU's decision to grant support depends largely on the EU's own security interests (European External Action Service, 2017). Decisions are therefore taken on a case-by-case basis. Additionally, CSDP missions can be joined by third countries if they wish to join. Decisions to launch missions and operations, require the approval of all EU Member States by means of a Council Decision. Nonetheless, it should be taken into account that, there are some exceptions. In some cases, an EU Member State can abstain from voting, without blocking a decision. According to Article 31 TEU:

“when abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union”

As the tables of chapter four indicate, the amount of third states involved ranges from mission to mission. For instance, the European Union Monitoring Mission (EUMM) in Georgia in September 2008, involved no third state, whilst the European Union Force Althea (EUFOR) involved as many as ten third states (Tardy, 2014). Up until now, every EU candidate Member State has participated in CSDP missions, signing FPAs. Moreover the countries that have joined the EU since 2004, and non-EU NATO states, including Canada, Iceland, Norway, Turkey, the United States and Albania have joined CSDP missions and operations in the past (Tardy, 2014). In particular, Turkey, Norway and Canada are major non-EU Member State contributors to CSDP missions and operations. Additionally, countries such as Brazil, South Africa and Russia have participated in CSDP missions in the past. The table below provides an overview of all third countries that have participated in CSDP missions and operations so far, and the amount of missions these countries have been involved in on the basis of the tables of the previous chapter.

Table III (Third country participation in CSDP missions and operations)

European countries	Number of contributions to missions/operations	Other	Number of contributions Missions/operations
Albania*	3	Angola	2
Bosnia and Herzegovina*	1	Argentina	1
Former Yugoslav Republic of Macedonia*	1	Australia*	1
Georgia (Eurasia)*	5	Brazil	1
Iceland*	2	Brunei	1
Mali	1	Canada*	8
Moldova*	2	Chile*	1
Montenegro*	1	Colombia*	0
Norway*	11	Dominican Republic	1
Russia (Eurasia)	2	Malaysia	1
Serbia*	4	Morocco	1
Switzerland	11	New Zealand*	2
Turkey (Eurasia)*	10	Philippines	1

Ukraine*	2	Singapore	1
		South Africa	1
		Thailand	1
		The Republic of Korea*	0
		United States*	3
Total:	56		27

* Third countries that have signed an FPA with the EU

In total 30 third states have joined CSDP missions and operations, of which more than half (18) signed an FPA. Additionally, four third countries have joined EU battlegroups, namely Turkey, Macedonia, Norway and Ukraine. However, to narrow the scope, this research deals specifically with CSDP missions and operations. As noted before, countries that have in the meantime become EU Member States, are not considered as third countries in this research. Table III above shows that Albania, Canada, Chile, former Yugoslav Republic of Macedonia, Georgia, Iceland, Republic of Moldova, Montenegro, Norway, New Zealand, Serbia, the Republic of Korea, Turkey, the United States, Ukraine, Australia, Bosnia-Herzegovina and Colombia have signed an FPA (Ashton, 2014; Rehrl, 2017; Tardy, 2018a). Two of these countries have yet to join a CSDP mission or operation, namely the Republic of Korea and Colombia. Moreover, even though Colombia signed an FPA in 2014, the date of entry into force is still pending at this moment. The remaining third states have closed ad hoc agreements with the EU, either through signing a PA for a specific missions or operation, or by concluding an agreement in the form of an exchange of letters.

5.2.1 (Framework) Participation Agreements

The most common agreement closed between the EU and third states in light of the CSDP is the FPA. In essence, FPAs lay out the legal basis of third country participation in CSDP operations and missions, thus laying out the rules governing third country participation. This includes detailing the status of resources, the means of information exchange, the role of third countries in the decision-making process, the nature of the operation, as well as financial aspects (Tardy, 2014). Annex II provides an example of an FPA closed between the EU and Turkey, which was signed in 2006. The general guidelines of FPAs can be found back in essentially any FPA closed with third countries. Therefore one example of an FPA can be used as a general template for FPAs in general. FPAs are bilateral agreements, which are concluded on the basis of Article 37 TEU and Article 218 TFEU. Title V Chapter 2 Section 1 Article 37 TEU stipulates that “the Union may conclude agreements with one or more States or international organisations covered by this Chapter”. In this case this implies areas falling under the CFSP and therefore also includes the CSDP. Article 218 TFEU stipulates the procedure for the closure of agreements between the EU and third countries or international organisations (see annex I). Moreover, Article 37 (2) TEU indicates that, in these cases, the Council opens negotiations, adopts directives, signs agreements and concludes them. There are some exceptions to the use of these clauses in FPAs. Specifically the FPAs of Turkey, Canada, Ukraine, Iceland, Norway and Romania have been closed solely on the basis of Article 24 TEU. Yet, this given can be explained by looking deeper into the actual clauses. According to the opinion of Advocate General Jääskinen in the case *Etilalina Spa v Eulex Kosovo* (2015, p.5), “as regards relations with the host country, the European Union usually concludes agreements with host countries under Article 37 TEU (formerly 24 TEU)”. Consequently, Article 37 TEU has replaced Article 24 TEU.

FPAs can be closed for both civilian missions and military operations. The exact structure and content of FPAs differ depending on the third state involved. Nonetheless, FPAs always indicate that third country

contributions to CSDP missions and operations are ‘without prejudice to the decision-making autonomy of the European Union’. See for instance FPA of Turkey in annex II. This principle generally leads to some degree of tension between the EU and its partners. The reason being that as Bakker et al. (2017a, p. 11) put it, “this means that non- member states are largely kept outside the decision-making process”. Moreover, taking the example of Turkey’s FPA (annex II, Section 2, Article 6 (5)):

“The Republic of Turkey shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with the legal instruments referred to in Article 2(1) of this Agreement”.

This principle is included in all FPAs that have been closed between the EU and third countries. Yet, besides day-to-day management, third countries are generally invited to contribute to CSDP missions and operations at a late stage. Third countries are not involved in drafting the operations. Rather, third countries only receive access to relevant documents once the participation has been accepted by the Political and Security Committee (PSC). In practice, third countries are expected and required to accept the EU’s schedule and procedures (Tardy, 2014). Informal contacts between the EU and third states do occur, but third states have no formal role when it comes to the drafting of the concept of operations (CONOPS), the operation plan (OPLAN), nor in force generation conferences (Bakker et al., 2017a). When it comes to accepting certain third states, FPAs indicate that “the Union will decide whether third States will be invited to participate in an EU crisis management operation” (annex II (2)). Following this invitation, the respective third State(s) “may accept the invitation by the European Union and offer its contribution, in such case, the Union will decide on the acceptance of the proposed contribution” (annex II (2)). Additionally, once the EU has accepted the proposed contribution, and an FPA has been closed, the conditions of the participation in CSDP missions and operations are specified in the agreement. This means that conditions are laid down for future participation as well, instead of being defined on a case-by-case basis for each mission and operation, as is the case with PAs. It should be taken into account that third countries that have signed an FPA still decide on a case-by-case basis whether they want to participate in certain EU crisis management operations or not. FPAs therefore provide a format for future CSDP partnerships between the EU and the respective country.

The procedure of closing FPAs is not different from signing other international agreements between the EU and third countries. The main difference is that the EEAS leads the negotiations after the Council has given its mandate, who keeps the final say (Minard, 2014). The PSC has agreed a general template for FPAs. Therefore, the actual text of FPAs tend to be very similar. The text of FPAs are divided into ‘provisions on participation in civilian crisis-management operations (Section II) and provisions on participation in military crisis-management operations (Section III)’. When it comes to civilian missions, third states remain jurisdiction over its personnel participating in the respective crisis-management operation(s) and are therefore also responsible for answering claims linked to their participation in CSDP missions and operations (Section 1, Article 2 (4) General provisions FPA). The chain of command of FPAs indicate that “... shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis-management operation in mind” (annex II, article 6 (1)). Despite the fact that personnel remains under full command of the national authorities (Article 6 (2) FPA), article 6 (3) the FPA of Turkey indicates that “national authorities shall transfer operational control to the EU civilian crisis-management operation Head of Mission, which shall exercise that command” (annex II). Moreover, the financial aspect of FPAs indicates that “... shall assume all costs associated with its participation in the operation apart from the costs which are subject to common funding, as set out in the operational budget of the operation” (annex II, article 7 (1)). It should be noted that even

though third countries are obliged to contribute to the financing of the operational budget (in civilian missions) or common costs (in military operations), third countries are exempted from financial contributions in two cases. Firstly this is the case when the EU argues that the respective third state provides a 'significant contribution' which is essential to the respective mission. Secondly, this is the case if the respective third state has a GNI per capita which is lower than that of any EU Member State (House of Lords, 2018). The respective third countries are also responsible for paying compensation once liability has been established, in case of "death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted" (annex II, article 7 (2)). The clauses underlying military crisis-management operations are nearly identical to that of civilian crisis-management missions. The difference is that national authorities are required to transfer operational and tactical command of their forces to the EU Operation Commander in military operations, instead of to the operation Head of Mission (annex II, article 10 (2)). In general, FPAs may be denounced by one of the parties involved, i.e. the EU or the third country, by written notice to the other Party. Denunciation will take effect six months after receiving such notification by the other Party (annex II, article 16 (5)).

As opposed to FPAs, PAs are made on a case-by-case basis (House of Lords, 2018). Just like FPAs, PAs are bilateral agreements. PAs are concluded on the basis of Article 37 (ex Art. 24) TEU and specify procedures, command and control structures, legal aspects as well as financial contributions of the third state. The content of ad hoc participation agreements are similar to that of FPAs. The main difference is that FPAs lay out the guidelines for CSDP missions and operations in general, whilst PAs focus on a specific mission or operation. Consequently, PAs do not elaborate on the guidelines for both civilian and military missions, but focus on guidelines for the specific mission or operation of the agreement, which can either have a civilian or military nature. Among others, Argentina, the Dominican Republic, Morocco, Switzerland and Russia have signed PAs in the past. Besides PAs, ad hoc agreements also include agreements for a specific mission or operation in the form of an exchange of letters between the EU and the respective third country. Exchanges of letters also include that the respective third country shall participate in certain missions without prejudice to the decision-making autonomy of the EU. Similar procedures, command and control structures and legal and financial aspects apply to agreements in the form of an exchange of letters. The EU has signed agreements in the form of exchange of letters with Brunei, Malaysia, the Philippines, Singapore and Thailand in the past. These specific agreements were all closed with regard to the European Monitoring Mission (AMM) in Aceh (Indonesia). The remaining third states that have joined CSDP missions on the basis of ad hoc agreements are Angola (EUPOL Kinshasa, EUPOL RD Congo), Brazil (Artemis), South Africa (Artemis) and Mali (EUPOL Kinshasa). Brazil and South Africa have joined these missions, mainly through logistical assistance. To conclude, third states have joined CSDP missions and operations through FPAs, followed by PAs, including by means of letters of exchange. Among these tools through which third states have joined CSDP missions and operations, there are the Berlin Plus Arrangements. This type of agreement can be regarded as a form of a PA, and will be discussed below.

