

The other 'Norway Model': EU defence integration

*The phrase 'Norway Model' normally refers to the option of the UK re-joining EFTA and remaining in the Single Market (EEA). However, there is another 'Norway Model' lurking dangerously below most people's radars, which poses a much greater threat to the UK than the EEA ever could. As **John Petley** reveals in this in-depth report, it relates not to trade but to defence. Most worryingly, ministers have violated parliamentary procedure to commit the UK to this model by stealth.*

The Norway model in defence integration

Norway essentially has sub-contracted its security to the European Union. As the EU's defence integration programme has developed over the last two years, the rules for participation by non-member states are quite clear. In a nutshell, the message is: "you are welcome to join, but you will be excluded from all the serious decision making." In other words, any such nation will find that its armed forces and security services will be run from Brussels.

Norway has been very aware of the need to form alliances for defence purposes. It suffered invasion by Germany in 1940 and has a land border with Russia. Unsurprisingly given its history and geography, it was one of the founder members of NATO in 1949. However, its involvement with the EU's military programme seems very odd as it is not an EU member state. After all, even from within the EU, the UK was, at least until 2016, a vehement opponent of the EU developing any independent military capability, regarding it as an unnecessary duplication of NATO.

Yet for better or worse, Norway is on board as the EU's

military ambitions develop. You will find it mentioned on a number of EU military websites.

The UK's backdoor involvement

What is especially worrying is that senior figures in Whitehall – apparently with the support of senior figures in the government – are proposing a similar relationship of subordination for the UK once we leave the EU. Dr Bryan Wells, a civil servant who is Head of International and Strategic Research at Defence Science and Technology (an executive agency of the Ministry of Defence) was asked at an MoD co-sponsored event for defence industries in 2017 if the EU funding which he was encouraging British defence manufacturers to seek was contingent on agreements which the EU had advised upon, and which would mean that Britain would be 'like Norway in defence'. According to one source, Dr Wells replied, 'Yes, but that's beyond my pay grade.'

What is more, there is strong evidence to suggest that Parliament is to be bypassed in a new defence treaty to be signed after Brexit. A treaty concluded after the start of the transition phase can bypass the normal democratic process of parliamentary scrutiny. This is because once the UK has formally left EU membership, any new agreement between the UK and EU would be an international treaty which is concluded by ministers using ministerial, or 'prerogative' powers delegated by the Crown. This is the reason why defence is barely mentioned in Mrs May's proposed withdrawal agreement: because up to 29th March 2019, any such agreement would be a supranational agreement where UK ratification could be scrutinised and rejected by MPs.

This proposed treaty is separate from the withdrawal treaty. In spite of claims by the Government that military arrangements with the EU are yet to be negotiated, there are

plenty of other hints regarding its nature besides Dr Wells' comments. The basics of UK participation were spelled out in detail in the Political Declaration and the Chequers Plan before that. The rest can easily be deduced simply by reading the EU's participation criteria for countries seeking the kind of participation the May Government seems to be seeking. There are also a few mentions of these participation criteria in the withdrawal agreement, such as the UK's commitment to the EU Defence Procurement Directive, which harms UK industry by preventing the government from keeping strategically important defence contracts in the UK.

Escaping the EU's tentacles

Why are MPs not up in arms about this betrayal? By and large, they are unaware of it. Civil servants have pulled the wool over their eyes, aided and abetted by the complexity of the sheer number of components which make up the military EU. Thankfully, a few are now fully aware of what is going on and there is time yet to bring their colleagues on board.

In a nutshell, MPs need to look beyond trying to work out how the various arms of the EU's defence plans relate to one another (the Co-ordinated Annual Review on Defence, the Common Security & Defence Policy, the European Defence Agency, the European Defence Fund, the European Defence Industrial Development Programme, the Permanent Structured Cooperation, etc.), and to grasp the simple message: participation in any one of these cannot be undertaken in isolation. Like the tentacles of a gigantic octopus, they all emanate from the same source. If we attach ourselves to any one of these arms of military EU, the octopus will entangle us, denying us control of our own defence and security.

It is really hard to get into the mindset of anyone wishing to entangle the UK in this, especially given our country's historic opposition to the EU developing a military capability

independent of NATO. Such people cannot be doing this through sheer ignorance, which suggests something more malicious – a desire to keep us aligned militarily to the EU in order to prepare for our re-entry at a future date. There are no insufficient words to describe such people – traitorous, evil and contemptuous of democracy are among the milder descriptions one could use.

The need for a legal challenge

One possible route for preventing this betrayal could be a legal challenge on the basis of the little-known House of Commons Scrutiny Reserve Resolution of 17th November 1998, which is clearly being bypassed by ministers. This Resolution refers to Title V of the Treaty on European Union, which is the section dealing with Common Foreign and Security Policy, including Common Defence Policy. (It also states that included in the scrutiny reserve is Title VI, which deals with changes to treaties and the relationship between EU and member states and their Parliaments, among other things). The Resolution includes the provision that ministers are prohibited from signing the UK up to any EU initiative that falls under Title V until scrutiny by the House of Commons' European Scrutiny Committee has been completed, something that has not happened to date.

Let us be clear. Ministers have acted unlawfully. They have entered into agreements under Title V without the consent of Parliament and this simply shouldn't have happened. The more MPs are made aware of this, the more the pressure will grow on the Government. Indeed, with the backbenchers now unable for the best part of 2019 to challenge Mrs May through a vote of no confidence, exposure of these misdemeanours in the area of defence may be the best way of getting rid of her sooner rather than later as they provide the strongest evidence – at least, in the public domain – of her insincerity.

With less than two months until Brexit day, confusion still reigns about the shape of our final exit. But one thing is clear: even if we do achieve a clean break from the EU on 29th March, the sorry history of our entanglement with the European project cannot be finally brought to an end unless we are severed totally from its plans for military unification. By all means let's celebrate Brexit day, but we will need to remain vigilant for some time to come. Our job will not be over until this threat is finally seen off.