National Security and Russia

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Summary

On 26 March the House of Commons will debate National Security and Russia. The debate comes after the attempted murder of a former double agent in Salisbury. The UK Government is in the process of reviewing national security capabilities and has indicated that it intends to strengthen them. A parliamentary committee recently published the report of its inquiry into the implementation of the National Security Strategy. The committee concluded that a review of the National Security Strategy was wise given the rapidly changing security environment, but that the Government’s review did not go far enough.

UK-Russia relations deteriorated sharply with the attempted murder of Sergei Skripal and his daughter in Salisbury in March 2018. They had been affected by a nerve agent of the Novichok group of chemicals developed by the Soviet Union, and the UK indicated that there was a prima facie case that the Russian Government was responsible. Russian officials rejected that. Both Russia and the UK are party to the Chemical Weapons Convention, the international agreement banning the manufacture, stockpiling and use of chemical weapons.

Russia has been modernising its military and spending more on armaments and personnel. The rearmament programme is ambitious, however, particularly in the context of Russia’s economic weakness, and has been hit by delays and cancellations.

Analysts argue that Russia has also been working on a ‘hybrid strategy’, using soft power, political interference and fake news, and the hacking of essential infrastructure, to undermine Western democracies and economies.

The UK is one of the European countries least dependent on Russian energy supplies, although Russian supplies to Europe are still significant to the UK economy.

There has been controversy about the size and strength of UK military forces, and their preparedness in the event of conflict. Meanwhile, the replacement of the UK’s Trident nuclear weapons is underway, after a vote to approve that in 2016. Four new submarines, the Dreadnought class, will carry the deterrent.

In the context of Brexit, intra-European defence collaboration and EU-NATO cooperation will be particularly important.

The sanctions regime against Russia was agreed at EU level after Russia annexed Crimea in 2015, although it has been added to since then. Several countries are considering ‘Magnitsky’ legislation, named after the Russian lawyer who died in prison, allegedly because he was trying to expose corruption among Russian officials. The US passed the Magnitsky Act in 2012, targeting officials who were allegedly complicit in those events. The legislation was later updated to make it global.

Until recently, the UK said that the power to sanction individuals involved in human rights abuses already exists; after the Salisbury incident, UK officials indicated that they were considering stronger legislation.
1. National security and Russia

In July 2017, the Government announced that it had launched a review of national security capabilities, in support of the implementation of the 2015 National Security Strategy and Strategic Defence and Security Review (2015 NSS & SDSR). The 2015 NSS only mentioned a Russian threat in the context of military action and response; more recently the picture has broadened to include hacking of infrastructure systems, assassinations and the weaponisation of information to interfere in political procedures, undermine confidence in institutions and sow discord.

On 23 March 2019 Parliament’s Joint Committee on the National Security Strategy published a report on that review, highlighting the changing nature of potential threats including from Russia. Giving evidence to the committee, National Security Adviser (NSA) Sir Mark Sedwill said that Russia had “become troublesome more quickly and more broadly than was anticipated”:

The NSA told us in December that of the four particular challenges set out by the 2015 NSS & SDSR, he would focus on Russia and the terrorist threat because “They have probably become troublesome more quickly and broadly than was anticipated” in 2015.31 When we asked the NSA how the UK should prioritise these two threats, he said:

Russia and a strategic threat of that kind from a nuclear state has a significant strategic effect for us, but given the capabilities that we and our allies have, it is unlikely that that threat will manifest itself except in the ways that we are already seeing—essentially below the level of military conflict. However, we face an acute threat that is killing British citizens both at home and overseas from terrorists. I do not think that one can say that one is more than the other. They are different and we need to address both.

