

When member states are divided, how do we ensure Europe is able



“The reasons for divisions among member states on foreign policy are not hard to state: history, geography, identity. What matters is what we do about them.”

JOSEP BORRELL

At the European Council, leaders give their strategic guidance on many key foreign policy issues, from our relations with China, the conflict in Nagorno-Karabach and the poisoning of Aleksei Navalny [link to European Council conclusions:

<https://www.consilium.europa.eu/en/press/press-releases/2020/10/01/european-council-conclusions-on-external-relations-1-october-2020/>]. On the Eastern Mediterranean, we will pursue dialogue with Turkey on outstanding issues. And European leaders tasked me to organise a multilateral conference which could address issues on which multilateral solutions are needed, including maritime delimitation, security, energy, migration and economic cooperation. We clearly prefer the path of constructive relations but the political line is clear: in case of renewed actions by Turkey that breach international law, the EU will use options at its disposal.

One big decision that leaders took was to finally impose sanctions on Belarus. There is no point denying that this decision took a long time: almost two months have passed since the rigged Presidential elections. Many observers and commentators have pointed out [link NY Times; <https://www.nytimes.com/2020/09/24/world/europe/europe-sanctions-belarus-cyprus.html>] that divisions among member states were hampering our collective ability to take a stand, even on issues that are core to the EU's founding principle. In short, our credibility was at stake.

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common foreign policy, it has had to deal with this kind of splits. From the break up of Yugoslavia, to the Middle East Peace process, the war against Iraq in 2003, the independence of Kosovo or Chinese actions in the South China Sea.

This is of course not the first time that we experience divisions. As long as the EU has been working on developing a common foreign policy, it has had to deal with this kind of splits. From the break up of Yugoslavia, to the Middle East Peace process, the war against Iraq in 2003, the independence of Kosovo or Chinese actions in the South China Sea: there have been many examples where divisions among member states have slowed down or paralysed EU decision-making, or emptied it of substance.

The underlying reasons are not hard to state: history, geography, identity. Member-states look at the world through different prisms and it's not easy to blend these 27 different ways of defining their national interests into a united, common European interest. Having been Minister of Foreign Affairs of Spain I have sat at both sides of the table. And I know all too well that in the Council we discuss a common EU line, but as soon as we get home, minister focus above all on conducting their national foreign policy, with their own priorities and red lines.

The real question is what to do about this. For me it is clear that the main long-term answer lies in the creation of a common strategic culture: the more Europeans agree on how they see the world and its problems, the more they will agree on what to do about them. That is in part what we intend to do with the work on a Strategic Compass. But all this is a long-term process. And in the meantime, we have to be able to take collective decisions, on tough issues, in real time.

And this brings us to the question of *how* we take decisions on foreign policy. For decades we have agreed that foreign and security policy must be decided by unanimity, with every country holding a veto. In foreign policy we work a lot with so-called discrete instead of continuous variables. This means many of our decisions are binary in nature: you either recognise a government or not, you launch a crisis management operation or not. And this leads to a lot of blockages and paralysis. In the same way, there are other important policy fields such as taxation or the multi-annual EU budget where the unanimity requirement has also created serious difficulties to find adequate solutions.

The contrast here is with those areas of the EU, from the single market to climate to migration, where the EU can take decisions by qualified majority (55% of member states and 65% of population). And crucially, market rules or climate targets are not secondary issues of lesser sensitivity. Indeed, big national interests at stake, which often clash just as much as in foreign policy.

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Moreover, it is striking that even in the areas where the EU can take decisions by QMV, it mostly doesn't. Why? Because the ethos of the club is to work for compromises, something everyone can buy into. But for this, all member states need to move and invest in unity. Simply sitting on one's position creates blockages. And in this specific sense, having the QMV option is important: not to use it but to create an incentive for member states to move and search for common ground. This is how, outside foreign policy, the EU can take decisions on important topics with big interests at stake, even if member states are divided. What matters in the EU is not how a discussion begins; what matters is how it ends.

Right at the start of my mandate I argued that if, in foreign policy, we want to escape the paralysis and delays of the unanimity rule, we ought to think about taking some decisions without requiring the full unanimity of 27. And in February when we were blocked on the launch of Operation Irini to police the arms embargo on Libya, I raised the question at the Munich Security Council [link:

<https://securityconference.org/mediathek/asset/panel-discussion-eurovision-co-test-a-europe-that-projects-20200216-1225/>] how reasonable it is for one country, which would anyway not participate in the naval operation because it lacks a navy, to prevent the other 26 from moving forward.

Let's be clear: we will not have majority voting across the board. But one could limit it to aspects where we have been frequently blocked in the past – sometimes for completely unrelated reasons – such as human rights statements or sanctions. In her State of the Union [<https://ec.europa.eu/info/strategy/strategic-planning/state-union-address...>], President Von Der Leyen repeated this proposal (it was actually the line in her speech that attracted the largest amount of applause).

Since then, there has been renewed debate on the merits and risks associated to this idea. For instance, the President of the European Council has warned [Bruegel speech:

<https://www.consilium.europa.eu/en/press/press-releases/2020/09/28/l-autonomie-strategique-europeenne-est-l-objectif-de-notre-generation-discours-du-president-charles-michel-au-groupe-de-reflexion-bruegel/>] that dropping the unanimity requirement would risk losing the legitimacy and buy-in that is needed when it comes to implementing any decisions. This is without any doubt, an important issue. Others [Luuk van Middelaar in NRC: <https://www.nrc.nl/nieuws/2020/09/29/van-afschaffing-vetos-wordt-de-eu-niet-g-eopolitiek-a4014102>] have pointed to the fact that the national veto is an 'insurance policy or emergency brake' to protect especially the ability of small countries to defend their core national interests (larger member states may not even need the veto to protect their core national interests).

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I welcome this debate. I am clear that abandoning the unanimity rule would not be a silver bullet. But we need a discussion on how to create the right incentives for member states to come together. Just appealing to the need for unity is not enough. Which decisions we make and how credible they are, depends crucially on how we make them.

Going forward, some possibilities seem pertinent to me, to be evaluated and discussed:

Maybe it could be better, sometimes, to accept to issue a quick statement at 25 with good substance than wait for several days and come with a lowest common denominator statement at 27?

Maybe it is also better to think not mainly in terms of introducing QMV but also of 'constructive abstention'? This was a possibility introduced to enable a country to abstain without blocking the Union from moving forward. For example, this was how the EULEX mission in Kosovo was launched in 2006.

And finally, as we are certainly not going to abandon unanimity across the board, could we define areas and tools and instruments where it could make more sense to experiment (for example sanctions, statements, demarches) and, if so, with what kind of safeguards?

I hope that in the weeks and months ahead, for example in the framework of the Conference on the Future of Europe, we can debate the pros and cons of these options, knowing that there is a great and urgent need for the EU to protect its capacity to act in a dangerous world.