

“This is an Accepted Manuscript of an article published by Taylor & Francis in Journal of Intelligence History on 5th July 2017, available online:
[http://www.tandfonline.com/10.1080/16161262.2017.1333680.](http://www.tandfonline.com/10.1080/16161262.2017.1333680)”

PROOF COVER SHEET

Journal acronym: RJIH

Author(s): Anthony Glees

Article title: What Brexit means for British and European intelligence agencies

Article no: 1333680

Enclosures: 1) Query sheet
2) Article proofs

Dear Author,

1. Please check these proofs carefully. It is the responsibility of the corresponding author to check these and approve or amend them. A second proof is not normally provided. Taylor & Francis cannot be held responsible for uncorrected errors, even if introduced during the production process. Once your corrections have been added to the article, it will be considered ready for publication.

Please limit changes at this stage to the correction of errors. You should not make trivial changes, improve prose style, add new material, or delete existing material at this stage. You may be charged if your corrections are excessive (we would not expect corrections to exceed 30 changes).

For detailed guidance on how to check your proofs, please paste this address into a new browser window: <http://journalauthors.tandf.co.uk/production/checkingproofs.asp>

Your PDF proof file has been enabled so that you can comment on the proof directly using Adobe Acrobat. If you wish to do this, please save the file to your hard disk first. For further information on marking corrections using Acrobat, please paste this address into a new browser window: <http://journalauthors.tandf.co.uk/production/acrobat.asp>

2. Please review the table of contributors below and confirm that the first and last names are structured correctly and that the authors are listed in the correct order of contribution. This check is to ensure that your name will appear correctly online and when the article is indexed.

Sequence	Prefix	Given name(s)	Surname	Suffix
1		Anthony	Glees	

Queries are marked in the margins of the proofs, and you can also click the hyperlinks below.

Content changes made during copy-editing are shown as tracked changes. Inserted text is in **red font** and revisions have a red indicator ▲. Changes can also be viewed using the list comments function. To correct the proofs, you should insert or delete text following the instructions below, but **do not add comments to the existing tracked changes**.

AUTHOR QUERIES

General points:

1. **Permissions:** You have warranted that you have secured the necessary written permission from the appropriate copyright owner for the reproduction of any text, illustration, or other material in your article. Please see <http://journalauthors.tandf.co.uk/permissions/usingThirdPartyMaterial.asp>.
2. **Third-party content:** If there is third-party content in your article, please check that the rightsholder details for re-use are shown correctly.
3. **Affiliation:** The corresponding author is responsible for ensuring that address and email details are correct for all the co-authors. Affiliations given in the article should be the affiliation at the time the research was conducted. Please see <http://journalauthors.tandf.co.uk/preparation/writing.asp>.
4. **Funding:** Was your research for this article funded by a funding agency? If so, please insert 'This work was supported by <insert the name of the funding agency in full>', followed by the grant number in square brackets '[grant number xxxx]'.
5. **Supplemental data and underlying research materials:** Do you wish to include the location of the underlying research materials (e.g. data, samples or models) for your article? If so, please insert this sentence before the reference section: 'The underlying research materials for this article can be accessed at <full link> / description of location [author to complete]'. If your article includes supplemental data, the link will also be provided in this paragraph. See <<http://journalauthors.tandf.co.uk/preparation/multimedia.asp>> for further explanation of supplemental data and underlying research materials.
6. The **CrossRef database** (www.crossref.org/) has been used to validate the references. Changes resulting from mismatches are tracked in **red font**.

- AQ1** Please provide a short biography of the author.
- AQ2** Please provide missing city/country names for the affiliation.
- AQ3** Please provide missing keywords.
- AQ4** Please provide a short abstract of no more than 200 words.
- AQ5** Please provide the opening quote for '... joint intelligence teams'.

How to make corrections to your proofs using Adobe Acrobat/Reader

Taylor & Francis offers you a choice of options to help you make corrections to your proofs. Your PDF proof file has been enabled so that you can mark up the proof directly using Adobe Acrobat/Reader. This is the simplest and best way for you to ensure that your corrections will be incorporated. If you wish to do this, please follow these instructions:

1. Save the file to your hard disk.
2. Check which version of Adobe Acrobat/Reader you have on your computer. You can do this by clicking on the "Help" tab, and then "About".