Sir Mark was speaking before the poisoning of Russian former intelligence officer Sergei Skripal in March 2018. 1

Although witnesses tended to agree on a rising threat from Russia, some cautioned that it would be unwise to focus on Russia to the exclusion of other threats, and that Russia’s capabilities should be kept in proportion; “slipping into both the dynamics and the rhetoric and institutionalisation of a second Cold War” should be avoided.2

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2 Ibid, p15
2. Salisbury incident

On 4 March 2018 two individuals, Sergey and Yulia Skripal, were taken seriously ill in the city of Salisbury. On 8 March the Foreign and Commonwealth office informed the OPCW Technical Secretariat that they had fallen ill following exposure to a nerve agent. On 12 March the Prime Minister gave a statement in which she confirmed the substance used was a military-grade nerve agent of a type developed by Russia, part of a group of agents known as ‘Novichok’ agents. The Prime Minister said it is “highly likely that Russia was responsible” for the attack. The Foreign Secretary asked Russia to provide to the OPCW immediate, full and complete disclosure of the Novichok programme to the OPCW by the end of 13 March.

Several measures were taken in reaction to the incident, including the expulsion of 23 Russian diplomats who have been identified as “undeclared intelligence officers”; the suspension of all high-level bilateral contacts between the UK and Russia; and plans to consider new laws to harden the UK’s defences against all forms of hostile state activity.  

2.1 Chemical weapons

Both the UK and Russia are parties to the Chemical Weapons Convention, the international agreement banning the manufacture, stockpiling and use of chemicals as weapons.

The provisions of the CWC were translated into British law by the Chemical Weapons Act 1996. The UK’s instrument of ratification was deposited with the UN on 13 May 1996. The UK completed the destruction of its chemical weapons stockpile in 2007. Under Section 33 of the Act, the Government presents an annual report on the operation of the Act. The most recent was published on 26 October 2017: Annual report for 2016.

Both the United States and Russia missed a 2012 deadline for the destruction of their respective chemical weapons stockpiles. Subsequent agreements have allowed for the extension of that deadline to 2020 for Russia and 2023 for the United States. In September 2017, however, Russia declared that its chemical weapons stockpile had been destroyed.

By coincidence the Organisation for the Prevention of Chemical Weapons, which administers the Convention, was holding one of its regular Executive Council meeting between 13-16 March 2018. The UK addressed the meeting on 13 March. Repeating the Government’s conclusions, as outlined in the Prime Minister’s statement, the Permanent Representative of the UK to the OPCW said:

The stark conclusion is that it is highly likely that Russia, a fellow State Party to the Chemical Weapons Convention and fellow member of this Executive Council is implicated in chemical

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3 National Security Capability Review: A changing security environment, p15
weapons use, whether by failure to control its own materials or by design.

The Russian Permanent Representative responded in a statement to the Council on 13 March. The Russian Ambassador described the UK’s “unfounded accusations” as “absolutely unacceptable”. The Ambassador said the UK should avail itself of the procedures provided for in Article IX(2) of the Convention and made it clear the Convention allows for 10 days for a receiving State to reply, describing the UK’s demand for a response within 24 hours as “absolutely unacceptable”.

3. Military threat?

Contrary to widely held view, the government says that there have been no unauthorised incursions into UK airspace by Russian military aircraft, as set out in a recent PQ response:

There have been no unauthorised incursions by Russian military aircraft into sovereign airspace around the UK, which projects 12 miles off the shore or to a mutually agreed mid-point between adjacent nations, as in the Straits of Dover.

Russian state registered aircraft, which may include military aircraft, can transit through UK sovereign airspace but must apply for diplomatic clearance in advance on a case by case basis and adhere to an approved flight plan with civil air traffic control authorities.

Asked about a reported incursion of Russian submarine into UK waters, the Government refused to comment.

Russian re-armament

Responding to the military weakness evident by the 1990s, Russia has introduced a series of ambitious State Armament Plans, but implementation of these plans has been patchy, given Russia’s economic and political circumstances; expectations for SAP 2018-2025 are no different. The current SAP has already seen many programmes delayed or scaled down and this trend is expected to continue. Should the reality fail to match aspirations, the predominance of nuclear forces is deemed likely to continue and the question then becomes which conventional programmes or areas of capability will be prioritised?