5.2.2 Berlin Plus arrangements

The Berlin Plus arrangements were closed in early 2003 between the EU and NATO and gives the EU access to NATO assets and capabilities in EU-led crisis management operations, hence including operations concerning the CSDP. The creation of the CSDP has been fundamental in the development of the Berlin Plus agreements, mainly due to concerns over duplication of efforts (EEAS, 2016d). In exchange for access to NATO capabilities, the EU allows NATO members to support EU operations, without directly involving NATO as a whole. Specifically, the Berlin Plus arrangements can be divided into the following elements (NATO, 2004, p. 4):

- “a NATO-EU Security Agreement (covers the exchange of classified information under reciprocal security protection rules);
- assured EU access to NATO's planning capabilities for actual use in the military planning of EU-led crisis management operations;
- availability of NATO capabilities and common assets, such as communication units and headquarters for EU-led crisis management operations;
- procedures for release, monitoring, return and recall of NATO assets and capabilities;
- Terms of Reference for NATO's Deputy SACEUR - who in principle will be the operation commander of an EU-led operation under the "Berlin Plus" arrangements (and who is always a European) - and European Command Options for NATO;
- NATO-EU consultation arrangements in the context of an EU-led crisis management operation making use of NATO assets and capabilities; 5 THE NATO-EU STRATEGIC PARTNERSHIP
- incorporation within NATO's long-established defence planning system, of the military needs and capabilities that may be required for EU-led military operations, thereby ensuring the availability of well-equipped forces trained for either NATO-led or EU-led operations”

Till date there have been just two examples of the Berlin Plus arrangements being used for CSDP operations. The first one being Operation Concordia, followed by EUFOR Althea. Launching a CSDP operation by means of Berlin Plus, requires unanimity among NATO members. Three non-EU Member States have joined Operation Concordia, namely Iceland, Norway and Turkey. NATO assets were not strictly needed in Operation Concordia due to the limited nature of the operation. Yet, it was politically necessary for the relationship between the EU and NATO, considering that the Berlin Plus had just been agreed upon at the start of Operation Concordia in March 2003. Deploying a mission by means of the Berlin Plus arrangements does not impact the EU's decision-making authority and political control of the mission. This is shown for instance in the ‘agreement between the European Union and the Republic of Turkey on the participation of the Republic of Turkey in the European Union-led forces in the Former Yugoslav Republic of Macedonia’. The document indicates that “the participation of Turkey in Operation Concordia is without prejudice to the decision-making autonomy of the European Union” (Agreement between the European Union and the Republic of Turkey on the participation of the Republic of Turkey in the European Union-led forces in the Former Yugoslav Republic of Macedonia, 2003, p.1). This same sentence can be traced back in other agreements closed in the light of CSDP missions and operations. Participation through the Berlin Plus Arrangements therefore follow a similar format, but differs in the extent that it makes use of NATO assets. Ever since the first operations were launched by means of the Berlin Plus, the arrangements have been in a stalemate. This is largely due to the political conflict between Turkey and Cyprus surrounding the island of Cyprus (Mace, 2004). Cyprus, being an EU Member State, and Turkey, being a NATO member, but not an EU Member State have been blocking formal cooperation by means of the Berlin Plus agreement in recent years due to their differences (Græger & Todd, 2015). Turkey refuses to recognise Cyprus' government and has therefore blocks any possibility to conclude a security agreement between NATO and Cyprus. The lack of political willingness to solve the conflict means that it is unlikely that CSDP mission and operations will be initiated on the basis of the Berlin Plus agreements in the near future.

6 The parameters for post-Brexit cooperation

In this chapter, attention will be devoted to the last sub-question, namely: *which parameters have to be taken into account in order to establish a framework for the United Kingdom to continue to participate in the European Union's CSDP by means of missions and operations?* After outlining the current means of third country participation in the last chapter, it is key to look at factors that influence the possibility of concluding a CSDP partnership between the UK and the EU after Brexit. In order to conclude to what extent the UK is able to continue participating in CSDP missions and operations after Brexit, there are various parameters that have to be taken into account. Gaining a better understanding of the kind of partnership the UK is seeking for is crucial in this regard. Secondly this chapter provides a reflection on the partnership frameworks of the previous chapter, specifically focusing on challenges of the existing agreements. The reason being that these challenges provide insight in the feasibility of the current available cooperation methods for a possible EU-UK CSDP partnership post-Brexit. In this regard issues related to the type of partnership are emphasized, hence not on issues that have occurred in specific missions or operations. The reason being that issues related to specific missions and operations are dependent on factors, such as timing of the mission, countries involved, duration, amount of personnel deployed etc. Moreover, this chapter reflects on the challenges of realising the UK's position, in order to discuss to what extent the UK's proposal is possible and feasible. Among others, this highlights the degree to which the current available options are suitable for a post-Brexit EU-UK CSDP partnership. Thirdly, the EU's stance towards a post-Brexit CSDP partnership will be discussed, focusing on the area of missions and operations. Finally, by combining the various parameters, this chapter discusses suitable post-Brexit CSDP partnership frameworks. Special attention in this regard will be devoted to defining new types of partnerships, considering the UK's call for a deep and special CSDP partnership after Brexit.

6.1 The UK's stance towards a future CSDP partnership

In September 2017, the HM Government published a document called the foreign policy, defence and development: A future partnership paper. Within this document, the HM Government states the following (HM Government, 2017, p, 2):

“Given the shared values of the UK and EU partners, the capabilities we offer and the scale and depth of collaboration that currently exists between the UK and the EU in the fields of foreign policy, defence and security, and development, the UK seeks to develop a deep and special partnership with the EU that goes beyond existing third country arrangements”.

Moreover, the respective document indicates the fundamental aspects on which this new special partnership between the UK and the EU post-Brexit should consist of according to the UK. Concerning the CSDP, there are several key priorities the UK outlines:

1. “The UK and the EU should have regular close consultations on foreign and security policy issues. This could include cooperation on sanctions listings, including by sharing information and aligning policy where appropriate” (HM Government, 2017, p. 18).
2. “The UK would like to establish how best to utilize UK assets, recognizing the expertise and many military and niche capabilities that the UK contributes to the EU's military “Force Catalogue”. This

ambitious new partnership would provide the opportunity for the UK and the EU to work together in CSDP missions and operations” (HM Government, 2017, p. 19).

3. “With this level of cooperation, the UK could work with the EU during mandate development and detailed operational planning. The level of UK involvement in the planning process should be reflective of the UK’s contribution. As part of this enhanced partnership, the UK could offer assistance through a continued contribution to CSDP missions and operations, including UK personnel, expertise, assets, or use of established UK national command and control facilities” (HM Government, 2017, p. 19).
4. “As part of the deep and special partnership, the UK wants to explore how best to ensure that the UK and European defence and security industries can continue to work together to deliver the capabilities that we need to counter the shared threats we face, and promote our mutual prosperity. This could include future UK collaboration in European Defence Agency projects and initiatives. We could also consider options and models for participation in the Commission’s European Defence Fund including both the European Defence Research Programme and the European Defence Industrial Development Programme” (HM Government, 2017, p. 20).

In order to realise the UK’s ambitions concerning a new CSDP partnership, May (2017) has used the word ‘creative’ solutions five times during the Florence speech In 2017. Special emphasis in May’s (2017) speech is also given to ‘new thinking’ and being ‘imaginative’. This suggests that the UK is particularly interested in addressing new means of CSDP participation post-Brexit. The Directorate-General for External Policies of the Union (DG EXPO) (2018) describes the priorities of the UK as to “find a way of involving the United Kingdom even partially, in the process of making decisions in the field of the CFSP/CSDP”. Yet, so far nobody has managed to identify a concrete method that covers these ambitions. Additional viewpoints on a post-Brexit CSDP partnership can be found in the Framework for the UK-EU Security Partnership document, uploaded by the HM Government In May 2018 (HM Government, 2018a). This document, as the name suggests, focusses specifically on post-Brexit security cooperation. Instead of advocating for involvement in the decision-making procedure, the UK softened their stance, arguing that “the UK wants to reach a security partnership with the EU that promotes our shared security and develops our cooperation. It must respect both the decision-making autonomy of the European Union and the sovereignty of the United Kingdom” (HM Government, 2018a, p.7). This latter sentence implies that the UK recognises that it will not be directly involved in decision-making post-Brexit. Nonetheless, DG EXPO (2018, p. 10) argues that “it [the UK] still hopes to be able to access and influence it”. This is also shown by the HM Government’s (2018a, p.7) statement that “no existing security agreement between the EU and a third country captures the full depth and breadth of our envisaged relationship. The UK’s proposals are ambitious and achievable”.

At the time of writing, the most recent document detailing the UK’s stance derives from “the future relationship between the United Kingdom and the European Union White Paper” of the 12th of July 2018 (HM Government, 2018b). Within this White Paper the UK focuses on five key principles regarding a future security relationship. First, the UK reaffirms the UK’s call to respect the decision-making autonomy of the EU (HM Government, 2018b). The White Paper of July 2018 is rather decisive on this matter, arguing that “the UK will play no formal role in EU decision-making and will make independent decisions in foreign policy, defence and development” (HM Government, 2018b, p. 52). Another key principle of the UK includes to have “an institutional framework that delivers a practical and flexible [security] partnership” (HM Government, 2018b, p. 52). In order to achieve such a framework, the UK made several propositions for a tailored partnership with the EU:

1. "consultation and regular dialogue on geographic and thematic issues and the global challenges the UK and the EU face;
2. mechanisms to discuss and coordinate the implementation of existing and new sanctions
3. arrangements to enable cooperation on crisis management operations, including using civilian and military assets and capabilities to promote global peace and stability, where it is mutually beneficial;
4. commitments to support a collaborative and inclusive approach to European capability development and planning;
5. commitments to continue to work together to address global development challenges, supporting a cooperative accord between the UK and the EU on development and external programming;
6. continued cooperation on EU strategic space projects, including their secure aspects; and
7. a Security of Information Agreement that facilitates the sharing of information and intelligence."

