

The Defence Threat from Hidden EU Deals

*We reproduce here a presentation with accompanying slides given by **Lt Gen Jonathon Riley** at 61 Whitehall on Monday 2 September 2019. It shows how UK ministers have been signing us up to pillars of the European Defence Union after and in spite of the 2016 referendum result to leave the EU, whilst avoiding the necessary parliamentary scrutiny. Lt Gen Riley's presentation was originally published by Veterans for Britain and is reproduced with kind permission.*

The defence of any country and the means to conduct that defence are essential attributes of sovereignty. Sovereignty cannot be delegated, relegated or divided – if it is, it is lost. This is the first and most essential factor in understanding why handing control of our national defence to the EU is a catastrophic risk. If we hand over our defence, we risk losing our sovereignty and ceasing to be a country at all.

The hand-over of our defence as part of the May government's negotiations with the EU has not been properly understood nor properly scrutinised and it is time it is. This may be because other topics, such as trade, have assumed greater significance. That part of the negotiations focused on defence effectively create EU control over our defence and our defence forces in the widest sense, for as Gwythian Prins will make clear, it includes intelligence and security.

During the negotiations, the May government sought to lock Britain into various EU structures created in order to establish control of Europe's defence by the EU Commission – these include the European Defence Fund, the European Defence

Agency and the Permanent Structured Cooperation (PESCO) mechanism. This is crystal clear in the Political Declaration, clauses 104 – 106, which, by the way, is an integral part of the binding law of the Withdrawal Agreement under Article 184.

Joining all these structures would tie our defence and defence industries to the EU's rules and policies for defence, and indeed foreign policy and would do so by legal, binding, treaty. Thus under EU law – the ruling jurisdiction – we would be structurally, politically, diplomatically and financially tied in to and subordinated to the defence architecture of an unaccountable body, the EU Commission.

