European External Action Service (EEAS)

Foreign Affairs Council: Press remarks by High Representative Josep Borrell at the press conference

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Thank you and sorry for being so late.

Since it was the last one [Foreign Affairs Council] before the summer break, everybody wanted to talk about a whole range of things. But mainly, the two most important, as always, have been the situation in the Gaza war and the war against Ukraine.

As always, we started the day by discussing Ukraine with Foreign Minister [of Ukraine, Dmytro] Kuleba connected online. Then, we went to the situation in the Middle East. And we had an important exchange with the President of the European Investment Bank (EIB), Nadia Calviño. This lasted more than expected because Member States were very much interested in knowing more from the new President of the EIB.

But let me first start with two important decisions which will strengthen our partnership with Armenia.

First, we adopted the first-ever Assistance Measure under the European Peace Facility for Armenia, for around €10 million.

Second, we gave green light to launch a visa liberalisation dialogue with Armenia.

These two decisions were long awaited by Armenia. I am very happy that this could be finally agreed before the summer break - because you know how the situation is tense in the Caucasus, and this will strengthen our partnership with Armenia.

On Ukraine, nearly all Ministers condemned Russia’s missile attack against civilians, and the recent attack against the Children’s Hospital in Kyiv. Which shows that Ukraine needs more air defence. And air defence is required now.

So, we discussed and we reviewed what we had been able to supply since the last month at the [NATO] Washington summit. Member States considered the possibility of increasing their support to Ukraine, in order to deflect these criminal air attacks.

The other problem was the energy infrastructure. This is an important point of the capacity of Ukraine to resist. There is a high percentage of Ukraine’s electricity generation capacity that

has been damaged or destroyed - or it is out of the territorial control by the Ukrainian government.

This is happening in summer. You can imagine in winter. Putin wants to put Ukraine into the darkness and cold. That is why the coming 2 or 3 months will be crucial.

We have no time to waste before the winter arrives.

I asked Ministers start mobilising now to provide more power generation capacity to Ukraine. Contributing to the Ukraine Energy Support Fund is also needed.

Then, we went to our military support for Ukraine, through the European Peace Facility. Most Member States insisted on the need to lift the blockage for this payment, pending for months more than a year.

At the same time, they stressed the importance to move on regarding the decision to implement the new Ukraine Assistance Fund, which has been blocked by one member state, for more than one year.

Member States insisted that this was something unacceptable, unbearable - but unhappily the situation of blockage remains.

On the windfall profits, I updated Ministers on progress towards the first transfer of €1.4 billion expected to happen at the beginning of August – next week. We are set to finance the acquisition of priority military equipment – once again, air defence, ammunition for artillery – and also, and this is new, procurement for the Ukrainian defence industry. So, we are not going only to provide military support to Ukraine but from Ukraine itself. Which is certainly the most logical and efficient thing we can do.

Then we discussed, with [Foreign Minister] Kuleba, the next steps following the Summit on Peace in Switzerland, and agreed that we have to do more to engage with global partners from across the world.

This summit in Switzerland got good results but this has to be improved. About 90 states who have agreed about the final statement of this meeting, but we have to continue reaching out to them, in order to counter the Russian propaganda and to clarify and to explain everybody around the world what is going on in Russia – attacks against Ukraine. To remind [that] there is an aggressor and an aggressed, that Ukraine is defending and we are supporting Ukraine on defending itself.

Sometimes this is not being explained. Sometimes, it is even hidden. No, let’s tell the truth.

Let’s stress the position of the European Union, which is and remains – and has been for quite a long [time] - to support Zelenskyy’s Peace Formula, which is the only peace plan in town. Here, in Brussels. The only peace plan that the European Union supports.

Let me say it again: Russia is the aggressor in violation of the United Nations Charter, and Ukraine the victim exercising its fundamental right to self defence.

It is nothing hysterical about that. It is just telling the truth. The European Union policy is not a “pro-war” policy. We strongly rejected that.

We analysed the statements and actions implemented by the Hungarian Prime Minister and the Foreign Affairs Minister of Hungary, and with only a single exception, I can say that all Member States, were very much critical about this behaviour.

It is Putin who is the war party. The only one who is “pro-war” is Putin, who is calling for Ukraine’s partition and rendition as his “pre-conditions” for any talks and ceasefire. He sends reminders every day, in the form of thousands of missiles, drones and glide bombs, and more military offensives.

If you want to talk about the “war” party, talk about Putin. Not about the European Union. Putin is the “pro war” party here.