Source: HM Government 2018b, p. 63).

Nonetheless, the UK only mentions that arrangements are needed to enable cooperation in the CSDP. The content of these arrangements remain unclear. The UK does indicate that future foreign policy, defence and development cooperation will most likely ask for "a combination of formal agreements enabling coordination on a case-by-case basis" (HM Government, 2018b, p.64). Particularly when it comes to consultation and coordination between the UK and the EU, the UK proposes additional four principles:

1. "consultation across all foreign policy areas, with regular dialogue between officials, ad hoc invitations to meetings, for example to the Political and Security Committee in informal sessions, provisions for discussion between EU27 leaders and the UK Prime Minister and at other political levels;
2. Information and intelligence sharing, for example through the EU Intelligence and Situation Centre (INTCEN), European Union Satellite Centre (SATCEN) and EU Military Staff (EUMS);
3. reciprocal exchange of expertise and personnel in areas of mutual interest and collaboration, which would enable greater understanding between the UK and the EU and thus facilitate practical cooperation; and
4. cooperation in multilateral fora, such as the UN, G7, G20, IMF, OECD, OSCE and World Bank, and in third countries, to enable the use of other foreign policy levers, including an option to agree shared positions and statements, joint demarches and jointly organised events, as well as cooperation on consular provision and protection"

Source: HM Government, 2018b, p. 64

Paragraph 2.4.3. of the White Paper specifically deals with CSDP missions and operations (HM Government 2018b, p. 65). In this regard, the UK proposes "arrangements to enable cooperation on crisis management operations, including using civilian and military assets and capabilities to promote global peace and stability, where it is mutually beneficial; and b. intensifying cooperation when needed, including during times of crisis" (HM Government, 2018b, p. 66). In order to achieve these propositions, the UK argues that "much of this can be done with existing third country precedents in this area" (HM Government, 2018b, p. 65). This could be conceived as a degree of willingness to enter into past third-country mechanisms. Nonetheless, the UK specifically mentions that "there are opportunities to build on existing precedents for third country participation in EU operations and missions, for example through an enhanced Framework Participation

Agreement” (HM Government, 2018b, p. 66). The UK persistently underlines mechanisms that go beyond that of other third countries due to, as the HM Government describes it, the “unprecedented nature of the UK-EU security relationship, given its starting point, potential scale and the shared values and interests” (HM Government, 2018b, p.65). This chapter continues by analysing the challenges a future EU-UK CSDP relationship might encounter following the UK’s stance. Besides that, the EU’s response and proposal regarding this area, as well as a discussion of a suitable future partnership will be discussed in the following paragraphs.

6.2 Challenges of realising the UK’s demands

In general, the content of existing third country agreements differ depending on the respective country involved. Yet, within all current means of third country CSDP participation, either by means of a FPA or PA, the EU indicates that all partners endorse the EU’s decision-making autonomy. In this regard, third countries are principally outside the decision-making procedures of the EU, meaning that they to a great extent have to accept the procedures and timeline of the EU. Third countries are therefore often regarded as second-class stakeholders. Tardy (2014, p.4) argues that that “by nature, non-member states’ participation in EU operations requires a certain degree of acceptance of EU practices, as well as a degree of subordination”. Third countries are only invited to support CSDP missions and operations at a late stage, and full access to EU documents is only accepted after approval by the PSC (Tardy, 2014). Once third countries are involved in CSDP missions and operations, the Committee of Contributors (CoC) is set up. Even though the CoC is supposed to function as a forum for information exchange between contributing third countries, it clearly has a subordinate role. Not only does it meet after the PSC, it also displays a lower level of representation.

When relating these findings and the experiences of other third countries to the UK’s stance in the previous paragraph, the UK is likely to find it challenging to accept a subordinate role in missions and operations. This is also shown by Besch (2016, p.8), which points out that “the UK will not want to accept the subordinate role that the EU currently assigns to non-EU troop-contributing countries”. Considering that the UK is a nuclear power, with a permanent seat in the UNSC, and taking into account the experiences of other third countries that have participated in the CSDP and the UK’s strategic ambitions, the UK is unlikely to enter into existing CSDP partnerships, such as through the PA or FPA (Chappell & Barrinha, 2018). Closing an (F)PA allows the UK to support missions and operations by contributing personnel. However, it leaves no room for participation in the decision-making process, nor power to decide if and where the EU launches an operation or mission, including its execution. The reason being, that such decisions are made in the PSC, supported by the Civilian Committee, the EU Military Committee, the Politico- Military Group, the Civilian Planning and Conduct Capability, and the EU Military Staff. Yet, the special partnership that the UK is prompting for with regard to the CSDP, will be challenging to set up unquestioned. Some third countries, such as Turkey and Norway, currently contribute vast numbers of troops to CSDP missions and operations. Consequently, Turkey and countries alike are expected to demand equal treatment if the UK was to receive a special relationship. The existing tools available to participate in CSDP missions and operations have so far never allowed third countries to be part of the decision-making procedure of the CSDP. This is one of the reasons why the United States has signed an FPA which is limited to civilian operations, since the country would never allow their troops to be under EU command (Tardy, 2014). As the DG EXPO (2018, p. 19) argues, “should London be granted too many privileges, many other countries would go back on the attack to call for similar rights”. Referring back to the example of Turkey, Turkey has called for representation in the PSC in the past, which has been refused, despite their major contributions. The UK’s leverage to influence the decision-making procedure, by for instance joining PSC meetings should not be overestimated. As indicated before, the UK’s military strength is not translated in actual contributions of personnel and resources. Therefore, it is unlikely

that the UK would be granted direct access to the decision-making procedures of the CSDP (Duke, 2018). Furthermore, the EU is determined to avoid disrupting the EU's relationship with other third countries. This would be difficult if the UK was to receive such privileges, whilst other third countries would not.

Nonetheless, it should be taken into account that the UK has softened its future CSDP stance by indicating on numerous occasions that it recognises the decision-making autonomy of the EU. Yet, the UK does prompt for the establishment of an enhanced FPA. However, such a mechanism does not yet exist. Besides that, the form of an enhanced FPA remains vague. At the very least, the UK will expect a degree of influence in the decision-making procedures of the CSDP. Yet, the European Commission's negotiators have followed several red lines throughout the negotiations, among which, avoiding the UK to influence the EU's decision-making autonomy. The extent to which the UK will be able to have representatives or permanent observers in EU decision-making bodies concerning the CSDP and CFSP, including its agencies, e.g. the PSC, EDA and the Committee of Permanent Representatives (COREPER), is therefore uncertain (DG EXPO, 2018). Besides that, the European Treaties do not make any provisions for potential third country attendance in the work of the European Council, nor the Council of the EU (Art. 15 TEU and Art. 36 TFEU). Following the Council's and European Council's Rules of Procedure:

“the presence at a Council meeting of a national of a third state as a member of the delegation of a member of the Council should be ruled out, as it could be regarded by the other members of the Council as a factor which could affect the decision-making autonomy of the Council” (Council of the European Union, 2016).

Nonetheless, third countries are allowed to occasionally participate at sessions of the Council of the EU. Yet, when concerning CSDP matters, this requires a unanimous decision. If the decision passes, the third country observer is allowed to give an opinion if invited by the Presidency of the Council, but participation in the discussions is out of the question. Additionally, the respective country is obliged to leave the meeting room when requested (DG EXPO, 2018). Concerning the European Council, similar provisions apply. According to Article 4.2 of the European Council's Rules of Procedure:

“Meetings in the margins of the European Council with representatives of third States or international organisations or other personalities may be held in exceptional circumstances only, and with the prior agreement of the European Council, acting unanimously, on the initiative of the President of the European Council” (Council of the European Union, 2016, p, 79).

Consequently, the EU is defensive when it comes to any outside influence. Yet, considering the fact that the EU does not strictly rule out the participation of third country representatives at the Council at all occasions, the UK considers that there is light at the end of the tunnel (DG EXPO, 2018).

6.3 The EU's stance

Before the 2018 Munich Security Conference, former Permanent Representative of Italy to NATO, Stefano Stefanini and the German diplomat Wolfgang Ischinger, indicated that the UK's military capacity equals to about 25% and 30% of the EU's total capacity. With this being said they argued "it is too little for the UK to stand alone; it is too much for the EU to do without it" (Ischinger & Stefanini, 2017, p.1). Nevertheless, the stances of the UK and the EU towards a future CSDP partnership are vastly different, and according to the DG EXPO (2018, p.14) "as far as the EU is concerned, existential in nature". One of the issues is that the EU Member States cannot allow the UK to shape their common policies after the Brexit. As indicated by the UK's softened stance, this is starting to be recognised by the UK as well. Nonetheless, there are some voices which argue that the security might be the exception to this rule. According to Ischinger and Stefani (2017, p.1), "the sphere of foreign policy and defence, including homeland and cyber security, will need to rely on strong and continuing EU-UK cooperation irrespective of Brexit. Trade can be transactional; security is not". The key argument in offering such an exemption is based on the given that the UK has a strong military, as well as great political influence globally. EU Member States, including the Netherlands, Poland, Sweden and the Baltic states are open to these arguments. Member States, including France, Germany and the European Commission, which have taken a tough position towards Brexit also acknowledges the important and unique nature of the CSDP. Therefore providing room for separate arrangements post-Brexit.