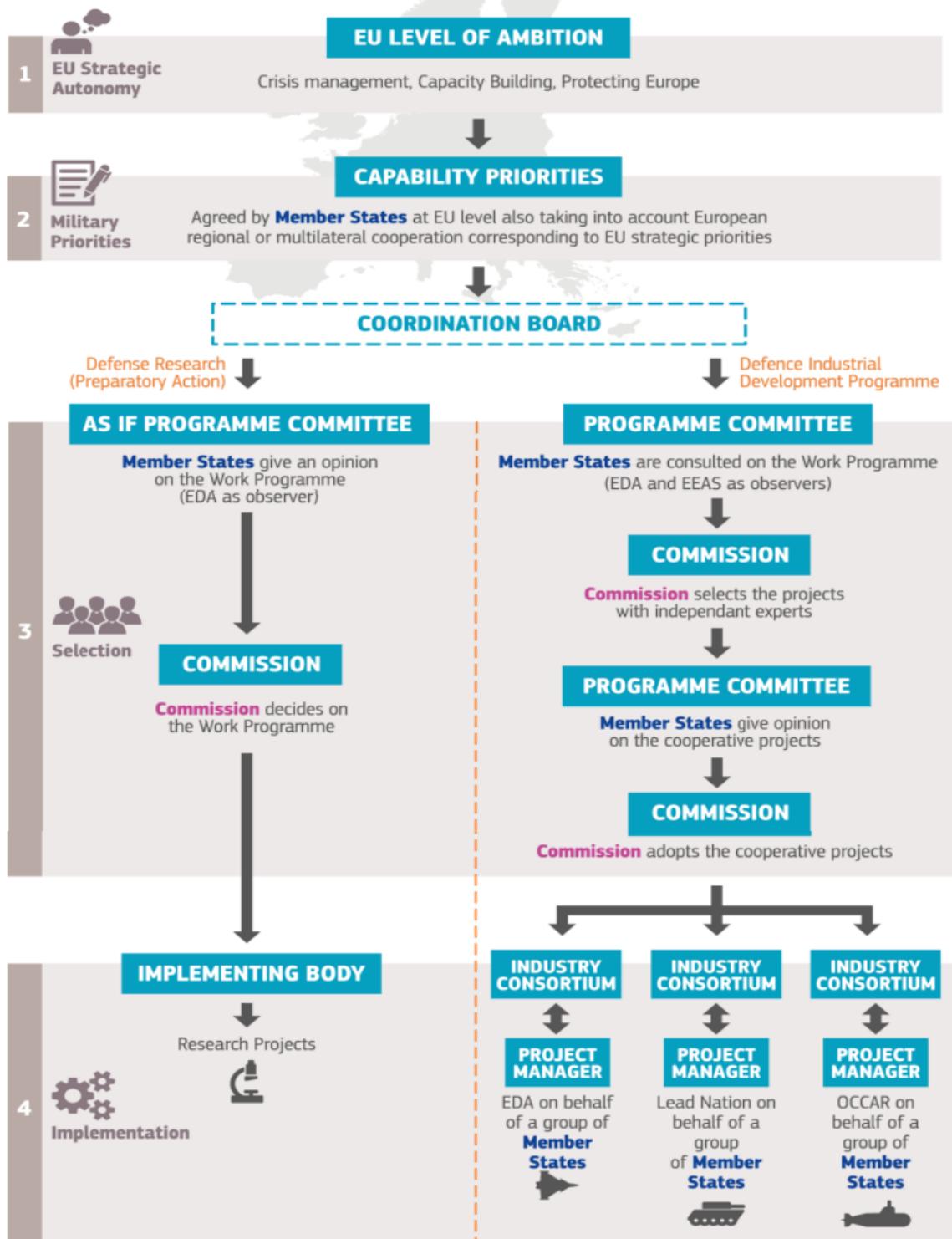
And be in no doubt, attachment to any part of the EU's defence integration scheme subordinates the country, by EU law, to the whole of the EU's global strategy. Unless, post-Brexit, we could explicitly annul these measures, then in simple terms, our soldiers, sailors, airmen and marines; our ships and aircraft; our land forces and our intelligence architecture could all be directed and controlled – put in harm's way indeed – by a body which could not be brought to account for its actions. The EU Commission is not elected, British voters cannot change it at the polling booth, and yet the May government has been prepared to hand over the first duty of any government – the defence of its people, territory and vital interests – to them. It has sought to make us in effect a voiceless, rule-taking colony of Brussels. If you doubt this, read first the Withdrawal Agreement's Clauses 81, 92, 95, 101-103, 104-6; and secondly the Technical Note on External Relations of 24 May 2018. Where, may I ask you, is democracy in these moves? Where is our place in NATO? Where is our sovereignty as a nation?

Let me now go into a bit of detail about how the three structures I mentioned challenge our sovereignty and tie us to wider EU policies.