If Adobe Reader is not installed, you can get the latest version free from <http://get.adobe.com/reader/>.

3. If you have Adobe Acrobat/Reader 10 or a later version, click on the "Comment" link at the right-hand side to view the Comments pane.

4. You can then select any text and mark it up for deletion or replacement, or insert new text as needed. Please note that these will clearly be displayed in the Comments pane and secondary annotation is not needed to draw attention to your corrections. If you need to include new sections of text, it is also possible to add a comment to the proofs. To do this, use the Sticky Note tool in the task bar. Please also see our FAQs here: <http://journalauthors.tandf.co.uk/production/index.asp>.

5. Make sure that you save the file when you close the document before uploading it to CATS using the "Upload File" button on the online correction form. If you have more than one file, please zip them together and then upload the zip file.

If you prefer, you can make your corrections using the CATS online correction form.

Troubleshooting

Acrobat help: <http://helpx.adobe.com/acrobat.html>

Reader help: <http://helpx.adobe.com/reader.html>

Please note that full user guides for earlier versions of these programs are available from the Adobe Help pages by clicking on the link "Previous versions" under the "Help and tutorials" heading from the relevant link above. Commenting functionality is available from Adobe Reader 8.0 onwards and from Adobe Acrobat 7.0 onwards.

Firefox users: Firefox's inbuilt PDF Viewer is set to the default; please see the following for instructions on how to use this and download the PDF to your hard drive: http://support.mozilla.org/en-US/kb/view-pdf-files-firefox-without-downloading-them#w_using-a-pdf-reader-plugin



What Brexit means for British and European intelligence agencies

AQ1

Anthony Glees

AQ2

The Centre for Security and Intelligence Studies, University of Buckingham (BUCSIS)

AQ3

AQ4

In all European Union (EU) states, national security is delivered by the various national armed forces, police services – and by intelligence-led security agencies. Here, the focus is on the consequences for British and European intelligence agencies of the Brexit referendum of 23 June 2016.

During the bitter campaign, both ‘Remainers’ and ‘Brexiters’ explicitly cited national security risks as key reasons for voting for the one, or other side. For Remain, the then prime minister David Cameron’s dogged insistence that Britain would be safer in the EU, from both the threat of war and terrorism, was ferociously countered by claims made by leading Brexiters (reinforced by Sir Richard Dearlove, chief [‘C’] of Britain’s SIS, from 1999–2004) that we would in fact be far safer out of the EU.

Now that Britain has voted clearly to leave the EU, it must be right to reflect on what this will mean for our national security and, of course, for the British and non-British agencies charged with delivering it.

It goes without saying that in today’s globalised security threat environment, sharing intelligence must make more sense than ever. The question is not so much ‘why’ but ‘how’ this should be conducted. Intelligence sharing has a long history, particularly, of course, between the UK and the US. It was forged in the dark days of the Second World War and flourished thanks to the UK intelligence successes produced at Bletchley Park.¹ Britain’s special intelligence and security relationship with the US was left unaffected by our subsequent EU membership (the UK has close intelligence relationships with other EU states, in particular Germany and more recently Poland).

However, intelligence sharing in Europe, which has prospered over the past 10 years, has always been seen in a different, less positive light and at no time more so than today. This is in part because EU membership has involved sharing sovereignty, implying its diminution or loss. In an important sense, intelligence agencies symbolise national sovereignty, and certainly prior to the London attacks of July 2005, UK agencies were ultra-cautious about working together on an EU rather than a bilateral basis. Oddly, the ‘Five Eyes’ intelligence sharing arrangements have never been seen as an erosion of national sovereignty; the same is true for the UK’s support for NATO where Article Five of the Treaty represents a clear loss of sovereignty.

The growing hostility to Europe in the UK has in recent times made the very word toxic in some quarters. The idea that MI6, MI5 and GCHQ would work within the EU with

CONTACT Anthony Glees ✉ anthony.glees@buckingham.ac.uk

¹https://www.nsa.gov/news-features/declassified-documents/cryptologic-spectrum/assets/files/origin_us_british.pdf;
https://www.bletchleypark.org.uk/news/v.rhtm/GCHQ_and_NSA_Directors_meet_at_Bletchley_Park-923142.html.