This does not mean that the UK's demands will be met. The main issue in this regard is that the UK prompts to be involved in the decision-making process of the CSDP in one way or another. This would in practice mean that the UK would have similar powers to that of EU Member States in the field of the CSDP. Despite the possibility for new arrangements to be closed with the UK post-Brexit, the EU has made no concessions on this matter. The European Parliament 'resolution on negotiations with the UK following its notification that it intends to withdraw from the EU', (European Parliament, 2017b, p.5) concludes the following: "a state withdrawing from the Union cannot enjoy similar benefits to those enjoyed by a Union Member State, and therefore announces that it will not consent to any agreement that would contradict this". Additionally point 25 of the general principles for the negotiations (European Parliament, 2017b, p.7) indicates that "after its withdrawal the United Kingdom will fall under the third-country regime provided for in Union legislation". Both statements are very clear and the EU is not likely to deviate from this stance. In general, cherry-picking which EU policies to take part in by any third country is out of the question. Nonetheless, the European Council (Art. 50) (23 March 2018) – Guidelines document (European Council, 2018, p.6), states that "A future partnership should respect the autonomy of the Union's decision-making, taking into account that the UK will be a third country, and foresee appropriate dialogue, consultation, coordination, exchange of information, and cooperation mechanisms". By indicating that the EU is interested in seeking appropriate dialogue, consultation and so on, it could be argued that the possibility for a degree of influence in the shaping of decisions exists. However, it is clear that formal access to the decision-making processes of the CSDP is out of the question. Therefore, consultations will most likely be focused on the exchange of views. It will be up to the EU, whether or not to take into account the UK's views. With regard to the exchange of information, the EU argues that a Security of Information Agreement would have to be concluded. Moreover, at the Berlin Security Conference in Berlin in November 2017, Michel Barnier (2017, p.2) drew five main conclusions regarding a post-Brexit CSDP partnership:

- The UK defence minister will no longer take part in meetings of EU Defence Ministers; there will be no UK ambassador sitting on the Political and Security Committee.
- The UK can no longer be a framework nation: it will not be able to take command of EU-led operations or lead EU battlegroups.

- The UK will no longer be a member of the European Defence Agency or Europol.
- The UK will not be able to benefit from the European Defence Fund the same way Member States will.
- The UK will no longer be involved in decision-making, nor in planning our defence and security instruments.

These conclusions have several consequences post-Brexit. At this moment, the Operation Headquarters of Operation Atlanta is based in Northwood (the UK), which therefore requires a transfer. Additionally, the Operational Command of Operation Althea currently held by the Deputy Supreme Allied Commander Europe (DSACEUR) will have to be transferred. The reason being that the position of DSACEUR is held by someone of British descent (Task Force on Article 50, 2018). These rules apply during the transition period. According to Article 121 (European Commission, 2018, p. 74) of the draft agreement on the withdrawal of the UK, “there shall be a transition or implementation period, which will start on the date of entry into force of this Agreement and end on 31 December 2020”. Consequently, the transition period will last from the 29th of March 2019 until the end of December 2020. Article 124 concerning specific arrangements relating to the Union’s external action (European Commission, 2018, p. 77) indicates that:

During the transition period, the United Kingdom shall not provide commanders of civilian operations, heads of mission, operation commanders or force commanders for missions or operations conducted under Articles 42, 43 and 44 TEU, nor shall it provide the operational headquarters for such missions or operations or serve as framework nation for Union battlegroups.

During the transition period, the United Kingdom shall not provide the head of any operational actions under Article 28 TEU.

Moreover, the UK will have to continue to contribute to the costs of the CSDP until the 31st of December 2020. It should be noted that these provisions are only applicable if the EU and the UK are unable to close a subsequent agreement. Following Article 122 of the Draft Agreement (European Commission 2018), if the EU and the UK were to close an agreement in light of a future CFSP or CSDP relationship, applicable during the transition period, these provisions cease to exist. This particularly applies to acts adopted on the basis of Chapter 2 of Title V of the TEU, and acts closed on the basis of those provisions.

Nonetheless, the EU is rather ambiguous regarding its reaction to the UK’s call for a special relationship. On the one hand the EU has indicated that it is open to “specific dialogue and consultation mechanism with the UK, considering the UK P5 status” (Task Force on Article 50, 2018, p.8). Yet, at the same time it argues that the EU will take into account “existing cooperation mechanisms with third countries” (Task Force on Article 50, 2018, p.8). One of the reasons being that the EU’s interests consist of “not disrupting EU’s relationships with third countries” (Task Force on Article 50, 2018, p. 16). The Task Force on Article 50 (2018, p. 17) does mention the possibility of concluding a “new and more ambitious framework applicable for third countries”. Moreover, Mogherini (2018, as cited in EEAS, 2018b, p.3) argues that “they [the UK] will be welcome to join in EU missions and operations’. Yet she stresses that “the UK will not have a seat at table for decision-making, but it will certainly be a close friend and strategic partner” (2018, as cited in EEAS, 2018b, p.3). Additionally Barnier (as cited in EEAS, 2018b, p.3) indicated that “the UK will not have the same rights as EU Member States, it will no longer participate in the decision-making of the EU. It will no longer have the

ability to shape and lead the EU's collective actions". The European Parliament's resolution on the framework of the future EU-UK relationship (2018) has reiterated the negotiation position of the EU. When it comes to the CSDP, the following statement indicates the limits, but also possibilities for a post-Brexit partnership (European Parliament, 2018, p8):

"The European Parliament notes that, on common foreign and security policy, the UK as a third country will not be able to participate in the EU's decision-making process and that EU common positions and actions can only be adopted by EU Member States; points out, however, that this does not exclude consultation mechanisms that would allow the UK to align with EU foreign policy positions".

The possibility of consultation mechanisms leaves the UK with some leeway to influence CSDP structures. According to the European Parliament (2018), such a partnership would be possible under the current forms of a FPA. However, considering that the UK is requesting a partnership that exceeds that of other third countries, this is unlikely to satisfy the UK. Adjusting the current mechanisms in place, or creating an entirely new mechanism for post-Brexit EU-UK CSDP cooperation therefore needs to be considered. As this research indicated there are three tools for a future partnership, either based on concluding an FPA, ad hoc agreements, such as the PA, exchange of letters or Berlin Plus arrangements, and concluding a new and more ambitious framework. In any case, it should be taken into account that, as Dr Duke (2018, p.1), Professor of the European Institute of Public Administration puts it, "any future role will be that of a facilitator rather than a leader". The table of the DG for External Policies of the Union (2018, p. 35) below gives a final overview of the positions of the UK and the EU towards a future CSDP partnership.

Figure III (The UK's and EU's stance towards future CSDP missions participation)

CSDP MISSIONS: THE UK'S DEMANDS	CSDP MISSIONS: THE EU'S RESPONSE
To influence the political decision-making process concerning the deployment of CSDP missions through a presence on the EU's decision-making bodies or the creation of new dialogue structures	No involvement in EU decision-making and no representatives on EU bodies. Only non-binding and non-systematic dialogue in forms still to be established will be considered.
To sign a unique and deeper FPA, allowing it to accede to the strategic direction of the operations in which it is prepared to engage. Other third countries would not enjoy the same conditions.	All FPAs could be amended to increase the involvement of third countries in missions. Access to command will, however, remain limited, although it could be more open to countries providing major contributions. No special FPA for the UK.
To make the Northwood HQ available to an EU mission and to be able to appoint a British national to head up its command.	No
To be able to continue to be a framework nation of the Battlegroups.	No

Source: DG for External Policies, 2018, p. 35.

The table makes clear that there is some room for negotiation regarding the signing of an enhanced FPA. The EU has argued in the past that the current form of FPAs could be changed to allow for deeper involvement of third countries. Nonetheless, it should be taken into account that this would not be created solely to meet the UK's demands. Instead the creation of a new format would most likely apply to all third countries involved. The following paragraphs will devote attention to the unique partnerships that the EU has closed with Norway, to argue whether such a partnership would be suitable. Moreover, specific attention will be devoted to the possibility and content of an enhanced FPA as well as other potential means of post-Brexit CSDP involvement.

6.4 Drawing inspiration from Norway Plus

Norway has contributed assets and personnel to a large variety of CSDP missions and operations. Norway's relationship with the EU is unique in this regard. Consequently, the UK could draw inspiration from the Norway Plus partnership framework. Norway currently has access to regular dialogue with regards to EU foreign and security policy. Moreover, Norway's agreement allows the country to join CSDP missions and operations, as well as cooperation in the European Defence Agency (EDA) (Cameron, 2017). Therefore, Norway's CSDP relationship with the EU comes closest to the deep and special relationship the UK is seeking. However, since Norway is not an EU Member State, it only has limited access in the decision-making procedures of the EU (Koenig, 2018). Norway struggles with similar decision-shaping problems that other third countries connected to the CSDP struggle with. Just like other CSDP partnerships, the Norway Plus does not grant Norway much influence in the planning of operations and missions, nor in decision-shaping in general. Norway has been pushing for complete participation in decision-shaping of the CSDP for up to 20 years, but without success (Koenig, 2018). Considering the UK's ambitious demands for a post-Brexit CSDP partnership framework, Norway Plus is unlikely to be extensive enough. Besides that, the UK's capabilities in the field of security and defence exceed that of Norway greatly. As mentioned before, existing models are therefore unlikely to provide an answer to the post-Brexit CSDP partnership question. This is also concluded by Malcolm Chalmers, Deputy Director-General of RUSI, (2018, p.11) which argues that "existing 'third-party' agreements with Norway, Switzerland or Canada, while valuable, do not provide an adequate model for future EU security relations with a large European ally and a soon-to-be former member". Norway's agreement does not give the UK the deep and special relationship that it is seeking for after Brexit (DG EXPO, 2018). In this respect Dr. Jacobs, senior lecturer of the Defence and International Affairs Department of the Royal Military Academy in Sandhurst (2018, as cited in House of Lords, 2018, p.60) argued that

"a relationship that is just another Norway, if I can put it like that, filling positions where there is no involvement in planning, and no strategic or management positions are possible, will potentially die out quickly, because my feeling is that the UK wants more than that".

6.5 Enhanced Framework Participation Agreement

This research has indicated that existing CSDP frameworks are unlikely to be considered as extensive enough following the UK's position. Consequently, alternative options for a post-Brexit CSDP partnership have to be discussed. As the White Paper of the HM Government (2018b) indicates, the UK is interested in closing an enhanced FPA. Such an option might very well be a suitable solution to post-Brexit CSDP cooperation. Yet, as discussed earlier, it should be taken into account that the EU is not interested in signing a unique FPA solely with the UK. Rather, such an enhanced FPA would have to be available to third countries in general. This is

not surprising, considering for instance the status of Norway and Turkey in CSDP missions and operations. As Tardy (2018b, p.3) argues

“either the EU accepts that the UK can be given such treatment and is prepared to explain this to other third countries with all the diplomatic risks that it entails, or the same treatment is somehow given to a selection of third countries, based on well-defined criteria”.