We want peace. No one more wants peace more than the Ukrainians themselves. But for a fair, lasting peace, it needs to preserve Ukraine’s freedom and independence, and ensure accountability for the many war crimes that have been happening since the war started.

Any so-called “peace mission”, that ignores these basic fundamentals, is, at the end of the day, only benefiting Putin and will not bring peace.

With a single exception, I think that all Member States, agreed on the need to work for peace but on this basis.

25 Member states criticised Hungary’s actions, also in light of its responsibilities as rotating Presidency. Nearly all Member States insisted on the need to keep unity.

I reminded of the duty of loyalty under article 24.3 of the Treaty on European Union which is there not for decoration, it is not there as empty words. Each Member States is sovereign on its foreign policy, [it is] true. But as far as they are members of this club [European Union] they have to obey to the treaties and, in particular, to this article which is asking for loyal cooperation and implementation of the common positions on foreign policy.

It is not something that you can do or not; you have to [do it].

Member [States] discussed about another issue, which is where to hold the informal Foreign Affairs Council and the Defence Informal. There were quite strong divisions. I tried to do my best in order to get unity, I was listening to everybody, listening to all arguments, trying to make them converge – maybe in the middle of the way position. It has not been possible.

Some were willing to go to Budapest – business as usual -, others clearly did not want to go, and others said “ok, it is up to the High Representative to decide”. And certainly it is up to me.

It is according to my capacities to decide when and where the [Foreign Affairs] Councils are meeting, either formal or informal setting.

After listening to everyone, and spending hours discussing and trying to understand the reasons of ones and others, I had to take a decision.

And I considered that, if the 25 Member States were strongly against this position, this statement, this prise de position, done by messages or even at the United Nations Security Council itself, under the invitation of Minister Lavrov telling: “The EU policy is the policy of war”, I understood that we have to send a signal, even if it is a symbolic signal that has been against the foreign policy of the European Union. And disqualifying the policy [communicated by a Member State that] of the European Union as the party at war has to have some consequences.

Well, formal consequences. Symbolic consequences, nothing really happens. I think it was much more appropriate to show this feeling and to call for the next [informal] Foreign and Defence Council meeting informal in Brussels, when we come back from holidays.

Now the Middle East.

I invited the EU Special Representative for Human Rights [Olof Skoog] to present his report made on the basis assessments by relevant United Nations institutions regarding respect for International Human Rights Law and International Humanitarian Law. Ministers also were briefed by EU Special Representative for the Middle East Peace Process Sven Koopmans on the efforts to revive the process in cooperation with our Arab partners and others.

After nearly 10 months, 290 days, the war in Gaza continues raging, and we witness new forced evacuation of exhausted civilians. There are more than 17.000 orphans in Gaza. Let me give some facts: humanitarian access – which was always difficult – now, it has imploded.

Daily trucks crossing into Gaza dropped from 193 on average in April to less than 76 in June – less than half - and 84 during the first two weeks of July. There is no way of giving the support that the human beings in Gaza require with this drop on humanitarian support.

And this does not happen by accident.

The limited aid getting into the North cannot reach the South. The average of trucks entering via Kerem Shalom is 14 trucks a day.

Before the war, there were hundreds per day. Now, 14.

Virtually everyone in Gaza is dependent on aid to survive. 96% of Gaza’s population are acutely food insecure.

You can say whatever you want, but this is a horror, unbearable. We must do everything we can to stop it – for the sake of our own humanity.

Unfortunately, negotiations for a ceasefire and release of hostages are dragging, with no positive outcome in sight.

There has been this statement, this [Advisory Opinion] of the International Court of Justice. Allow me to say, in the light of this [Opinion] that today we find ourselves in a situation where International Law has never been as far to the situation on the ground.

International law has come to replace the failings of politics. However legitimate, however strong, international legal institutions are not there to implement the law. They are there to state the law. To implement the law, it has to be done by political actors. Not by the Courts.

The Courts issuing rulings, or [Advisory Opinions] provide a valuable guide for the players in the international community, who are at the end responsible and guarantors of international security.

Never before the gap between the law and the reality has been so wide. Never before [has the gap between] what the law says, and what happens in the ground, been so unsurmountable.

And all this under the watchful eye of a powerless international community.

Today, there is no ceasefire. There is no plan for Gaza. There is no revival of the global settlement. On the contrary, there is a continuation of military operations in Gaza. It is becoming banal, to say today, tomorrow and yesterday, and the day [after] tomorrow that some tens or some hundreds of people are being killed under bombs. And the hostages have still not been released.