[SLIDE 1] First, this slide shows the governance of the EDF,

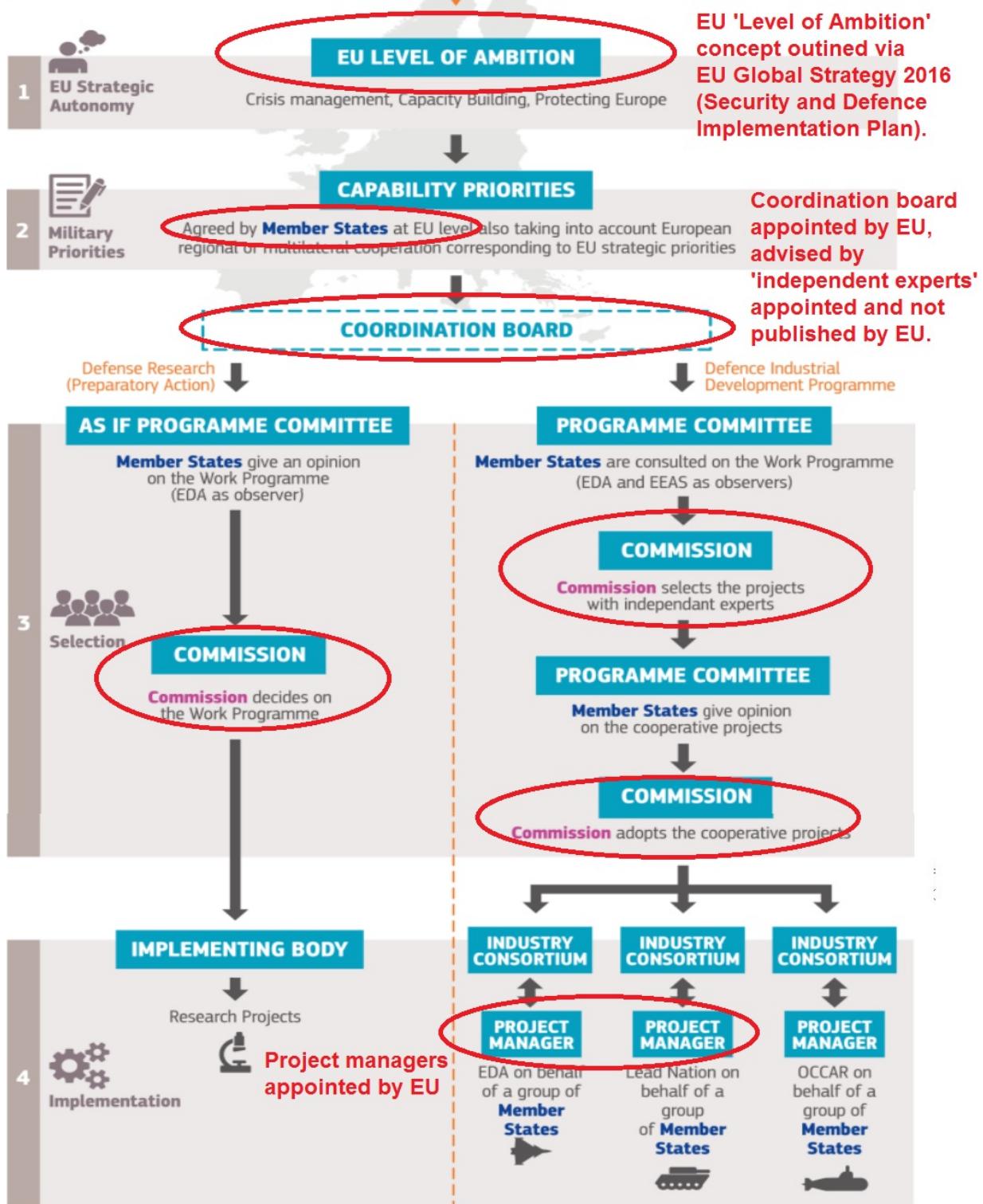
given clearance on 18 April this year. This will be the central pillar of the EU's structures for defence. It currently holds only 13 bn Euros but it works by leveraging nations' resources through policy compliance – members having to agree to abide by the EU's rules – and also by making grants to encourage sovereign nations to make changes to their defence budgets that further align them to the centre.

EUROPEAN DEFENCE FUND - GOVERNANCE (UNTIL 2020)