Nuclear forces- The modernisation of Russia’s nuclear forces has long been a priority within the SAP and that is not expected to change. Beyond existing upgrade and rearmament programmes work has already begun on a next generation long-range strategic nuclear bomber (PAK-DA). A prototype is expected in the early 2020s, with production scheduled to begin in 2023 and entry into service around 2030.

Some experts have argued that Russian conventional capacities are such that an incursion into the Baltic States, for example, would be difficult for NATO to resist despite the extra deployments in Central and Eastern Europe.
4. Political interference?

On 13 November, Prime Minister Theresa May gave the annual speech at the Lord Mayor’s banquet. She had some strong words for Russia:

It is seeking to weaponise information. Deploying its state-run media organisations to plant fake stories and photo-shopped images in an attempt to sow discord in the West and undermine our institutions.

So I have a very simple message for Russia.

We know what you are doing. And you will not succeed. Because you underestimate the resilience of our democracies, the enduring attraction of free and open societies, and the commitment of Western nations to the alliances that bind us.

Elections and the referendum

The Prime Minister was later asked in the House of Commons whether those comments could also cover Russian actions in relation to UK elections and the referendum. The usual response is that: “To date, the Government has not seen evidence of successful interference in UK elections.”

The Intelligence and Security Committee met for the first time on 23 November 2017 and indicated that it would be investigating Russian activity against the UK.

Enquiries are focusing on the more than 13,000 Twitterbot accounts that were active during the referendum campaign and were deactivated after the ballot. Researchers from the University of Edinburgh found that out of the 2,752 Russian Internet Research Agency accounts suspended by Twitter in the US, 419 were attempting to influence UK politics.

The House of Commons Digital, Culture, Media and Sport Committee wrote to Facebook, Twitter and Googler in October 2017 asking for details of advertisements and pages linked to Russia during the campaigns for the Brexit referendum and the 2017 General Election.

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5. Energy dependency?

We do not know exactly how much of our gas comes from Russia.

The UK does not import any gas *directly* from Russia. It is possible that some of the gas we import via the interconnector with Belgium ultimately comes from Russia as it is a major supplier to continental Europe, but there is no way of saying how much.

In 2016 imports via the interconnector accounted for 6% of total UK gas imports. This compares to 73% imports which came directly from Norway, 13% from Qatar (shipments of liquefied natural gas) and 4% from the Netherlands. In the same year total imports made up 60% of domestic gas supply.5

This is not to say that Russian energy policy is of no importance to the UK gas market. The UK is connected to the continental gas market so any disruption in supply from Russia could potentially put a squeeze of gas across the continent and in the UK and increase prices.

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5 Source: *Digest of UK Energy Statistics (DUKES): foreign trade statistics* (Table G.5)
6. UK armed forces

Media reports of rumoured plans to cut the army to 70,000 personnel has prompted much concern in Parliament about the current future size of the armed forces.

Current numbers of personnel
There are three main ways to measure the number (strength) of military personnel, depending on whether one includes trained and untrained, Gurkhas and full time reserve personnel. The numbers differ depending on which method is used. The first in the list - total full time UK Armed Forces - is the most comprehensive: it includes the UK Regular Forces, Gurkhas, and Full Time Reserve personnel:

- Total full time UK Armed Forces: 155,474
- Total full time UK Regular Forces: 147,525
- Total trained full time UK Armed Forces: 137,280

All three services are currently below the requirement for trained strength. Overall there is a deficit of 5.6%, or 8,157 personnel, of the stated required strength (which is 145,437). So the Army’s required strength is 82,646 but the actual strength, as of 1 October 2017, is 77,440.

When Reserves, all UK regular personnel, Gurkhas and other personnel are included, the total UK Service Personnel is 195,730. Volunteer Reserve personnel make up 19% of that number, numbering just over 37,000, on 1 October 2017. [1]

Further detailed analysis is available in library paper UK defence personnel statistics which provides information as of 1 October 2017. This is the most information available - the MOD used to produce monthly personnel statistics but has changed to quarterly reports. The next update is due in mid-February.

