

# 25 EU GLOBAL STRATEGY EXPERT OPINION

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The political intent behind the creation of the 2003 European Security Strategy (ESS) was to mend fences among EU member states, following the acrimonious divisions over whether or not to join the US-led invasion of Iraq. The slogan ‘effective multilateralism’ was born out of this effort; a notion projected by the EU onto the global level. The Union’s own Common Foreign and Security Policy (CFSP), however, is still generally perceived as being troubled by *ineffective* multilateralism.

In an EU of 28, differences in historical trajectories, socio-economic realities, and in (geo)strategic and political interests highlight the cracks in the Union’s persona as an actor on the international stage. Differences in degrees of respect for the values on which the EU is built have also shown that these normative principles are an insufficient basis for consensus on foreign policy issues.

The EU’s post-Lisbon foreign policy successes (e.g. normalisation of relations between Serbia and Kosovo, the adoption of sanctions against Russia over Ukraine, and the facilitation of the E3+3 nuclear talks with Iran) seem to be the exceptions

rather than the rule.

If the EU Global Strategy on Foreign and Security Policy (EUGS) is to have a structural impact on the day-to-day policymaking in the Foreign Affairs Council, then the HR/VP will have to make a point of using the qualified majority voting (QMV) mechanisms and flexible arrangements which the Treaty provides. This will be necessary in order to overcome the lack of political will to act by one or more member states and to secure the EU’s common interests as defined by the EUGS and adopted by the European Council.

### The need for flexibility

The political will, money, knowhow and other national resources devoted to EU foreign policy by more or less structured coalitions of member states can help assist in the implementation of the EUGS and increase the visibility and credibility of the Union as an international actor.

In the sphere of diplomatic dispute settlement, for example, the E3+3 model has been hailed as

a way forward to more efficient and effective foreign policymaking by a contact group of member states, coordinated by the HR/VP. The latter is an important addition, as contact groups should not obstruct but rather buttress the EU's structures in the foreign and security field. Respect by member states for the 'constitutional' duty of loyal cooperation with the EU institutions should prevent the Union's external action from being diluted, undermined, rendered less visible or re-nationalised by the activities of such groups. The same applies to the operationalisation of the mechanism provided in Article 46 of the Treaty on European Union (TEU), i.e. permanent structured cooperation to move European defence integration forward with a group of like-minded states.

However valuable the exploration of such flexible means to render the CFSP more effective, any actions by contact or core groups presuppose that they have been mandated or acquiesced to by all member states. After all, at the level of decision-making in CFSP, the general rule remains –formally speaking – unanimity (Article 31(1) TEU).

## The need for QMV

Yet, the Lisbon Treaty lists a few exceptions to the unanimity rule in CFSP (Article 31(2) TEU). The first of these is of particular interest as it caters for the situation where the Council can decide by QMV 'when adopting a decision defining a Union action or position on the basis of a European Council decision relating to the EU's strategic interests and objectives.' Arguably, this leaves the High Representative plenty of room to initiate QMV decision-making in the Council to implement parts of the EUGS when the strategy is adopted by the European Council.

Such initiatives would not undermine the con-

tinued centrality of consensus for the adoption of CFSP decisions, because the exception represents a clearly stated derogation from the general unanimity requirement. In each case, any member state would be entitled to pull the 'emergency brake' and block the HR/VP's proposal to proceed via QMV 'for vital and stated reasons of national policy' (Article 31(2) TEU).

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If pressing for QMV proves too conflictual, then the HR/VP could try and persuade the outliers to resort to the 'constructive abstention' mechanism, which allows for up to a third minus one of the member states to stand aside while the majority forges ahead (Article 31(1) TEU). In the case of an abstention, the member(s) in question are not obliged to apply the decision, but nevertheless accept that the decision commits the Union.

As it is the HR/VP's task to conduct the CFSP and operationalise the decisions taken by the European Council, she should more actively use the opportunities provided by the Treaty to render the inter-governmental method of decision-making in the Council more effective. It is a sense of flexibility and solidarity that the HR/VP should appeal to in putting the onus on the one or more member states that stand in the way of securing the EU's common interests as laid down in the EUGS and adopted by the European Council.

