

EU security and counter-terrorism control after Brexit

Dominic Grieve, the Conservative Chairman of the Commons Intelligence and Security Committee, argues that the UK must retain membership of the EU's law enforcement agency (Europol) after Brexit, even if this means "accepting EU rules and judicial oversight for the European Court of Justice (ECJ)." This is not real Brexit and nor will it make us safer, in fact quite the reverse.

Security is the new defining issue of both British and European politics. Even the United States is concerned that Europe's problem is a danger for us all. It will also form the key issue in the Article 50 Brexit negotiations, or at least so the Government hopes. According to *The Daily Telegraph*, the Cabinet meeting of 7th March 2017, which approved the strategy for PM Theresa May's opening gambit in her soon to be sent Article 50 letter mentioned security no less than 11 times.

This was seen as using 'blackmail' and 'threats' and taking advantage of the fear of Russia. The governments thinking is that security is the 'defining issue for the EU.' And that the government believes that this issue gives Britain a 'very strong hand' in its forthcoming negotiations with Brussels.[1] It is surprising that a Conservative Government would see benefits in the fact that the EU's eastern frontier is unstable and, in the view of some, vulnerable to Russian aggression.

Theresa May has not been alone in taking a robust approach to the EU and playing the security card. The Home Secretary, Amber Rudd, has said that the UK could stop co-operation with Europol. Perhaps the British government may even come out of

the European Arrest Warrant... but that may be too much to hope for.

The flip side of the Government's perceived threats not to participate in security measures if no trade deal is forthcoming, is that if the EU does acquiesce to Britain's demands then the UK will support and participate in Brussels ambitions in this area.

The benefit of the European Arrest Warrant and EU led police, judicial and intelligence cooperation is itself highly questionable. There are other ways with which a post-Brexit UK can still cooperate with other nations, and attempt to keep its citizens safe. [Click here](#) to read a recent article which details how this can be achieved.

There is a presumption that intelligence and data sharing via the EU is a good thing. This is not necessarily so. Compelling the UK to share information breaches the cardinal rule of intelligence, control over that information. Indeed, the US intelligence agencies drew the ire of the British government after they leaked information on the Manchester terror attack. The BBC reported that police stopped passing America information on the Manchester attack.[[ii](#)] Yet, even bigger issues are at stake. The effectiveness of how best to protect people is at stake and the independence of our security services from Brussels.

Dominic Grieve, the Conservative Chairman of the Commons Intelligence and Security Committee, argues that the UK must retain Europol membership after Brexit, even if this means "accepting EU rules and judicial oversight for the European Court of Justice (ECJ)".[[iii](#)] In these times, the European Union is being touted by some unformed remainers as an answer to Europe's terror threat.

In the referendum, they warned that Brexit will mean that the UK will be outside of Europol. This would not be a bad

scenario as its officers are 'immune from legal proceedings in respect of acts performed by them in their official capacity'. Yet, the Director of Europol, Rob Wainwright, recently stated that a post-Brexit UK can indeed still cooperate with the EU's law enforcement agency. So, the arguments used by Remain in the referendum were clearly false. Yet, is the EU and coordination of security the answer to our safety? Some would argue that it has exacerbated the terrorist problem we now face.

EU Freedom of Movement was described by Ron Noble, the Head of Interpol, as "like hanging a sign welcoming terrorists to Europe."^[iv] He is not alone in his criticism. Sir Richard Dearlove, the former head of MI6, stated that Brexit is a security gain as it will allow us to have "greater control over immigration from the European Union."^[v] Indeed EU Directive 2004/38 stipulates that an immigrants criminal record is not grounds to refuse entry to the UK.

Sir Richard's assessment of EU security agencies is that "...though the UK participates in various European and Brussels-based security bodies, they are of little consequence." Ultimately his assessment is that these bodies have no operational capacity and are mainly forums for the exchange of ideas.

Just because these bodies are ineffectual is not the only problem. The even more significant issue is that EU led intelligence will detract from Britain's participation in global bodies such as the 'Five Eyes' Intelligence-sharing partnership.^[vi]

Another layer of EU bureaucracy taking over intelligence is no substitute for effective national control. Yet this emerging bureaucracy, indeed it has several new tiers, is exactly what Brussels is putting into place. And perhaps even keeping a post-Brexit UK tied into their structure. The EU has created Eurojust, the European Union's Judicial Cooperation Unit, and

in 2010, as a part of Europol, they established in 2010 the European Cybercrime Task Force (EUCTF).