Context
National Security Capabilities Review
The National Security Advisor is leading a Government-wide National Security Capabilities Review (NSCR) and will include defence capabilities. The Government has not yet given a date for publication. The review has prompted considerable speculation in the media and in Parliament about what the potential impact on armed forces - concerns about possible cuts to the Navy’s amphibious capability prompted a debate in November 2017 on this subject. The defence aspects of the capability review was the subject of a debate in Westminster Hall in October 2017 and was mentioned repeatedly in a debate on defence on 11 January 2018. And on 15 January Julian Lewis asked an Urgent Question asking about the Review and its potential implications for the armed forces. Gavin Williamson, the Secretary of State for Defence, said that he could

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6  Size and strength of the British armed forces, 19 January 2018
not provide information on the detail of the review until it concludes but did highlight the priorities for the Ministry of Defence:

I can assure the House that as long as I am Defence Secretary we will develop and sustain the capabilities necessary to maintain continuous at-sea nuclear deterrence, a carrier force that can strike anywhere around the globe and the armed forces necessary to protect the north Atlantic and Europe; and we will continue to work with our NATO allies.7

Size of the armed forces

Reducing the size of the armed forces is reportedly one of the proposals being examined under the Review. Media reported last autumn the MOD was considering possible plans to reduce the army below the required strength of 82,000 to 70,000.

The 2015 Conservative party election manifesto committed to maintaining the armed forces at their current size and not to reduce the army below 82,000. However the 2017 election manifesto made no such commitment on Army numbers. It said: “we will maintain the overall size of the armed forces, including an army that is capable of fielding a war-fighting division.”

Recruitment and retention

All three services, plus the Royal Marines, are actively recruiting. The Army’s new adverts has prompted some recent media coverage but the Royal Navy, RAF and Royal Marines are all running recruitment campaigns.

According to the most recent figures, in the 12 months to 30 September 2017, there was a net outflow of 2,740 personnel from the UK Regular Forces. The MOD said this difference has increased compared with the 12 months to 30 September 2016, where there was a net outflow of 1,930. In terms of numbers, intake into the trained and untrained UK Regular Forces was 12,270 in the 12 months to 30 September 2017. This has decreased from 13,650 in the 12 months to 30 September 2016.8

The Ministry of Defence is in the midst of a wide-ranging review of terms and conditions for personnel under the New Employment Model. Housing in particular has been a particular issue among service personnel, with unhappiness about the current state of service accommodation, the introduction of a new accommodation payment system and concerns about the Future Housing Model. The Chief of the General Staff, Sir Nicholas Carter, acknowledged the uncertainty among personnel brought about by changes to the provisions of housing and other terms and conditions of service in his new year’s message to personnel in Soldier magazine.9[4] These changes apply to all three services.

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7  HC Deb 15 January 2018 c611
8  UK armed forces monthly service personnel statistics: October 2017, Ministry of Defence, 16 November 2017
9  “Army chief’s new year message to serving soldiers”, Soldier magazine, January 2018
Evidence of concerns about morale can be found in the Armed Forces Continuous Attitudes Survey 2017. The survey reported morale of self, Unit and Service has decreased since 2016. In particular the survey found 61% of personnel perceived service morale to be low and only 9% described service morale to be high. The Royal Marines in particular had seen large decreases in morale (the survey was published in May 2017). Concerns about low morale in the armed forces have been by MPs and Peers raised in both Houses of Parliament.