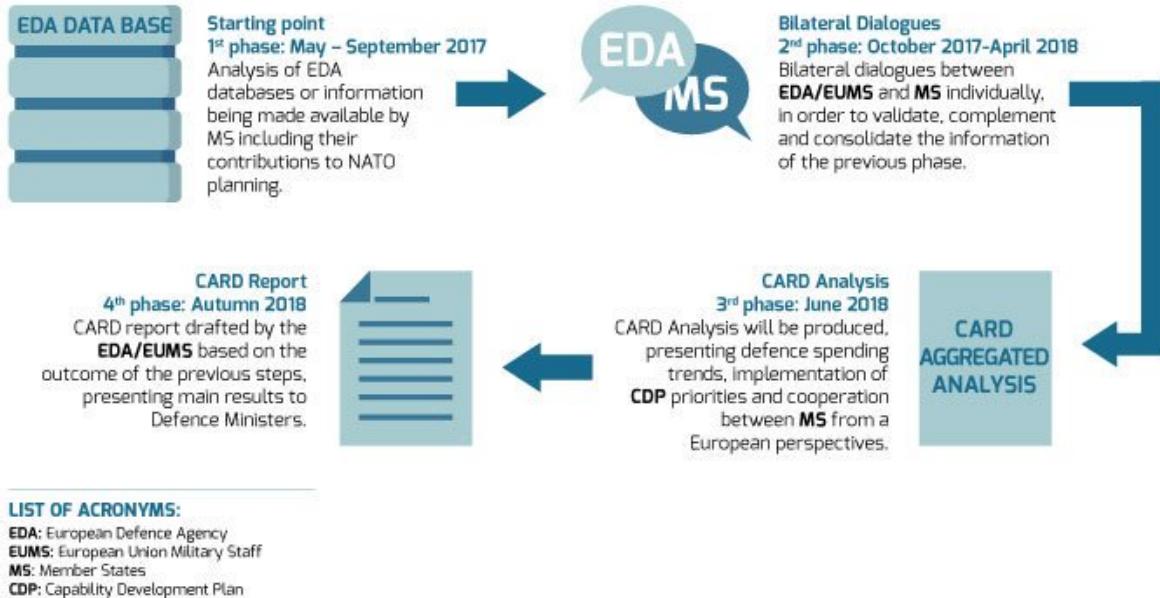


[SLIDE 1.1] This slide shows how the EU currently runs the EDF, over-riding national authorities.

EUROPEAN DEFENCE FUND - GOVERNANCE (UNTIL 2020)



[SLIDE 2] Next, the governance of CARD – the Coordinated Annual Review of Defence – agreed to by Sir Alan Duncan on 19 November 2018, which strengthens the leverage of the EU over national decision-making.



[SLIDE 3] The governance of wider EU defence procurement is shown here and it links CARD and the EDF to PESCO, the latter by the use of a premium from the EDF for joint programmes within the EU; and also with the EU's Capability Development Plan (CDP) which sets priorities; and the Capability Development Mechanism (CDM). All these fall under the Common Security and Defence Policy (CSDP) of the EU and its participants are bound by the ambit of that policy.

The EDF is not therefore a sort of defence club, but a power grab which affects not only the armed forces and intelligence services, but also defence industries. The role of the European Defence Agency as the CARD Secretariat also requires attention. It demands complete and up-to-date defence data from all EU states joining the CSDP in spite of being far from secure in the handling of that data.



[SLIDE 4] If you are in doubt about the linkages between CARD and EDF, as part of the CSDP, and PESCO, this chap is not...



Thus everything is linked to everything else – and the EU has given itself multiple levels of influence over defence and security:

1. CSDP
2. EDA
3. EDF
4. CARD
5. CDP
6. CDM
7. PESCO

[SLIDE 6] Here you can see those levels of control shown as pillars, ironically ranged alongside partnership with the NATO and UN, which together build the EU global defence and security policy, as put into effect through the EDU. **[SLIDE 7, Political declaration and EDU pillars]** This slide shows how the Political Declaration commits us to the pillars of the European Defence Union.

mission or operation. It should also have the possibility, in case of CSDP military operations, to second staff to the designated Operations Headquarters proportionate to the level of its contribution.

D. Defence capabilities development

104. The future relationship should benefit from research and industrial cooperation between the Parties' entities in specific European collaborative projects to facilitate interoperability and to promote joint effectiveness of Armed Forces. In this regard, while both Parties should preserve their respective strategic autonomy and freedom of action underpinned by their respective robust domestic defence industrial bases, the Parties agree to enable to the extent possible under the conditions of Union law:

- the United Kingdom's collaboration in relevant existing and future projects of the European Defence Agency (EDA) through an Administrative Arrangement;
- the participation of eligible United Kingdom entities in collaborative defence projects bringing together Union entities supported by the European Defence Fund (EDF); and
- the United Kingdom's collaboration in projects in the framework of Permanent Structured Cooperation (PESCO), where invited to participate on an exceptional basis by the Council of the European Union in PESCO format.