Charles Michel, the Prime Minister of Belgium has called for “A European CIA (Central Intelligence Agency).” This is just the beginning the European Commissioner for Migration and Home Affairs, Dimitris Avramopoulos, also called for a pan-European spy agency.[vii] The President of the European Commission is also in favour of the EU coordinating member states secret services.[viii]

What is not realised by many is that these plans are already underway. The EU Intelligence and Situation Centre (EU INTCEN) came into being in 2011 and is the intelligence body of the European Union. It operates under the European External Action Service (EEAS). Along with the European Union Military Staff (EUMS) which handles military intelligence, EU INTCEN is part of the EU’s Single Intelligence Analysis Capacity (SIAC). These bodies are not effective.

Richard Wilton, Head of Counter Terrorism Command at New Scotland Yard from 2011-15, is adamant that EU led intelligence sharing matters not and Britain’s counter-terrorism capability will not be harmed by Brexit.[ix]

Sir Richard Dearlove dismissed the relevance of Brussels security bodies such as Europol, stating they were “of little consequence”. In fact, they are worse, as the fear of leaks is ever present. According to Sir Richard Dearlove British information is not shared throughout the EU as its members are potentially a “colander” for intelligence.[x]

The EU does not have a great track record on security. The EU’s Focal Point Travellers initiative, which seeks to coordinate investigations into foreign terrorist fighters in Europe from places such as Syria and Iraq only has information on 2,000 suspects which is less than half the foreign fighters known to individual EU member-states security services. And of

course, this is just a fraction of both the number of people who have recently arrived in Europe from the middle-east and those homegrown people that sympathise with the jihadis. There is an intelligence black hole at the heart of Europe Union.[xi] Europol's European Counter Terrorism Centre is not making us any safer.

Currently the dead hand of the European Union has been of little benefit tackling the problems that emerge out of places such as Molenbeek, Malmö and the suburbs of Paris, and clearly in the UK as well. Our safety cannot be outsourced to the EU as the likes of Dominic Grieve suggest. Nor is there the need. The UK is an intelligence leader and does not need the control of the European Union. Other states will, and do, want to share intelligence with Britain.

Britain's intelligence services, along with our armed forces, are areas where we have an important resource which the EU is seeking to co-opt. Brussels is not stopping at the EU developing an intelligence arm. It is also building its military capacity, to back up its foreign policy[xii] and no doubt to establish its power at home and abroad. The plans are already underway.[xiii]

In the Brexit negotiations, which start on 19th June, the British Government must stand firm against EU attempts to take a measure of control over our excellent military and intelligence resources, and certainly not offer them up as part as some deep and special arrangement with Brussels. We can cooperate with global bodies and individual nations, but more EU bureaucracy in this important area is an unwelcome distraction.

[i]

<http://www.telegraph.co.uk/news/2017/04/01/revealed-cabinet-plotted-exploit-eus-defence-fears/>

[ii] <http://www.bbc.co.uk/news/uk-politics-40040210>

[iii]

<https://www.theguardian.com/politics/2017/may/27/eu-the-resa-may-combat-terror-brexit-europol>

[iv]

https://www.nytimes.com/2015/11/19/opinion/europes-welcome-sign-to-terrorists.html?_r=0

[v]

<http://uk.reuters.com/article/uk-britain-eu-security-idUKKCN0WQ0NE>

[vi]

<http://www.pbs.org/newshour/rundown/an-exclusive-club-the-five-countries-that-dont-spy-on-each-other/>

[vii]

<http://www.euronews.com/2015/11/30/belgium-s-pm-michel-calls-for-a-european-cia>

[viii]

<http://www.euractiv.com/section/global-europe/news/junker-warms-to-the-idea-of-an-eu-intelligence-agency/>

[ix]

<https://www.thesun.co.uk/news/3676254/former-counter-terror-chief-says-britains-security-wont-be-harmed-by-brexit-because-of-our-spooks-global-reach/>

[x]

<http://www.telegraph.co.uk/news/2016/03/24/quitting-the-eu-would-help-our-security-former-mi6-chief-suggest/>

[xi]

<http://www.politico.eu/article/europes-intelligence-black-hole-europol-fbi-cia-paris-counter-terrorism/>

[xii] <http://www.bbc.co.uk/news/world-europe-31796337>

[xiii]

<http://www.consilium.europa.eu/en/infographics/eu-global-strategy/>