The UK's call for a special relationship has led to some far-reaching proposals. For example Whitman (2016), has proposed the idea of a 'reverse Denmark', which would entail a CSDP opt-in. A CSDP opt-in would essentially allow the UK to leave the EU, but stay in the CSDP. Such an option could be beneficial to the UK, but it is very unlikely that the EU will allow a third country to be part of the EU decision-making procedures. This is shown by the EU's reluctance to allow third countries similar powers to that of EU Member States. Moreover, Bakker et al. (2017b) notice that a special CSDP partnership with the UK will be problematic, due to the given that third states with vast numbers of CSDP troop contributions will demand a similar kind of special arrangement. Consequently, they argue that “it would therefore be wise to review the EU's current partnership arrangements and look for ways in which the involvement of third states could be improved” (Bakker et al., 2017b, p. 1). Considering the UK's demands and the EU's reaction, this research concurs with the view of Bakker et al. (2017b) to revise current CSDP frameworks. Recent events have added credibility to the options of an enhanced FPA. On the 18th of May 2017, the Council adopted conclusions, regarding security and safety related to the EU Global Strategy. Among others, the Council of the EU indicated to be in favor of developing deeper cooperation efforts with third states in the light of the CSDP (Tardy, 2018b). Recently, Frederica Mogherini (2017, p.6) proposed “to create a mechanism for closer and more constant coordination with the non-European Union countries and international organisations involved in our missions and operations, or otherwise associated to our policy in the field of security and defence”. Mogherini (2017, p.6) specifically refers to the UK's withdrawal from the EU, arguing that “this mechanism could become even more relevant to guarantee a strong and effective cooperation with the United Kingdom when they will leave the Union”. The EU's willingness to reform the content of FPA's could lead to greater third country involvement in the command of operations in cases of substantial contributions (DG for External Policies of the Union, 2018). Hence, this could offer the UK a more suitable CSDP participation framework.

The White Paper of the 12th of July 2018 does not go into great detail about what the UK's idea of an enhanced FPA entails, besides arguing that that post-Brexit CSDP cooperation would be settled on a case-by-case basis to prevent any violations of either the UK's sovereignty and the EU's decision-making autonomy (HM Government, 2018b). Additionally, as discussed earlier, the UK is interested in consultation with regular dialogue, e.g. through informal PSC sessions. A future EU-UK CSDP partnership may very well depend on the previously mentioned reforms. Drawing inspiration from other defence cooperation efforts provide some insights to how a future CSDP partnership could be arranged. It has been clear from the beginning, that no third state, including the UK post-Brexit, will be granted the same privileges as those given to EU Member States, whether it be in the sphere of the CSDP or any other area. Finding a balance between deeper third country involvement in CSDP missions and operations, combined with respecting the EU's decision-making autonomy is therefore essential.

6.5.1 A commitment based approach

There have been regular complaints about the relationships of CSDP missions and operations. The process is often compared with the way NATO is including third countries in procedures, which is believed to be much more successful. Consequently, the EEAS has been looking at ways to address the asymmetrical relationships in recent years, potentially by privileging cooperation with certain third countries (Tardy, 2014). This development could be crucial to the future of CSDP missions and operations, among others, with the UK. The EU could follow some of NATO's ideas in this regard. In 2010, NATO has increased the flexibility of the Partnership for Peace Programme (PfP). The member countries of the PfP are in control of deciding the pace, depth, breadth and focus of the partnership. There are three different documents to join such a bilateral partnership, depending on these factors. The most extensive of these is called the Enhanced Opportunity Partners Dialogue and Cooperation (EOP). The EOP was initiated during the Wales Summit in 2014, and the EOP is meant for partnerships with NATO's most interoperable associates. As a consequence, EOPs are more extensive than other means of cooperation, and are tailor-made. A similar type of partnership could be envisioned for the EU and its closest CSDP partners. The way NATO approaches the EOP is quite different from the EU's approach, taking into account the fact that NATO gives member countries earlier, and a more extensive role in the decision-making process of operations. The partners are allowed to give their views, and join discussions related to the OPLAN and CONOPS. Nonetheless, similar to the EU, NATO members are still in charge of voting and end up taking decisions concerning operations. Besides that, the partnerships within the EOP do not have formal influence on the decision-making procedure (Bakker et al., 2017a).

Following NATO's approach, the EU could focus on creating an enhanced FPA for third states of strategic and political importance. Bakker et al. (2017a, p. 14) promote the idea of "the more political and strategic importance a third country has and the more involvement and commitment in CSDP missions and operations it shows, the more influence and access to decision-making process is made possible". This follows Michel Barnier's (2017, p.1) reasoning, which states that "any voluntary participation of the United Kingdom in European defence will confer rights and obligations in proportion to the level of this participation". Criteria to define the extensiveness of commitments could rely on including third countries that have provided the most significant contributions in terms of assets or those that have participated in the most demanding CSDP missions and operations. This is likely to give third states a higher status, granting them closer ties with EU defence in general. This aspect of an enhanced FPA would be open to countries that are already closely connected to EU defence activities, such as the UK. This could provide the UK with an option that includes both the UK's important position in European defence, but at the same time offer third states, such as Turkey and Norway, a deeper involvement in the CSDP. A commitment based approach would follow the EU's line of reasoning of not discriminating against other third countries, since it would be open to any third country (Barnier, 2017). If existing arrangements were updated to a commitment based approach, the UK and other third states could be incentivised to make more extensive contributions to CSDP mission and operations than ever before. It is clear that the EU will not allow third countries to influence the decision-making autonomy of the EU. Therefore, a commitment based approach is likely to be limited to exchanging views, and joining discussions of the OPLAN and CONOPS. Whether or not the EU will take into account the views of the third countries would be up to them. However, by not taking into account their views, the EU runs the risk that third countries will decline to participate or contribute to the respective mission or operation. A commitment based approach could thus provide the UK and other third countries a degree of influence on the decision shaping and making process of CSDP missions and operations.

6.5.2 Revisiting the Committee of Contributors

Among the options to grant important third countries greater involvement in the CSDP, there have been numerous calls to update the current form of the CoC. Currently, the PSC establishes a CoC once third country participation in a missions or operation has been agreed upon. The CoC consists of representatives of third countries that participate in the respective mission and operations, as well as representatives of all EU Member States. The CoC is mainly concerned with discussing oversight over missions and operations. In this regard, the CoC is supposed to function as a forum to discuss issues related to the day-to-day management of the respective mission with other third countries. The PSC is required to take these views into account. However, the CoC does not provide the third countries with any significant role in the planning of operations. At the moment, there is no third country provision that allows for third country influence in the planning of operations (Tardy 2018b). Consequently, revising the CoC, by giving third countries greater oversight over missions and operations, and giving third states a greater voice in the planning of the respective missions could offer third countries greater influence. Upgrading the CoC to meet at a higher level, or deeper third country involvement in the planning of CSDP missions and operations in cases of clear engagements to operations could be envisioned as realistic reforms. If a third country currently decides to join a CSDP mission or operation, the terms are already concluded by the EU. Upgrading the CoC could be achieved by creating a high level consultation mechanism with countries that have signed an (enhanced) FPA, and by making sure that the CoC will meet at a higher level (Tardy, 2018b). Even though the CoC is expected to be a very senior committee, which would give real guidance on the organisation and handling of missions and operations, this is not the case at the moment. Angus Lapsley (2018, as cited in House of Lords 2018, p.50), appointed Director for Defence, International Security and South East Europe at the Foreign & Commonwealth Office argues that “10 years on, the model [CoC] has rather withered on the vine and most Member States do not take the meetings very seriously; they do not send very senior people”. Lapsley (2018, as cited in House of Lords, 2018, p.50) continues by saying “in some cases the inadequacies of that model have led third countries to decide that they are not convinced they want to take part in missions”. Updating the CoC could therefore offer a way forward to more closely involve not only the UK, but also other third countries in future CSDP missions and operations.

6.5.3 Consultation with regular dialogue

The EU made clear that after the 29th of March 2019, the UK will not be part of the decision-making structures of the CSDP anymore (Chalmers, 2018). At the same time, the UK is interested in influencing the decision-making procedures of the CSDP one way or another. In this respect, inspiration could be drawn from the Western European Union (WEU), which is the predecessor of the CSDP as we know it today. In the WEU, European NATO members were able to ask for associate status, allowing participating in formal decision-making structures of the EU without the right to veto. Associates would be able to join military operations by contributing the Council’s budget. In theory, the UK could seek to become a defence associate, which would give them the possibility of speaking rights in the PSC and the Foreign Affairs Council (FAC), with the exception of having voting rights. This would allow the UK to continue participating in CSDP missions and operations in a similar manner. Besides that, it would meet the UK’s demands of a degree of influence in the decision-making procedure of the EU. Yet, this latter is where legal and political challenges arise (Koenig, 2018). The UK and the EU have argued on numerous occasions that respecting the decision-making autonomy of the EU is key. Moreover, the EU does not allow any third country similar benefits to that of EU Member States. Furthermore, as mentioned before, the Article 50 Task Force has indicated that a future UK-EU CSDP partnership should not affect the EU’s relationship with other third states, which an associate status most likely would (Task Force on Article 50, 2018).

Nevertheless, as part of the enhanced FPA, there are alternative options to be discovered when it comes to some degree of influence in decision-shaping of CSDP missions and operation. The UK has indicated to be interested in consultation with regular dialogue. Even though the EU has been firm in saying that the UK will not be involved in EU decision-making, it left room for possible non-binding and non-systematic dialogue. During a speech in Brussels on 'the future of the EU Foreign, Security and Defence Policy post Brexit, Michel Barnier (2018, p. 1) indicated that "our future partnership [between the EU and the UK] could be underpinned by a set of mechanisms – dialogue, consultation, coordination, cooperation, exchange of information". This would include "close and regular consultations with the UK on foreign policy" (Barnier, 2018, p. 1). Instead of becoming an associate, high-level consultations with the most important FPA countries could be one of the ways forward in this regard. According to Article 27 (2) TEU:

"The High Representative shall represent the Union for matters relating to the common foreign and security policy. He shall conduct political dialogue with third parties on the Union's behalf and shall express the Union's position in international organisations and at international conferences".