[SLIDE 8 Withdrawal Agreement replacement of Lisbon Treaty] The Withdrawal Agreement page 196, we should also note, includes the commitment to replace the Lisbon Treaty commitment to the Common Foreign and Security Policy – including the Common Security and Defence Policy – with a new agreement.

Withdrawal Agreement Page 196

This would replace the UK's Lisbon Treaty commitment to Common Foreign and Security Policy (including Common Security and Defence Policy) with a new treaty commitment during transition.

2. In the event that the Union and the United Kingdom reach an agreement governing their future relationship in the areas of the Common Foreign and Security Policy and the Common Security and Defence Policy which becomes applicable during the transition period, Chapter 2 of Title V of the TEU and the acts adopted on the basis of those provisions shall cease to apply to the United Kingdom from the date of application of that agreement.

[SLIDE 9 Political Declaration p 4] If we agree to, and join, these structures, then the Political Declaration is the legal

glue that ties us in: under page 4, all parties agree that the UK's participation in defence and external action is subject to the conditions laid out in the corresponding EU instruments. This commits GB to the framework of EU rules, underlining that everything is linked to everything else.

Political Declaration Page 4

II. AREAS OF SHARED INTEREST

A. Participation in Union programmes

11. Noting the intended breadth and depth of the future relationship and the close bond between their citizens, the Parties will establish general principles, terms and conditions for the United Kingdom's participation in Union programmes, subject to the conditions set out in the corresponding Union instruments, in areas such as science and innovation, youth, culture and education, overseas development and external action, defence capabilities, civil protection and space. These should include a fair and appropriate financial contribution, provisions allowing for sound financial management by both Parties, fair treatment of participants, and management and consultation appropriate to the nature of the cooperation between the Parties.

[Slide 10 extent possible]. Furthermore, the Political Declaration underscores this while committing the UK to structures of the European Defence Union. It says that the UK agrees to participate 'to the extent possible under EU law'. As we can see, that extent is very far-reaching indeed as it includes the full scope of CSDP.

Political Declaration p29

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E. Intelligence exchanges

This is therefore all about how an unaccountable body seizes control over the budgets and resources of sovereign member states; thus the real power in these structures is not just how much money they are themselves allocated from EU funds (probably as much as 38 billion Euros in the next 3-year budget cycle), but how much they can leverage, and by what means.

It must be a matter of serious concern that our civil service simply does not understand how dangerous these mechanisms are although in some cases, such as Sir Alan Duncan, it would appear that they are fully aware and committed to them. That in itself is alarming, but far more alarming is the fact that moves towards tying Britain into EU defence have not received any sort of proper scrutiny from elected members of Parliament. This may be the busiest time in Parliament for many a year, but the EU and our future relationship with it is THE driving issue of the day; and to ignore or conceal the importance of defence in that relationship cannot pass unchallenged.

[SLIDE 14.1 letter to Mrs Moon MP] This is a letter from

someone who saw and read about the defence arrangements and decided to write to his MP. His key point is that Mrs May's government had been signing up to what he calls EU defence strategies, while giving the impression that it has nothing to do with the UK. He asks for the MP's perspective, whether she knows about it, whether she agrees, and asking why it is not being discussed.

Letter to Madeleine Moon MP (Lab), Defence Select Committee and NATO Parliamentary Assembly, May 2019

Dear Mrs Moon,

It is becoming blatantly obvious that while the Brexit 'negotiations' have been taking place Mrs May's government has been covertly signing up to the EU defence strategies, whilst giving the impression it has nothing to do with the U.K.

The level of betrayal by this Government and Parliament towards the electorate is traitorous.

It is the British Army, The Royal Navy, the Royal Airforce, and the Royal Marines.

I would like to ask you,

- a). Do you know this is going on?
- b). Do you agree with it?
- c). Why has no MP raised this issue in the House of Commons?