© 2017 Journal of Intelligence History

smaller or poorer agencies was simple to scorn even though they may have specific strengths. For example, both Italy and Austria in particular are well known for their Human Intelligence capacity in the Balkans and Arab North Africa.

Intelligence sharing and Brexit

Britain's agencies are not only some of the best in the world (and therefore fundamental to the security of Europe as a whole) but are sustained by laws which allow them to go well beyond what is permitted in other EU nations. This means that British intelligence can provide, legally, capabilities denied to its allies and partners. 40

There are two distinct but connected strands woven into an assessment of how Brexit will impact on all EU states' secret agencies: a high policy one and the day-to-day functioning of intelligence-led activity on the ground. 45

It is important to note that the Lisbon Treaty states clearly (at 4(2) TEU) that 'in particular national security remains the sole responsibility for the member state' and that the EU has no direct competence in this area.² It follows that in theory EU membership should make no difference to any individual nation's ability to deliver security to its own citizens and no difference to whether it would wish to work together on a bilateral or multilateral basis with other states. 50

In practice, however, the member states of the EU have opted to cooperate, exploiting the facility possessed by the EU to facilitate this through practice-oriented institutional arrangements that are capable of enhancing the intelligence reach of all member states, not least in respect of resource-intensive ones such as satellite technology. 55

As we shall see, the sharing of intelligence to keep European states as safe as possible has become so vital that it could be argued (and is argued here) that Brexit or no Brexit, it has to be in the interests of the UK and the EU27 that it should continue. However, if this does not happen, it will be the removal of the UK from these practical ways of sharing intelligence that will have the biggest impact both on Britain's security and intelligence agencies and on those of the EU27. 60

Indeed so serious are the consequences of Britain's departure from them that it is now a key part of Prime Minister Theresa May's Brexit negotiating strategy to explicitly offer a continuation of this cooperation, implicitly, one imagines, in return for concessions on access to the Single Market (something that may be difficult to achieve). 65

How important, then, is the EU for the effective delivery of security in the EU as a whole?

As early as 2004 Sir Stephen Lander, a former head of MI5 and of the Serious Organised Crime Agency, wrote that EU intelligence sharing was 'an idea whose time has come', suggesting this be written into the next EU treaty (a suggestion not taken up).³ During the referendum campaign, the fault lines became clear. For Brexiters, there was nothing 70

²https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf. See also A. Glees, "European Security Intelligence," in *The Sage Handbook on European Foreign Policy*, ed. E. Drieskens (Washington, London, Los Angeles: Sage, 2015), 264–77.

³S. Lander, "International Intelligence Cooperation: An Inside Perspective," *Cambridge Review of International Affairs* 17, no. 3 (October 2004): 492–3.

to be gained from cooperation. Indeed by implication, it was argued by Brexiters that secret agencies were themselves keen to quit the EU.

One of the most important contributions to the debate was made by Sir Richard Dearlove who wrote on 29 March 2016 that Brexit would bring ‘two potentially important security gains: the ability to dump the European Convention on Human Rights (ECHR) and greater control over immigration from the EU’.⁴ He pointed out that the UK was ‘Europe’s leader in intelligence and security matters, [giving] much more than it gets in return’, dismissing continental intelligence agencies as ‘the leakiest ships of state’. He attacked the European Arrest Warrant (‘few would note its passing’).

He was the only senior UK intelligence figure to support Brexit (other chiefs favoured Remain) and the pro-Brexit media and politicians seized upon his expert view. The libertarian MP David Davis insisted that the Schengen Accord meant that Britain (not a member) could nevertheless not stop EU jihadists from entering the UK. Boris Johnson claimed ‘the European Court of Justice was militating against our ability to control our borders and maintain proper surveillance’. Penny Mordaunt MP suggested (bizarrely) that due to the EU ‘we can’t share the intelligence we need to keep us safe’. The former Tory leader Michael Howard added ‘the EU is a failing project that is failing to keep its people safe’ and Schengen ‘akin to a sign welcoming terrorists to Europe’.

Yet against these views, Remain could field the then Home Secretary, Theresa May. She wrote (on 25 April 2016) **that** ‘my judgement as home secretary is that remaining a member of the EU means that we shall all be more secure from crime and terrorism’.⁵ Her case relied on a detailed analysis: she believed that in or out the UK should leave the ECHR (a point to which we must return) as ‘it makes us less secure’ and that outside the EU ‘we would still have ‘a relationship with the USA, still be part of the Five Eyes, the closest intelligence sharing relationship in the world’, and would still have ‘our first rate security and intelligence services; we would still share them with our European allies and they would do the same with us’.