6.1 Trident replacement
In a vote in July 2016 the House of Commons approved the decision to maintain the UK’s nuclear deterrent beyond the early 2030s. After almost a decade of work on the project (the Successor programme), that vote subsequently enabled the programme to move forward into its manufacturing phase, which will see the construction of four new Dreadnought class ballistic missile submarines over the next 15-20 years.
7. EU-NATO cooperation

Recognising that the current strategic environment is one of unprecedented security challenges, in July 2016 the President of the European Council, the President of the European Commission and the NATO Secretary General signed a Joint Declaration intended to give new impetus and substance to the NATO-EU strategic partnership. That Declaration outlined seven priority areas where cooperation between the two organisations should be enhanced: countering hybrid threats; operational cooperation; cyber security and defence; defence capabilities; defence industry and research; exercises and supporting Eastern and Southern European partner’s capacity-building efforts.
8. Sanctions

8.1 Sanctions

The present sanctions regime against Russia largely dates from 2015 and the annexation of Crimea. These sanctions are listed in *Sanctions over the Ukraine conflict*, 11 March 2015. The Government provides a summary here: *EU sanctions against Russia: information for exporters*. The list of individuals and entities targeted has been amended since 2015, and the sanctions have been extended periodically by the European Council.

Reacting to the Salisbury incident, the EU ambassador to Russia was recalled. Germany and France indicated their intention to impose new bi-lateral sanctions against Russia. Other countries were considering expelling Russian diplomats, possibly as soon as 26 March 2018.

After a meeting with German Chancellor Merkel, French President Macron said:

> We consider this attack a serious challenge to our security and European sovereignty so it calls for a coordinated and determined response from the European Union and its member states. ¹⁰

French experts had come to the same conclusions about the provenance of the agent used in the attack, he said.

EU-wide measures might have to wait until another EU summit in June.

8.2 Magnitsky legislation

Sergei Magnitsky was a Russian lawyer who had uncovered large-scale corruption by Russian officials and died in a Russian prison. Following the death, which was widely viewed as suspicious and a consequence of his investigations, the US Congress passed the Magnitsky Act.

The original 2012 US Magnitsky Act targeted just the Russian officials allegedly involved with Sergei Magnitsky’s treatment. Later versions of the law provide for sanctions against violators of human rights, wherever they are and whatever the violation (see below).

The UK Government’s line has been that the UK has sufficient powers to be able to impose sanctions on human rights abusers. During the passage of the *Sanctions and Anti-Money Laundering Bill*, a Minister in the Lords said:

> Baroness Evans of Bowes Park: We already have a range of powers, similar to those in the US Magnitsky Act, which we regularly deploy to protect national security and our financial system. As the Prime Minister herself said in the other place, conversations will continue to see whether there is any further need for legislation.¹¹

Some parliamentarians argue that the existing powers are insufficient, however:

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¹⁰ *Germany and France promise new Russia sanctions*, *EUObserver*, 23 March 2018

¹¹ *HL Deb 12 March 2018, c1383-4*
Baroness Kennedy of The Shaws: I want to challenge the idea that the pieces of law that we have managed to put together from different legislation that has gone through this House in recent years fills all the gaps; it is my suggestion that it does not. 12

Baroness Kennedy said that visas were still being granted to Russian Government officials. The Government has said that it is prepared to look at further Magnitsky-style legislative proposals.

Ministers continued to argue that Clause 1 of the Sanctions and Anti-Money Laundering Bill provides for imposing sanctions on human rights abusers as the Bill progressed through the Commons:

Boris Johnson: I hesitate to accuse the hon. Lady of failure to read the Bill, but clause 1(2) makes it absolutely clear that sanctions can be imposed to promote human rights. A fortiori, that obviously involves a Magnitsky clause to prevent the gross abuse of human rights. The measure that she seeks is in the Bill.

Helen Goodman: I am afraid that I do not think the Bill makes that clear. First, it does not include the phrase, “gross human rights abuses”, which the Foreign Secretary just used, and furthermore, it does not refer to public officials. This is a matter that we can debate upstairs in Committee, and I will be happy to do so with the Minister. 13

Labour tabled two amendments to the Sanctions and Anti-Money Laundering Bill at committee stage that they describe as “Magnitsky amendments”. 14

In House of Commons Committee Stage, 1 March, Sir Alan Duncan set out the Government’s thinking in more detail:

Amendments 1 and 2 relate to including in the Bill gross human rights abuses as a basis on which sanctions may be imposed. As Lord Ahmad made clear in the other place, the list of purposes currently in the Bill ensures we can continue to implement sanctions for the same reasons we do now—for example, in the interests of international peace and security or to further a foreign policy objective of the UK. 15

The Opposition amendments were not passed.