Yours Sincerely

[Slide 14.2 response from Moon] The answer here has a lot of denials. It denies that an EU army is being created but it mentions an EU army seven times. This however was not the question. There are also **two key errors**. It says, 'no such common EU defence powers can be handed from the UK to the EU without the approval of Parliament and a referendum on the issue'. There is no requirement for a referendum on simple issues like an extension of EU power over defence. The Lisbon Treaty states that a referendum is only required for the creation of a unified military, called 'Common Defence'.

Response from Madeleine Moon MP, May 2019

Dear Mr [redacted],

Thank you for your email about an EU Army.

This is an issue which Eurosceptics have used to promote their anti-EU agenda, however the reality of the creation of an EU army is significantly different to their rhetoric. The UK has consistently maintained that it does not support the creation of an EU army.

Unlike in other areas of EU decision-making, the European Commission cannot propose laws about security and defence. In addition, any decisions in these areas must be made unanimously, therefore the UK effectively wields a veto.

UK law also states that no such common EU defence powers can be handed from the UK to the EU without the approval of parliament and a referendum on the decision. Consequently, the Government would need the support of both the public and MPs before they could make such a decision.

Suggestions of an EU army are fanciful as national security is a national competence. EU member-states would be reluctant to cede sovereignty on defence policy and this is why matters related to defence (and foreign) policy require unanimity in the Council of Ministers.

If the UK leaves the EU, we would lose our say on this matter. However, there are still many Members who would oppose this idea. Countries such as Ireland ardently protect their neutrality and retain a protocol stating explicitly that the Lisbon Treaty did not provide for the creation of such a force.

Central and Eastern European states view US capabilities as a vital ally against an aggressive Russia. As a result, they have also expressed their strong preference for NATO and rejected the idea of an EU army. This resistance is unlikely to relent in the foreseeable future.

Furthermore, as President of the NATO Parliamentary Assembly I am acutely aware of the importance of the NATO alliance as a security guarantor for Europe. 22 out of the current 28 EU states are also NATO members, consequently member states would not siphon significant resources away from NATO and invest into an EU Army.

In addition, I have met with Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy/ Vice-President of the Commission. She stressed that the EU is not a military alliance, but instead its role is to offer support and assistance to NATO. It was stated that the EU budget is for defence related activities and not military activities.

EU defence funds are aimed towards research and capability development to tackle modern warfare threats. Furthermore, the EU has a role in supporting NATO capability gaps, military mobility, finances and regulations, as well as improving infrastructure to transport equipment more efficiently.

The UK has been influential in determining the parameters of EU military decision making and the planning structures which have developed, in particularly ensuring it complements NATO.

There have been a number of useful proposals for closer EU cooperation on defence such as the [Common Security and Defence Policy](#) and [Permanent Structured Cooperation](#).

Importantly, the European Commission has previously stated that existing closer defence cooperation "is not about creating an EU army". I am aware of President Macron's comments regarding an EU Army, however once again this would still require unanimous consent of every other EU nation which at the moment would not be forthcoming.

Thank you for your email on this topic. If I can be of further assistance on this or any other matter, please do not hesitate to contact me again.

Yours sincerely,

Madeleine Moon MP/AS, MP for Bridgend/ AS dros Benybiad a'r Ogeg

The second error is the claim that national security will remain a national competence. This line is repeated in ministers' replies such as this one from Lord Howe [SLIDE 14.3].



Ministry
of Defence

THE RT HON THE EARL HOWE PC
MINISTER OF STATE IN THE HOUSE OF LORDS

19 APR 2018

MINISTRY OF DEFENCE
FLOOR 5 ZONE B MAIN BUILDING
WHITEHALL LONDON SW1A 2HB
Telephone: 020 7218 9000 (Switchboard)

Our ref: D/Min(Lords)/FH MC2018/03548e
Your ref: I/WH2090

9th April 2018

Dear Wera,

Thank you for your letter of 26 February 2018 on behalf of your constituent, Mr Andy Sloan, of 25 Wansdyke, Bath, BA2 2TG, who wrote to you again about the UK's future defence and security relationship with the European Union.