But, she concluded, that did ‘not mean we would be as safe as if we remain’. Outside the EU we would have no access to the European Arrest Warrant (this had allowed the UK to extradite 5000 people since 2011 and bring 675 suspects or convicts to the UK). She listed the Passenger Name Records Directive, the Records Information System and the joint intelligence teams’ as being considerable advantages to the UK. And her conclusion was an important one: ‘these are all agreements that enable law enforcement agencies to cooperate and share information in the fight against cross border crime’.

The evidence suggests that for the intelligence and security agencies of the EU28, the most important aspect of the EU has rested on the facilitation of day-to-day working relationships to promote effective security activity. The significance of bilateral intelligence and security relationships in delivering security to both nations involved needs no emphasis here. All Western embassies have on their staff intelligence officers whose duties are primarily to facilitate effective and cordial relationships between their own countries agencies and those of their hosts. Brexit will not necessarily affect these relationships although it would be folly to suppose that Britain has become more

⁴<http://www.dailymail.co.uk/news/article-3506991/UK-safer-Europe-says-former-MI6-chief-Sir-Richard-Dearlove-suggests-Brexit-make-easier-deport-terrorists.html>.

⁵<http://www.conservativehome.com/parliament/2016/04/theresa-mays-speech-on-brexit-full-text.html>.

popular in Europe since 23 June 2016 and tough negotiations may undermine working 115
relationships. Where states are very strongly supportive of the idea of the EU, such as
Germany, or where they value the ECHR which the UK may ditch, cooperating with them
becomes much harder, even impossible where human rights issues are concerned.

Where things seem set to become particularly fraught is at the integrated EU level.
The very existence of the EU and its emphasis on supporting meaningful cooperation 120
has led to the development of intelligence-sharing institutions within it. The sharing of
strategic intelligence-based assessments within the EU framework is now widely seen by
agencies as being of mutual benefit even by UK agencies, who have most to offer: it is
said that some 40–50% of all shared intelligence that is fed into the EU’s most important
assessments comes from UK agencies. 125

Strategic assessments are currently shared between the EU28 within INTCEN in
Brussels, which has a staff of 100 officers in four divisions recruited from all EU states.
Fifty-five percent of personnel, 35 officers, work in the analysis division. It adopts an ‘all
sources’ approach, exploiting both secret intelligence-driven analysis from member 130
states and its own open source work (it also receives information from the EU Satellite
Centre). Its Situation Room monitors events on a 24/7 basis. INTCEN, it must be
emphasised, ‘expects all its members to be EU citizens’.

In the summer of 2016, EU states established the ‘Counter-Terrorist Group’ based in
The Hague alongside EUROPOL. This is composed of domestic intelligence-led security 135
agencies’ personnel from all 28 EU states but including Norway and Switzerland (who
are not part of INTCEN but were required to request permission to join). They aim at the
rapid exchange of information.

That these are no insignificant matters can be seen by looking at what the UK prime
minister has said about the need to construct a security ‘shield’ for all European states. In
her definitive speech in Lancaster House on 17 January 2017, Ms May made it very clear 140
that a willingness to exploit Britain’s intelligence power, and to support intelligence-led
security policy, would lie at the core of her new Brexit offer to the EU27. She made
several references to intelligence as a bargaining chip, including two specifically to
Britain’s intelligence community and its uniqueness in Europe, repeating the point as
if it were hard to grasp to embarrassing levels. 145

These were ideas that Ms May had set out before, in far less detail, in her speech to
her Party’s Conference in October where she stated that she wished an ‘agreement [with
the EU27] to include cooperation in law enforcement and counter-terrorism’.⁶ Insisting
that ‘it remains overwhelmingly and compellingly in Britain’s national interest that the
EU should succeed’ she outlined how she believed the UK could become ‘the best friend 150
and neighbor to our European partners’. In addition to trading with them ‘as freely as
possible’ she wished everyone to ‘work with one another to make sure we are all safer,
more secure’

She added that Europe faced a serious threat from our enemies and promised ‘that
Britain’s unique intelligence capabilities will continue to help to keep people in Europe 155
safe from terrorism. Britain had led Europe on the measures needed to keep our