Much of the debate has been about putting definitions of activities justifying the imposition of sanctions. The Sanctions and Anti-Money Laundering Bill was amended by the Opposition in the House of Lords to add specific references to human rights protection as reasons for imposing sanctions (rather than the international obligations and UK foreign policy reasons that existed in the Bill as introduced in the Lords).

12  HL Deb 12 March 2018, c1385
13  HC Deb 20 February 2018, c82
14  Sanctions and Anti-Money Laundering Bill, Notices of Amendments given up to and including Tuesday 20 February 2018
15  Sanctions and Anti-Money Laundering Bill 2017-19, Public Bill Committee proceedings, 1 March 2018, p46
In Commons Committee Stage, the Government said that it had no intention of reversing that Lords amendment, and would seek the maximum possible consensus between Members before Report Stage.  

**Salisbury incident**

In the [Statement to the House of Commons](https://www.parliament.uk/) on 14 March 2018 the Prime Minister confirmed that the Government would table Magnitsky amendments to the [Sanctions and Anti-Money Laundering Bill](https://www.gov.uk/guidance/sanctions-and-anti-money-laundering-bill):

> ...to strengthen our powers to impose sanctions in response to the violation of human rights. In doing so, we will play our part in an international effort to punish those responsible for the sorts of abuses suffered by Sergei Magnitsky. I hope, as with all the measures I am setting out today, that this will command cross-party support.

**Existing powers**

In 2017, an amendment was proposed to the [Criminal Finances Bill 2016-17](https://www.gov.uk/guidance/criminal-finances-bill-2016-17) to:

> …enable the Secretary of State, an individual or a non-governmental organisation to convince the High Court to make an order to empower the UK authorities to freeze assets where it can be demonstrated, on the balance of probabilities, to a senior judge that those assets relate to an individual involved in, or profiting from, gross human rights abuses.

The change, known as the Magnitsky amendment, was accepted by the Government and the Bill became the [Criminal Finances Act](https://www.gov.uk/guidance/criminal-finances-act) in April 2017.


**US Magnitsky legislation**

Congress passed the Magnitsky Act in 2012. It provided for sanctions against on a list of Russian officials believed to be responsible for serious human rights violations, including asset freezes and travel bans, and was passed as a section of another Russia-specific piece of legislation, [Russia and Moldova Jackson-Vanik Repeal Act](https://www.gov.uk/guidance/russia-and-moldova-jackson-vanik-repeal-act).

In 2016, Congress built on that legislation, enacting the [Global Magnitsky Human Rights Accountability Act](https://www.gov.uk/guidance/global-magnitsky-human-rights-accountability-act), which allowed the Government to impose visa bans and targeted sanctions on individuals anywhere in the world responsible for committing human rights violations or acts of significant corruption. The text of the legislation does not mention Russia.

In response to the Salisbury incident, more European countries indicated an interest in passing Magnitsky legislation. Nordic countries including Denmark and Sweden had seen calls for national Magnitsky measures and the chemical attack in the UK strengthened that.  

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16 Ibid.  
17 HC Deb 21 February 2017, c884-5  
18 ‘Nordic states discuss targeted Russia sanctions’, EUObserver, 23 March 2018
9. Reading list


The Chemical Weapons Convention, 20 March 2018

Replacing the UK’s Nuclear Deterrent: Progress of the Dreadnought Class, 05 February 2018

Size and strength of the British armed forces, 19 January 2018

Russia 2017, 20 December 2017

European defence: where is it heading?, 30 January 2018

The defence capability review: equipment, 17 October 2017

Russia’s Rearmament Programme, 24 January 2017

NATO’s military response to Russia: November 2016 update, 04 November 2016

Sanctions over the Ukraine conflict, 11 March 2015

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