Following this line of reasoning, the UK could be granted political dialogue during the initial phase of the decision-making procedure of launching CSDP missions and operations. This could be connected to idea of a commitment based approach. According to Koenig (2018, p.4), "The EU could hold regular political consultations with its enhanced partners at ministerial and strategic level". Moreover, the British politician Crispin Blunt (2017, p. 7) proposed the creation of 'regular high-level political meetings', in order to give "a strong political signal about the importance of the EU/UK security partnership". In this regard Blunt (2017) proposes a six monthly meeting between the British Foreign Secretary and the EU Foreign Ministers. The EU could allow the UK and other third countries with a clear commitment to join certain missions and operations the ability to be part of the consultative process before decisions are taken. In this regard, the significance of the UK's and other third countries' influence will undoubtedly depend on the their willingness to make significant contributions. As Lord Ricketts (2018, as cited in House of Lords, 2018, p. 63), retired British senior diplomat argues "the key thing was for the UK to show commitment to contributing and being part of missions and operations". Considering the UK's relatively marginal CSDP contributions in recent years, Lord Ricketts (2018) therefore advises the UK to increase its CSDP contributions. This would be an appropriate step if the UK is determined to be closely involved in CSDP missions and operations after Brexit, and follows the commitment based approach discussed earlier.

Consultation with regular dialogue could be part of an enhanced FPA. However, since an enhanced FPA does not yet exist, this would require a standalone agreement. Yet, the idea of regular consultations in itself would not necessarily require treaty change, since it could be connected to the line of reasoning of Article 27(2) TEU as discussed above. Article 27 (2) TEU gives the High Representative power to conduct political dialogue with third countries, which could also be used for dialogue with the UK and other countries before decisions are being made. The EU already conducts policy dialogue with third countries by bringing together senior officials of the EU and third countries, as well as experts related to the topics being discussed. The association agreement between the EU and Ukraine offers an existing example of such a tool being used. The respective agreement obliges all parties involved to have political dialogues at Summit level. This includes dialogue in PSC formats, and with experts of military institutions. One of the goals of the dialogue is defined as "to develop dialogue and to deepen cooperation between the Parties in the field of security and defence" (Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, 2014, Article 4(F). Moreover, the EU has recognised that special dialogue will be needed

with the UK in order to include the UK in future CSDP activities (DG EXPO, 2018). This could for instance rely on requiring the respective countries to endorse the EU's foreign, defence and security principles, and grant closer association in cases of clear commitments to contribute. Nonetheless, it should be taken into account that consultation with regular dialogue is a means of exchanging views. Therefore, it is still up to the EU whether or not to consider these views. However, without taking into account the views expressed by third countries such as the UK, the EU risks losing their contributions. At the Berlin Security Conference, Barnier (2017) indicated that a (new) partnership with the UK has to comply with three principles. First of all, this includes that a third country, e.g. the UK, can never claim a status equivalent or superior to that of any EU Member States. Moreover, the decision-making autonomy of the EU has to be respected. By indicating that dialogue is an exchange of views, and that the UK respects the EU's decision-making autonomy, it could be argued that both principles are met. Lastly, UK participation will confer rights and obligations, proportionate to the level of participation. By creating an enhanced FPA based on a commitment based approach, this last principle would also be met. Consultation and regular dialogue mechanisms could therefore be considered as a realistic means of future CSDP involvement.

6.5.4 Permanent observer status

Obtaining permanent observer status with speaking rights in the PSC, without decision-making power, is another potential way of involving the UK. Observer status would grant the UK a degree of influence in the decision-making procedure. The idea of permanent observer status was first put forward by Crispin Blunt in April 2017. Blunt's (2017) proposal for post-Brexit EU-UK cooperation on foreign and security policy can be seen as one of the first concrete documents in this regard. Not only could this be in the interest of the UK, but it could also be in the interest of the EU, considering the UK's extensive expertise, resources, diplomatic network, and the credibility of the country (Wright, 2017). Moreover, Chappell & Barrinha (2018) argue that such a status could even benefit the UK. It would allow the UK to provide its technical expertise and strategic guidance if needed, but at the same time, the UK would not have to be involved in the politics of decision-making in the CSDP. The PSC is the most important body regarding the CSDP, considering that it deals with the foreign affairs approach of the EU. Some experts, such as Biscop (2018) argue that a special arrangement with just the UK can be justified. For instance, because, after the Brexit, the UK will be the only non-EU European state with a seat in the UNSC. Nonetheless, a privileged association with just the UK in the decision-making structures of the CSDP is unlikely (House of Lords, 2018). This is also clear when considering the EU's stance in one of the previous paragraphs. If the EU were to create a precedent, allowing the UK special status, other third countries will demand similar arrangements. Blunt (2017) particularly prompts for permanent PSC observer status, including speaking rights in discussions, which would only be open to the UK. Considering the EU's reluctance of creating a unique partnership with the UK after Brexit, such an arrangement remains unlikely till date. Therefore, if the EU would grant the UK permanent observer status, this would most likely also be available to other third countries.

Yet, the EU's stance has shown that it is not planning to allow representatives or permanent observers to CSDP bodies, such as the PSC (DG EXPO, 2018). Thus, this would require the creation of new structures. When it comes to the CFSP and CSDP, the Council works on the basis of consensus. Consequently, Member States rarely vote within these structures. Hence, granting observer status would grant the UK and other third countries, similar powers to that of EU Member States. This would therefore contradict the notion of preserving the decision-making autonomy of the EU. Moreover, granting permanent observer status in the PSC to third countries is not without its obstacles. Experiences of the WEU taught that granting numerous countries observer status or making them associates, leads to a loss of the autonomy of decision-making of the actual members (Biscop, 2018). In general, whether the EU is willing to grant the UK and potentially other

third countries permanent observer status in the PSC is unlikely at this moment. Current precedents for CSDP cooperation do not allow third countries to obtain observer status in the PSC. At the moment, the EU reserves participation in CSDP meetings without voting rights to countries having signed an Accession Agreement, i.e. countries that are becoming EU Member States (House of Commons, 2018). With the UK leaving, the opposite is the case. Specific dialogue with the UK in matters of the CSDP is envisaged at this moment, but whether the EU will change its stance towards permanent observer status is unlikely. At the very least, the EU is willing to create consultation mechanisms, allowing the UK and the EU to discuss foreign policy positions (European Parliament, 2018). This research presents suggestions for post-Brexit CSDP frameworks best suitable to the EU and the UK. Future negotiations will eventually have to make clear whether such options are on the table.

6.6 Outside CSDP structures, the European Intervention Initiative

Besides potential reforms to the system of involving third states in CSDP missions and operations, the European Intervention Initiative (EI2) is an interesting option to discuss. The EI2 was initiated to “improve operational planning and coordination of military deployments among European partners with meaningful capabilities”, particularly between France and the UK (Ministry of Defence of the United Kingdom, 2018, p.1). The EI2 will not be part of the EU, but it could be well suited to ensure UK involvement in post-Brexit European military operations (Chalmers, 2018). The EI2 is different from other options considering that it is not part of the CSDP. In this regard, the EI2 could not be a suitable option in order for the UK to continue taking part in the CSDP, since it is outside of the EU’s structures. However, the likelihood that the UK will not be satisfied with entering in the already existing CSDP frameworks is high. Besides that, reforming the current means of joining CSDP missions and operations remains uncertain and could take a considerable amount of time.

The EI2 is aimed at carrying out military operations under the framework of either NATO, the UN, the EU or ad hoc coalitions. Therefore, EI2 could offer a means for the UK to join military operations through the framework of the CSDP. The UK has traditionally opposed European defence initiatives which could potentially weaken NATO structures. Yet, ever since the UK has decided to leave the EU, the UK seems to have become advocates of such initiatives (Boffey, 2018). The Defence Ministers of Belgium, Denmark, Estonia, France, Germany, the Netherlands, Portugal, Spain and the UK have signed a letter of intent on the 25th of June 2018, regarding the EI2 (Rijksoverheid, 2018). The French argue that a European approach offers a possibility to keep the UK involved in European security after Brexit (Major & Ondarza, 2018). It should be noted that the EI2 is meant to be flexible, non-binding and aimed at engaging the respective states’ military capabilities when and where this is needed for the protection of European security interests. CSDP missions and operations also include a civilian aspect, which the EI2 does not seem to do. Additionally, the EI2 is said to do so “without prejudice to the chosen institutional framework (the EU, NATO, the UN or ad hoc coalitions)” (Rijksoverheid, 2018, clause 5). The EI2 indicates to be aimed at promoting greater coordination efforts in the field of military security by contributing to bilateral defence partnerships and joint efforts, such as those performed by the EU, NATO and the UN. Besides that the Letter of Intent (Rijksoverheid, 2018, clause 12) indicates that the EI2 will support the respective states to prepare for missions and operations of the EU, as well as NATO, the UN and ad hoc coalitions. This shows that the EI2 is among others, suited to support missions and operations of the EU, conducted in light of the CSDP. Since the UK is an advocate of the EI2, this could be used as a means to cooperate with the CSDP, rather than in the CSDP. One of the advantages of the EI2 is that states are in the driving seat when it comes to deciding whether or not to deploy troops in specific missions and operations (Rijksoverheid, 2018, clause 12). Nonetheless, by indicating to participate without prejudice to the chosen institutional framework, it is questionable to what extent EI2 members would be able to influence the decision-making procedures of missions and operations in light of the CSDP rather than just supporting these missions.