I note the points he has raised but they do not change the position I set out in my original letter to you. The fundamental point is that the Defence of the United Kingdom will always remain a national competence.

On a specific point, Mr Sloan claims "it is clear that our military operations are being integrated within the EU". That is not correct, but the concern may have been raised through inaccurate reporting of UK contributions to EU operations. As the Prime Minister has made clear before, we will continue to work to support a safe and secure Europe, able to face the common threats to our security. To this end, we will seek to cooperate with the EU and other European partners where it makes sense to do so. That is the basis on which the UK decides to contribute to NATO, UN, coalition, or bilateral activities.

And at no time and under no circumstances will we surrender control of our Defence, or our Armed Forces, to anyone.

I hope you find this response useful.

Yours sincerely,

Freddie

THE RT HON THE EARL HOWE PC

The EU Commission's own list of competencies states quite clearly that the EU has power or competence to implement a Common Foreign and Security Policy, which includes a common

defence policy. Our own MOD's director-general of Strategy, Angus Lapsley, is on record backing this view and saying that 'defence is no longer a member-state preserve in the EU'. One of Federica Mogherini's staff (she is of course EU High Representative for Foreign Affairs and Security Policy), Mr Molenaar, also stated that 'if we research and develop military equipment together, if we use it together and move it together, and all this is all in support of EU instruments, then you can say we have a defence union.' This is a long, long way from retaining national competence in defence.

It seems to me that there is degree of persistency involved in pushing the UK into these measures that is almost relentless and is determined to avoid proper scrutiny at all costs. No veto has ever been used by the UK on the implementation of any of the structures I have described even when that was possible – and it was/is NOT always possible as elements of the EDF were put through on Qualified Majority Voting. This was done because, in spite of being central to the CSDP and the EU's defence architecture, it was dressed up, very cleverly, as an industrial measure. It is far far more than that. But even when a veto could have been used, it was not. Mogherini on 14 May 2018 was excited and perhaps a little surprised that the UK was not blocking any of the EU's moves, but rather joining them.

Let us be clear. Our elected politicians, unlike the EU Commission, ARE accountable to the people of this country. It is wrong therefore for them to allow what amount to fundamental changes in the sovereignty of our country – in or out of the EU – without such changes being subject to the Scrutiny Reserve Resolution of March 2010. This clearly states that 'the Government has given an undertaking that ministers will not agree to draft EU policies or laws that have been deposited in Parliament until the committees of both Houses have completed their scrutiny work.'

That undertaking has clearly been breached and Parliament has

been given no measures of redress for the breach. Its effects are therefore with us. This smells of stitch-up: a stitch up of the highest order – stealthy, dangerous and downright wrong.

What can be done by you here today?

First, Awareness. Ensure that MPs are aware that they have missed the scale of the breach of their duties and their powers.

Secondly, Alternatives. My friend and colleague Gwythian Prins, along with Sir Richard Dearlove and Field Marshal Lord Guthrie wrote an alternative: a draft treaty between the UK and the EU for defence, security and intelligence cooperation consequent on our departure from the EU. They published it on 29 March this year and it is founded on cooperation, not integration.

Thirdly, Action. Please tell everyone you can about what is being done to us and our security. This event is our part in that. But please lobby MPs, or if you are an MP, demand proper scrutiny. Lobby the MOD too. You can find the material you need on the Veterans for Britain website but we will also be putting the message out through social media.

[SLIDE 11] With a few questions in Parliament like this, we can push the requirement for proper scrutiny. We can also prevent these defence and security measures being quietly wrapped into trade deals and thus stripping our defence authority and autonomy even if we leave on WTO terms.

“Will the Prime Minister guarantee that he will remove the European Defence Fund, PESCO and European Defence Agency from the exit arrangements or any future partnership, thereby blocking any bid to force the UK into these pillars of the EU Defence Union which would erode UK defence autonomy?”