

EU Foreign Policy Needs “Embedded” Differentiation

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The claim that one can “have the cake and eat it” does not stand scrutiny, as the recent experience of Brexit shows. The UK could not just pick and choose the bits of the Single Market it valued, while ditching the rest. The proposition that the European Union can be a strong foreign policy actor while requiring unanimity to take any step on the international stage faces the same predicament: one cannot have it both ways. The trade-off between unanimity and effectiveness is real. Differentiated cooperation among EU member states through informal initiatives, coalitions or contact groups, can help avoid stalemate and advance EU priorities, if its objectives and functioning are compatible with those of the Union.

The litany of cases of EU foreign policy statements or decisions – whether concerning China, Venezuela or the Middle East Peace Process – blocked or diluted by the veto of one or two countries leads up to the latest example of gridlock. At their last meeting in September, EU foreign ministers failed to impose sanctions on those responsible for the repression of peaceful protesters in Belarus because of the opposition of Cyprus, which conditioned its consent to simultaneously adopt sanctions on Turkey in the context of the crisis over gas exploration in the East Med. EU foreign policy chief Josep Borrell was the first to acknowledge that this impasse put the Union’s credibility at stake.

To be sure, the EU is a major global actor, pulling its weight as a market and regulatory power in the global geo-economic contest and playing an essential role to keep the multilateral show on the road, from climate to trade and health issues. However, foreign policy is different. It frequently requires quick moves to react to events and crises, mobilising national leaders when matters are of consequence, and national positions are often deeply rooted in respective historical experiences and strategic cultures. Carrying out foreign policy by consensus at 27 within the EU is not impossible, and multilateral consultations can help avoid unilateral mistakes. However, EU foreign policy decision-making is certainly cumbersome and ill-suited to taking timely and decisive action. The rapid decisions to impose sanctions on Russia for the annexation of Crimea and the war in Eastern Ukraine seem the exception that confirms the rule.

EU leaders have recently revived calls to expand the scope for qualified majority voting in foreign and security policy, but many member states show no appetite for that and this is unlikely to change soon. In practice, therefore, cooperation among likeminded member states through different groupings and coalitions will often be critical to advance positions that are largely shared at the EU level, while falling short of winning unanimous backing. This is nothing new: differentiated cooperation is the norm in European foreign policy. Think of the EU3 (France, Germany and the UK) negotiating the Iran nuclear deal, the role of Germany and France in the Normandy format dealing with the crisis in Ukraine, the Quint (France, Italy, Germany and the UK alongside the United States) operating in the Western Balkans or the Quint (France, Italy, Germany, Spain and the UK) focusing on the Middle East Peace Process.



The question is how to make differentiated cooperation work to serve larger EU goals as opposed to narrow national agendas, which may or may not be in line with them. Treaty provisions enabling differentiated cooperation in foreign and security policy have almost never been used. There appears to be a mismatch between their tight procedural requirements and member states' preference for informal, flexible cooperation formats. A pragmatic approach is therefore required to harness the added value of different levels of action – EU, national and informal groupings – while pursuing shared or at least compatible goals.

Despite the problems affecting EU foreign policy, there are clear advantages with operating at 27 through common institutions. It offers critical mass in a world of assertive powers, access to the vast EU toolbox across all fields of external action, and political legitimacy. The challenge is reconciling these assets with the political weight, resources and diplomatic agility that sub-sets of member states can provide when taking joint initiatives. In other words, this is about mobilising differentiated cooperation as a pathfinder towards a more effective EU foreign policy, while mitigating the divisive impact that it can have on relations among the 'ins' and the 'outs'.

To achieve that, it is useful to distinguish between what may be called embedded differentiation and unbound differentiation. Embedded differentiation occurs when a group of member states takes action with the express aim to foster EU foreign policy objectives, through regular consultations with the EU High Representative and the European External Action Service, and via formats that are open to the participation of other EU countries that decide to bring a tangible contribution to the joint undertaking. This form of differentiated cooperation connects EU and national goals to strengthen both. While many member states may not be willing or able to get involved, they broadly accept that some of them take the lead on distinct issues. If a small minority of EU countries disagrees with specific initiatives, the involvement of common institutions and arrangements for regular dialogue on the operation of flexible formats could at least in part meet their concerns.

Unbound differentiation takes place if member states work together with loose or no coordination with the EU and without engaging other EU countries. While uncoordinated initiatives do little to strengthen EU foreign policy anyway, whether they hamper it depends on their goals. If a group of member states pursued objectives that undermine consolidated EU positions or challenge the interests of other member states without consultation, unbound differentiation would expose and deepen divergence within the EU.

Real world examples of differentiated cooperation – such as concerning the Iran nuclear file, initiatives in the Western Balkans, or dealing with conflicts in the Middle East and North Africa – fall along a continuum between the two extremes of fully embedded or entirely unbound differentiation. Member states should design differentiated cooperation so that it is as embedded as possible in the common EU framework to preserve coherence, and as flexible as necessary to maximise effectiveness.

Differences among EU member states can be contingent or deep-rooted. Either way, if there is no agreement to introduce majority voting in foreign policy decision-making, there is no quick fix to overcome such differences. Even more so at a time when the national reflex often prevails in EU foreign policy and EU politics at large. Differentiated cooperation is of course not a recipe to cure all the ills of EU foreign policy. However, it can help to break free from the constraints of unanimity without breaking EU foreign policy, if it is embedded in shared goals, norms and institutions.

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