7 Conclusion

This research has focused on providing an answer to the following question: *to what extent is the United Kingdom able to continue participating in the European Union's CSDP missions and operations after Brexit?* After Brexit, the UK will be considered as a third country in the eyes of the EU. In the beginning it has become clear that it is possible for third countries to join CSDP missions and operations of the EU by means of closing FPAs or PAs. Almost every CSDP mission and operation initiated by the EU thus far has involved third countries. Despite marginal UK contributions to CSDP missions and operations in recent years, the UK is said to be committed to continue their involvement in the CSDP. The EU welcomes post-Brexit CSDP involvement due to the UK's military weight and diplomatic significance, allowing it to provide substantial amounts of expertise, troops and hardware. Nonetheless, the UK's call for a unique relationship that exceeds that of any other third country makes post-Brexit participation in CSDP missions and operations not as straightforward. Current means of joining CSDP missions and operations through FPAs and PAs strongly emphasize that third country contributions should always be without prejudice to the decision-making autonomy of the EU. As a consequence, third countries are largely kept outside the decision-making procedures of missions and operations. The UK is unlikely to accept such a subordinate role in the CSDP. Therefore, whether the UK will be able to secure greater decision-making influence and control of missions than is normally granted to third country participation is essential for a future CSDP partnership. When considering the EU's stance towards a post-Brexit CSDP framework, it is clear that the UK will not have a seat at the decision-making, i.e. it will lose its veto power. Moreover, the EU is determined not to disrupt the EU's relationship with other third countries. Hence, a post-Brexit CSDP partnership is unlikely to be truly 'special'. This is not surprising considering that the EU does not allow third countries to enjoy similar benefits of that of EU Member States. Consequently, any future role in CSDP missions and operations by the UK will be that of a facilitator rather than a leader.

Current frameworks to join CSDP missions and operations by means of closing an FPA or PA are likely to result in limited UK involvement in the CSDP post-Brexit. Therefore, the UK could potentially focus on agreements outside the CSDP structures, such as the EI2. Nonetheless, it is questionable whether the EI2 would grant the UK greater influence over CSDP missions and operations. This research has shown that an enhanced FPA would allow the UK to continue to participate in CSDP missions and operations post-Brexit in a manner deemed more fitting. The EU has indicated to be interested in creating a mechanism for closer and more constant coordination with third countries involved in CSDP missions and operations. This research suggests to review the EU's current CSDP partnership arrangements. There are several ways for the UK and other third countries to obtain greater influence in CSDP missions and operations than is granted to them today. Advocating a commitment based approach, similar to that of the EOP in NATO, would allow the UK and other third countries more influence in the shaping of decisions in the PSC. In this regard, third countries such as the UK could be granted greater influence and access to the decision-making process, dependent on the political and strategic importance of a third country, as well as its commitment and involvement in CSDP missions and operations. Additionally the current format of the CoC lacks significance. By upgrading the CoC to meet at a more senior level, third countries, could be able to secure greater influence over CSDP missions and operations. Moreover, the UK could try to seek permanent observer status in the PSC. However, considering the EU's current reluctance to this idea, this seems unlikely. Nonetheless, the EU has indicated its willingness to seek specific dialogue with the UK in matters of the CSDP after Brexit. In this regard the UK could negotiate regular consultations at ministerial and strategic level without a decision-making role. In general, the EU's willingness to grant third countries more influence will always be limited, due to its sacrosanct decision-making autonomy. Close CSDP cooperation between the EU and the UK post-Brexit, will therefore depend on future negotiations, and the EU's willingness to reform current CSDP frameworks.

8 Discussion

It has been clear from the beginning that third countries are able to join CSDP missions and operations. Yet, the ambitious position of the UK concerning a post-Brexit CSDP partnership made it difficult to come up with a solution that fits both the EU's and the UK's stances. The UK's contribution to CSDP missions and operations has been relatively low over the years, and the UK has not been the greatest advocate of the CSDP, instead preferring to realise their commitments by means of NATO. Therefore the UK's interest in a continuation of involvement in CSDP missions and operations was to some extent difficult to understand when starting this research. However, after reading into the subject, it is not surprising that the UK will continue to be interested in a safe and stable Europe after Brexit. Among others, participating in the CSDP could be crucial for the UK in order to stay committed to the defence and security of Europe. Additionally, the UK's military and diplomatic weight could explain why the country believes it deserves more than a regular CSDP partnership closed with other third countries. Nonetheless, early on it became clear that any real significant ability by third countries to shape the decisions made concerning the CSDP will be difficult. The EU is defensive when it comes to any outside interference in the decision-making autonomy of the EU. It is therefore difficult to imagine a truly deep and special CSDP relationship post-Brexit. Not only would this interfere with the decision-making autonomy of the EU, it would also likely disrupt the EU's relationship with other countries. In essence, if the EU were to grant a deep and special relationship to the UK, there would be the risk of damaging diplomatic relationships with other third countries. Nonetheless, after conducting this research, granting third countries greater influence by means of a commitment based is not unrealistic. One could argue that it is common sense for countries to be granted greater influence over missions and operations, in cases of clear commitments by means of extensive contributions. Whether the EU follows this line of reasoning has to be seen during future negotiations.

The findings of this research have provided new insights into a possible future EU-UK CSDP partnership. First of all, it offers an overview of all CSDP missions and operations, including the specific third countries involved, which did not yet exist. Moreover, this made it possible to conduct a reliable analysis of the possible means of CSDP participation thus far. Furthermore, the Brexit negotiations are ongoing. Consequently, by including the most recent statements and documents by EU and UK officials, this research adds updated information to previous research. Besides that, research focussing specially on post-Brexit CSDP missions and operations is scarce. Instead of showcasing options to join CSDP missions and operations in general, this research has taken into account the different stances of both the UK and the EU. Therefore, this research attempted not to merely present possible future CSDP frameworks, rather, presenting realistic partnerships options has been key. Furthermore, by dealing solely with CSDP missions and operations, this research has a clear focus. On the other hand this has somewhat limited the research, considering that there are more aspects to a future EU-UK CSDP relationship. Yet, the research would be too broad if it dealt with the entirety of the CSDP. Therefore, for future research it would be recommended to also focus on other aspects of post-Brexit CSDP cooperation, such industrial cooperation. Furthermore, since the Brexit negotiations are still ongoing, it has been difficult to present concrete options for a post-Brexit CSDP partnership, especially considering the discrepancies between the stances of the UK and the EU. For future research it is therefore suggested to continue following the negotiations between the EU and the UK. Negotiating the terms of future CSDP involvement in missions and operations have not been a key priority in the Brexit negotiations thus far. In the future this area may attract more attention, making it possible to add additional knowledge to the findings of this research. Finally, considering that a commitment based approach follows graduations of involvement in missions and operations by third countries, the EU is advised to concretely define levels of engagement to make this possible if they were to consider such an option.

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Appendices

Annex I

Article 218 TFEU (ex Article 300 TEC)

1. Without prejudice to the specific provisions laid down in Article 207, agreements between the Union and third countries or international organisations shall be negotiated and concluded in accordance with the following procedure.
2. The Council shall authorise the opening of negotiations, adopt negotiating directives, authorise the signing of agreements and conclude them.
3. The Commission, or the High Representative of the Union for Foreign Affairs and Security Policy where the agreement envisaged relates exclusively or principally to the common foreign and security policy, shall submit recommendations to the Council, which shall adopt a decision authorising the opening of negotiations and, depending on the subject of the agreement envisaged, nominating the Union negotiator or the head of the Union's negotiating team.
4. The Council may address directives to the negotiator and designate a special committee in consultation with which the negotiations must be conducted.
5. The Council, on a proposal by the negotiator, shall adopt a decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force.
6. The Council, on a proposal by the negotiator, shall adopt a decision concluding the agreement.

Except where agreements relate exclusively to the common foreign and security policy, the Council shall adopt the decision concluding the agreement:

(a) after obtaining the consent of the European Parliament in the following cases:

- (i) association agreements;
- (ii) agreement on Union accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- (iii) agreements establishing a specific institutional framework by organising cooperation procedures;
- (iv) agreements with important budgetary implications for the Union;
- (v) agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required.

The European Parliament and the Council may, in an urgent situation, agree upon a time-limit for consent.

(b) after consulting the European Parliament in other cases. The European Parliament shall deliver its opinion within a time-limit which the Council may set depending on the urgency of the matter. In the absence of an opinion within that time-limit, the Council may act.

7. When concluding an agreement, the Council may, by way of derogation from paragraphs 5, 6 and 9, authorise the negotiator to approve on the Union's behalf modifications to the agreement where it provides for them to be adopted by a simplified procedure or by a body set up by the agreement. The Council may attach specific conditions to such authorisation.

8. The Council shall act by a qualified majority throughout the procedure.

However, it shall act unanimously when the agreement covers a field for which unanimity is required for the adoption of a Union act as well as for association agreements and the agreements referred to in Article 212 with the States which are candidates for accession. The Council shall also act unanimously for the agreement on accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms; the decision concluding this agreement shall enter into force after it has been approved by the Member States in accordance with their respective constitutional requirements.

9. The Council, on a proposal from the Commission or the High Representative of the Union for Foreign Affairs and Security Policy, shall adopt a decision suspending application of an agreement and establishing the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.
10. The European Parliament shall be immediately and fully informed at all stages of the procedure.
11. A Member State, the European Parliament, the Council or the Commission may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the Treaties. Where the opinion of the Court is adverse, the agreement envisaged may not enter into force unless it is amended or the Treaties are revised.

Annex II

AGREEMENT

between the European Union and the Republic of Turkey establishing a framework for the participation of the Republic of Turkey in the European Union crisis management operations

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF TURKEY

of the other part,

hereinafter referred to as the 'Parties',

WHEREAS:

- (1) The European Union (EU) may decide to take action in the field of crisis management.
- (2) The European Union will decide whether third States will be invited to participate in an EU crisis management operation. The Republic of Turkey may accept the invitation by the European Union and offer its contribution. In such case, the European Union will decide on the acceptance of the proposed contribution of the Republic of Turkey
- (3) If the European Union decides to undertake a military crisis management operation with recourse to NATO assets and capabilities, the Republic of Turkey may express its intention in principle of taking part in the operation.
- (4) The European Council at Brussels on 24 and 25 October 2002 has agreed modalities for implementation of the provisions agreed by the Nice European Council on 7 to 9 December 2000 on the involvement of the non-EU European NATO members in EU-led operations.
- (5) Conditions regarding the participation of the Republic of Turkey in EU crisis management operations should be laid down in an Agreement establishing a framework for such possible future participation, rather than defining these conditions on a case-by-case basis for each operation concerned.
- (6) Such an Agreement should be without prejudice to the decision-making autonomy of the European Union, and should not prejudice the case-by-case nature of the decisions of the Republic of Turkey to participate in an EU crisis management operation.
- (7) Such an Agreement should only address future EU crisis management operations and should be without prejudice to possible existing agreements regulating the participation of the Republic of Turkey in an already deployed EU crisis management operation,

HAVE AGREED AS FOLLOWS:

SECTION I

GENERAL PROVISIONS

Article 1

Decisions relating to participation

1. Following the decision of the European Union to invite the Republic of Turkey to participate in an EU crisis management operation, and once Republic of Turkey has decided to participate, the Republic of Turkey shall provide information on its proposed contribution to the European Union.