⁶<http://www.independent.co.uk/news/uk/politics/theresa-may-speech-tory-conference-2016-in-full-transcript-a7346171.html>; <https://www.gov.uk/government/speeches/the-governments-negotiating-objectives-for-exiting-the-eu-pm-speech>.

continent secure. A Global Britain will continue to cooperate with its European partners in important areas such as crime, terrorism and foreign affairs. All of us in Europe face the challenge of cross-border crimes, a deadly terrorist threat and the dangers presented by hostile states'. Indeed, she said, after Brexit we would wish to 'work together more ... 160 I want our future relationship with the EU to include practical arrangements on matters of law enforcement and the sharing of intelligence material with our EU allies'. She concluded that '[o]ur intelligence capabilities – unique in Europe – have already saved countless lives in very many terrorist plots that have been thwarted in countries across our continent. After Brexit Britain wants to be a good friend and neighbor in every way 165 and that includes defending the safety and security of all of our citizens'.

Britain's offer to the EU27 was, then, that in return for a bespoke arrangement on the Single Market and the Customs Union, a 'Brexit Britain' would continue to offer them the intelligence and security expertise to keep them safe.

The significance of security issues in the Brexit negotiations and for post-Brexit Britain 170 with the EU 27 has recently been explored by Malcolm Chalmers, one of the UK's most distinguished security policy experts.⁷ But whilst he offers many fascinating insights, he fails completely to explain that the delivery of security relies in part on the work of intelligence and security agencies. Indeed, apart from stating that the UK is 'the leading West European military and intelligence power', he does not mention intelligence at all. 175 What Chalmers specifically cautions against is the UK attempting to trade security provision to the EU27 in return for economic concessions (precisely what Ms May appears to want to do).

What Brexit will mean for day-to-day intelligence activity

Brexit will mean that the UK will be required to leave INTCEN, the Open Source (OSINT) 180 Division, the EU Situation Room, and the Consular Crisis Management Division as well as the Counter-Terrorist Group. The UK will also have to quit EUROPOL.⁸ It will no longer participate in the Common Security and Defence policy, the Political and Security Committee, the EU Satellite Centre (SATCEN), Galileo, as well as a host of Open Source (OSINT) research groups (for example, the Single Intelligence Analysis Capacity). 185

Leaving EUROPOL would have an immediate and profound impact according to one senior police intelligence commander.⁹ Extradition which used to take months or even longer, now takes days. If the UK no longer abides by the ECHR, it may well find that EU27 states will refuse to extradite to it (indeed to remove from English law the European Charter could well cause major internal issues for UK intelligence officers 190 who are deeply concerned that their work should be lawful, a point stressed by Andrew Parker the chief of MI5 who told Parliament in 2013 that if he asked his officers to break the law they would leave the building).¹⁰ EU27 officers will share their concerns.

Precisely because sharing intelligence and encouraging national agencies to work together within the EU makes such good sense, it is not surprising that the high policy 195 of the Brexit government of Theresa May is to seek to continue sharing intelligence and

⁷https://rusi.org/sites/default/files/201701_bp_uk_foreign_and_security_policy_after_brexit.pdf.

⁸Whitehall, 25 February 2016; 5 May 2016; INTCEN, Whitehall, 28 July 2016.

⁹Private police briefing, 9 February 2017.

¹⁰<http://www.dailymail.co.uk/news/article-2489957/Britains-spy-chiefs-grilled-MPs-television-time.html>.

jointly working to deliver intelligence-led security. Bilateral intelligence-sharing will continue (currently the UK gains much from working with French and Dutch agencies). As far as the EU is concerned, it seems hard to doubt that, after Brexit, British intelligence agencies will be found knocking on the doors of some EU agencies such as EUROPOL to request admission, and that even if entry is permitted it will only be to associate status. It is hard to see how British agencies will feel comfortable in a secondary position and the evolving close and efficient relationships of the past decade will have been disrupted, perhaps seriously. It must be obvious that the risk to our national security will be increased as a result.¹¹

Disclosure statement

No potential conflict of interest was reported by the author(s).

PROOF ONLY

¹¹INTCEN, Whitehall, 28 July 2016; <http://www.bbc.co.uk/news/world-europe-38957246>.