

Immediate 13 JANUARY 2019

Number 10 has issued an inaccurate and self-seeking reprimand to Sir Richard Dearlove, former Director of the Secret Intelligence Service and Field Marshal Lord Guthrie, former Chief of the Defence Staff and Head of the British Army, for their joint letter to Conservative Party Chairmen. Through a press officer, Number 10 asserted that:

- *“Nothing in the Withdrawal Agreement or our Political Declaration cuts across Nato, our defence or intelligence relationship with the USA or with the Five Eyes alliance. In fact, our deal delivers the broadest security agreement the EU has with any of its partners.”*

This is the second time within a month that Number 10 has issued an inaccurate reprimand of this sort:

“Nothing in the Withdrawal Agreement or our Political Declaration cuts across Nato.”

The Withdrawal Agreement underpins the Political Declaration’s intention of staying in recently-agreed EU Council arrangements for Military EU to the extent possible under EU law. These EU Council arrangements cut across NATO in several areas. The UK Government’s stated intention is to lock in participation by Treaty soon after 29 March.

The EU has stated in private session and in its negotiation guidelines that staying in the EU Council arrangements requires UK participation in a range of additional policies and administrative agreements. This is prescribed by the operative instruments of Military EU: everything is linked to everything else. There is no picking and choosing as No 10 suggests.

The EU’s new structures substitute or detract from NATO in 20 separate areas from defence research cooperation to logistics cooperation, airlift, field medical cooperation and emergency chain of command.

“Nothing in the Withdrawal Agreement or our Political Declaration cuts across... ..our intelligence relationship with the USA or with the Five Eyes alliance.”

The EU Commission requires the UK to continue to be a participant in EU defence policy (Common Security and Defence Policy, CSDP). That has been acknowledged by the UK Government. The EC letter to the Government of Cyprus confirms in specific terms that the UK will be excluded from any and all decision-making: it will become a vassal ‘rule taker’.

The outcome is therefore worse than if we had stayed because ministers had agreed to a raft of inflated defence and intelligence programmes agreed over five EU Councils since the UK voted to

leave the EU and trialled at the EU Commission and European External Action Service EU on the premise that we are leaving them and need not give them due attention. The Technical Note of 24 May reversed this position. It was, in effect, an administrative coup d'état. The UK might otherwise have blocked these developments had MPs known.

Since government has ceded the initiative to Brussels, it is important that before the Withdrawal Agreement Vote, MPs consider what the EU deems to be an 'Appropriate level of intelligence cooperation with the UK in support of EU external action' as prescribed in the January 2018 EC paper on the future defence relationship (Internal EU27 preparatory discussion on the framework for the future relationship: Security, Defence and Foreign Policy). MPs will then see that the only type of military intelligence relationship is the one which the EU claims a right to impose.

The European External Action Service aims to become the central intelligence hub of member states in which member state intelligence agencies reflect their commitment to CSDP by plugging into the EU with a growing level of structural attachment including on the basis of real-time intelligence sharing. This accelerated drive has resulted in what the EU has called 'more progress in one year than in the previous forty' since June 2016.

Even if the requirement for intelligence sharing is restricted to the CSDP missions and operations in which the UK participates, this leaves the scope of UK intelligence sharing subject to the choices of the EU and EEAS, where participation in foreign and defence policy is already agreed as being under the confines of a structured relationship. with the UK agreeing to subscribe to the auspices of EU defence policy, CSDP. It would not be an ad hoc partnership under the premises of a bilateralism. It is subordination, not partnership.

It is important that this kind of structural relationship is considered in light of the rapidly ongoing development of the EU's Single Intelligence Analysis Capacity (SIAC) as the above mentioned EU intelligence hub. Our Anglosphere allies look at this with the greatest concern.

"In fact, our deal delivers the broadest security agreement the EU has with any of its partners."

Ministers are failing to acknowledge the problem because of its complexity and/or because it has not been explained to them by officials. Even several of the ministers involved in EU defence and security developments since 2016 have not been permitted fully to grasp the risk that these developments entail. The Kit Kat Tapes give evidence of improper conduct.

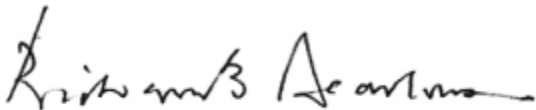
These problems of the exit deals in the context of defence and security are associated with the fact that the UK would be staying attached to agreements in principle which are yet to manifest on a functional level. For that reason, it was inappropriate for No10 to roll out a Home Office minister to attempt to neutralise our warnings with his day-to-day experience.

The precepts of the UK's relationship with the EU have all been decided by the EU, not UK, and there is no scope for deviation or flexibility. The idea that the UK on the way out would have the prospect of participation with a level of commitment less than it would as a member state is an obvious non-starter. The EU Commission and European Defence Agency have said so and it has been acknowledged by UK diplomats and the Cabinet Office.

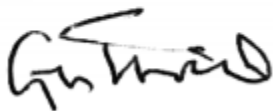
The June 2018 EU Commission paper on 'Foreign Security and Defence Policy' in the context of the negotiations makes clear that an Exchange of Information agreement with the EU's Intcen and the EU Military Staff is a prerequisite even in addition to a Security of Information Agreement on exchange and protection of classified information. Intcen and the EUMS intelligence function are the two components of SIAC (Single Intelligence Analysis Capacity) namely the EU's intelligence hub.

The June 2018 paper complains that the UK's proposals for a permanent UK liaison presence would give the UK systemic access to EU information and extra weight over EU decision-making, privileged access to confidential EU information and that these would thereby impact on the autonomy of the EU's decision-making.

Instead, the EU proposed a structured mechanism for a timely and in-depth exchange of intelligence and sensitive information between the EU and the UK through use of electronic networks for data exchange, close interaction and access to UK points of contact and subject experts and an administrative arrangement with the EU Satellite Centre to access products and appoint UK imagery analysts. Such structural engagement is incompatible with our UK/US and Five Eyes roles as our allies have made entirely clear. UK must choose one or the other. As we leave the EU, logically we return to state to state ad hoc relations only.



Sir Richard Dearlove KCMG OBE



Field Marshal Baron Guthrie of Craigiebank, GCB, LVO, OBE, DL