2. Where the European Union has decided to undertake a military crisis management operation with recourse to NATO assets and capabilities, the Republic of Turkey will inform the European Union of any intention to participate in the operation, and subsequently provide information on any proposed contribution.
3. The assessment by the European Union of the Republic of Turkey's contribution shall be conducted in consultation with the Republic of Turkey.
4. The European Union will provide the Republic of Turkey with an early indication of likely contribution to the common costs of the operation as soon as possible with a view to assisting the Republic of Turkey in the formulation of its offer
5. The European Union shall communicate the outcome of the assessment to the Republic of Turkey by letter with a view to securing the participation of the Republic of Turkey in accordance with the provisions of this Agreement.

Article 2 **Framework**

1. The Republic of Turkey shall associate itself with the Joint Action by which the Council of the European Union decides that the EU will conduct the crisis management operation, and with any Joint Action or Decision by which the Council of the European Union decides to extend the EU crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.
2. The contribution of the Republic of Turkey to an EU crisis management operation is without prejudice to the decision making autonomy of the European Union.

Article 3 **Status of personnel and forces**

1. The status of personnel seconded to an EU civilian crisis management operation and/or of the forces contributed to an EU military crisis management operation by the Republic of Turkey shall be governed by the agreement on the status of forces/mission, if available, concluded between the European Union and the State(s) in which the operation is conducted.
2. The status of personnel contributed to headquarters or command elements located outside the State(s) in which the EU crisis management operation takes place shall be governed by arrangements between the headquarters and command elements concerned and the Republic of Turkey.
3. Without prejudice to the agreement on the status of forces/mission referred to in paragraph 1, the Republic of Turkey shall exercise jurisdiction over its personnel participating in the EU crisis management operation.
4. The Republic of Turkey shall be responsible for answering any claims linked to the participation in an EU crisis management operation, from or concerning any of its personnel. The Republic of Turkey shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel in accordance with its laws and regulations.
5. The Republic of Turkey undertakes to make a declaration as regards the waiver of claims against any State participating in an EU crisis management operation in which the Republic of Turkey participates, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.
6. The European Union undertakes to ensure that Member States make a declaration as regards the waiver of claims against the Republic of Turkey, when it is participating in an EU crisis management operation, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.

Article 4
Classified information

1. The Republic of Turkey shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in Council Decision 2001/264/EC of 19 March 2001 ⁽²⁾, and in accordance with further guidance issued by competent authorities, including the EU Operation Commander concerning an EU military crisis management operation or by the EU Head of Mission concerning an EU civilian crisis management operation.
2. If the EU receives classified information from the Republic of Turkey, that information shall be given protection appropriate to its classification and according to the standards established in the regulations for EU classified information.
3. Where the EU and the Republic of Turkey have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of an EU crisis management operation

SECTION II
**PROVISIONS ON PARTICIPATION IN CIVILIAN CRISIS
MANAGEMENT OPERATIONS**

Article 5
**Personnel seconded to an EU civilian crisis management
Operation**

1. The Republic of Turkey shall ensure that its personnel seconded to the EU civilian crisis management operation undertake their mission in conformity with:
 - the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
 - the Operation Plan,
 - implementing measures.
2. The Republic of Turkey shall inform in due time the EU civilian crisis management operation Head of Mission and the General Secretariat of the Council of the European Union of any change to its contribution to the EU civilian crisis management operation.
3. Personnel seconded to the EU civilian crisis management operation shall undergo a medical examination, vaccination and be certified medically fit for duty by a competent authority from the Republic of Turkey. Personnel seconded to the EU civilian crisis management operation shall produce a copy of this certification.

Article 6
Chain of command

1. Personnel seconded by the Republic of Turkey shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis management operation in mind.
2. All personnel shall remain under the full command of their national authorities.

² OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/952/EC (OJ L 346, 29.12.2005, p. 18).

3. National authorities shall transfer operational control to the EU civilian crisis management operation Head of Mission, who shall exercise that command through a hierarchical structure of command and control.
4. The Head of Mission shall lead the EU civilian crisis management operation and assume its day-to-day management.
5. The Republic of Turkey shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with the legal instruments referred to in Article 2(1) of this Agreement.
6. The EU civilian crisis management operation Head of Mission shall be responsible for disciplinary control over EU civilian crisis management operation personnel. Where required, disciplinary action shall be taken by the national authority concerned.
7. A National Contingent Point of Contact (NPC) shall be appointed by the Republic of Turkey to represent its national contingent in the operation. The NPC shall report to the EU civilian crisis management operation Head of Mission on national matters and shall be responsible for day-to-day contingent discipline.
8. The decision to end the operation shall be taken by the European Union, following consultation with the Republic of Turkey, provided that the Republic of Turkey is still contributing to the EU civilian crisis management operation at the date of termination of the operation

Article 7

Financial aspects

1. The Republic of Turkey shall assume all the costs associated with its participation in the operation apart from the costs which are subject to common funding, as set out in the operational budget of the operation. This shall be without prejudice to Article 8.
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, the Republic of Turkey shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of mission, if available, as referred to in Article 3(1) of this Agreement.

Article 8

Contribution to operational budget

1. The Republic of Turkey shall contribute to the financing of the operational budget of the EU civilian crisis management operation.
2. The financial contribution of the Republic of Turkey to the operational budget shall be the lower amount of the following two alternatives:
 - (a) that share of the reference amount which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the operational budget of the operation; or
 - (b) that share of the reference amount for the operational budget which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.
3. Notwithstanding paragraphs 1 and 2, the Republic of Turkey shall not make any contribution towards the financing of per diem allowances paid to personnel of the European Union Member States.
4. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to a particular EU civilian crisis management operation when:

(a) the European Union decides that the third State participating in the operation provides a significant contribution which is essential for this operation; or

(b) the third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.

5. An arrangement on the practical modalities of the payment shall be signed between the EU civilian crisis management operation Head of Mission and the relevant administrative services of the Republic of Turkey on the contributions of the Republic of Turkey to the operational budget of the EU civilian crisis management operation. This arrangement shall, inter alia, include the following provisions:

(a) the amount concerned;

(b) the arrangements for payment of the financial contribution;

(c) the auditing procedure.

SECTION III

PROVISIONS ON PARTICIPATION IN MILITARY CRISIS MANAGEMENT OPERATIONS

Article 9

Participation in the EU military crisis management operation

1. The Republic of Turkey shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in conformity with:
 - the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
 - the Operation Plan,
 - implementing measures.
2. Personnel seconded by the Republic of Turkey shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind.
3. The Republic of Turkey shall inform the EU Operation Commander in due time of any change to its participation in the operation.

Article 10

Chain of command

1. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.
2. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority
3. The Republic of Turkey shall have the same rights and obligations in terms of the day-to-day management, of the operation as participating European Union Member States.
4. The EU Operation Commander may, following consultations with the Republic of Turkey, at any time request the withdrawal of the Republic of Turkey's contribution.
5. A Senior Military Representative (SMR) shall be appointed by the Republic of Turkey to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the

EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

Article 11

Financial aspects

1. Without prejudice to Article 12, the Republic of Turkey shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 2(1) of this Agreement, as well as in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications ⁽³⁾.
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, the Republic of Turkey shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on the status of forces, if available, as referred to in Article 3(1) of this Agreement.

Article 12

Contribution to the common costs

1. The Republic of Turkey shall contribute to the financing of the common costs of the EU military crisis management operation.
2. The financial contribution of the Republic of Turkey to the common costs shall be the lower amount of the following two alternatives:

(a) that share of the reference amount for the common costs which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the common costs of the operation; or

(b) that share of the reference amount for the common costs which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.

In calculating 2(b), where the Republic of Turkey contributes personnel only to the Operation or Force Headquarters, the ratio used shall be that of its personnel to that of the total number of the respective headquarters personnel. Otherwise, the ratio shall be that of all personnel contributed by the Republic of Turkey to that of the total personnel of the operation.

3. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to the common costs of a particular EU military crisis management operation when:

(a) the European Union decides that the third State participating in the operation provides a significant contribution to assets and/or capabilities which are essential for this operation; or

(b) the third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.

4. An arrangement shall be concluded between the Administrator provided for in Decision 2004/197/CFSP, and the competent administrative authorities of the Republic of Turkey. This arrangement shall include, inter alia, provisions on:

³ OJ L 63, 28.2.2004, p. 68. Decision as last amended by Decision 2005/68/CFSP (OJ L 27, 29.1.2005, p. 59).

- (a) the amount concerned;
- (b) the arrangements for payment of the financial contribution;
- (c) the auditing procedure.

SECTION IV

FINAL PROVISIONS

Article 13

Arrangements to implement the Agreement

Without prejudice to the provisions of Articles 8(5) and 12(4), any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, and the appropriate authorities of the Republic of Turkey

Article 14

Non-compliance

Should one of the Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

Article 15

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 16

Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. This Agreement shall be subject to review not later than 1 June 2008, and subsequently at least every three years.
3. This Agreement may be amended on the basis of mutual written agreement between the Parties.
4. This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party.

Done at Brussels, on the twenty-ninth day of June in the year two thousand and six, in the English language in four copies.

TEXT OF DECLARATIONS

Declaration by the EU Member States:

'The EU Member States applying an EU Joint Action on an EU crisis management operation in which the Republic of Turkey participates will endeavour, insofar as their internal legal systems so permit, to waive as far as possible claims against the Republic of Turkey for injury, death of their personnel, or damage to, or

loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel from the Republic of Turkey in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or

- arose from the use of any assets owned by the Republic of Turkey, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel from the Republic of Turkey using those assets.'

Declaration by the Republic of Turkey:

'The Republic of Turkey associating itself with an EU Joint Action on an EU crisis management operation will endeavour, insofar as its internal legal system so permits, to waive as far as possible claims against any other State participating in the EU crisis management operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or

- arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.'