This territory has been transformed into a stateless home. This is Mogadishu in the Mediterranean, where war will reign for all against all, and where violence will be a substitute for politics.

We are happy to see that our European Investment Bank will support the Palestinian Authority. We are happy to know that the President of the Commission presented on her speech to the [European] Parliament a plan to support the Palestinian Authority, in order to boost also their reforms.

But we need to act quickly, if we want to avoid a whole catastrophe this summer.

Members support our work and our efforts in order to organise in the United Nations General Assembly week another meeting, as the one that we held last year.

I remember last September, some weeks before the terrorist attack by Hamas, we were talking about the two-state solution, and the day after. What an irony. One year later, we will

again be in New York, meeting, and we will have to have another meeting to talk about the day after.

But “after” what? After this terrorist attack and about 40,000 people being killed in Gaza?

Yes, the international community has to wake up. The European Union has to do more efforts in order to support a peace process. Starting with a ceasefire, humanitarian support, release of hostages, and a political prospect for the two-state solution.

But, it is clear that the Advisory Opinion of the International Court of Justice - saying that the occupation of the West Bank is illegal and it has to end, and Israel has to withdraw from these territories – has gotten an immediate answer from Netanyahu’s government saying “No, this is our land. It belongs to us.”

Now there is a fight between history, or interpretation of history, and international law. This is a very critical moment for all of us, because maybe the war will rage in Lebanon, in Yemen, maybe it will be worse in Gaza. So, let’s keep [ourselves] very much busy during the summer break to try to do as much as we can in order to prevent a great catastrophe.

Thank you.

Q&A

Q. You mentioned that EU countries supporting the Zelenskyy Peace Plan. How real do you think is Zelenskyy’s intention to hold the second peace summit in the autumn of this year? What kind of conditions should be kept to invite Russia to take part? So far, as I understand, the situation of this European Peace Facility is lasting already more than a year. But it is not only Ukraine suffering, because some EU member states also cannot get some kind of payback for assistance already delivered to Ukraine. Do you see there some kind of solution, alternative solution, [that] could be reached by negotiations or in some other formats to let that expenditure, be alive?

I am sure that President [of Ukraine, Volodymyr] Zelenskyy’s will to continue advancing on peace talks and to have another conference with Russia’s attendance is real, certainly. We already said what we have said in Switzerland: the next steps require the involvement of Russia. But have a look at what Putin said during the visit of Prime Minister [of Hungary, Viktor] Orbán to Moscow. Have a look. These are the preconditions of Putin. But certainly, we have to engage in any hope for peace through diplomatic talks but on some basis - not on Putin's basis.

About the European Peace Facility, I lost the hope that they could [unblock] it. For more than one year, we have been asking, putting pressure, looking for a solution -"now this, after another thing.” Today I said, this is shameful. Purely shameful. Not because we are not able to provide the military support to Ukraine, because this money has to be paid to the Member States - because Member States already provided this military support, and Ukraine has

received it. But Member States have not been reimbursed and if they are not being reimbursed for what they did in the past, they have little incentive to continue in the future. So, I do not know. I do not know how I can solve it, but I today I qualify it as a shameful situation.

Q. Two questions for you, High Representative. The first one is: you invoked this article on loyal cooperation between Member States. Do you think Hungary has already breached this article, that there is a legal breach in its activities? And second, besides this boycott of the Gymnich meeting that you just explained, do you envision any other measures to ensure the Hungarian presidency does not continue disrupting EU unity with their self-proclaimed peace mission?

First, I refuse the word boycotting. The informal meeting will take place and Hungary will be sitting there, be it in Budapest, be it in Brussels or be it somewhere else. By the way, there have been some proposals to hold the meeting somewhere else, that were rejected. So, no boycott at all. Simply one meeting instead of taking place here will take place there. But the meeting will work, as always, with the full participation of all Member States, including the one who holds the rotating presidency. So, this is a symbolic measure, this is not a court decision. By the way, it is difficult, a court decision, because you know that the Court of Justice of the European Union has no competence on foreign policy. So this is an article that has more of a political reading. And for me, it is clear that what has happened belongs to the realm of a lack of loyal cooperation.

Q. Regarding the EUBAM Rafah mission, did you get today the political green light from the Council? And I have a second [question], more clarification about the discussion with the president of the European Investment Bank and the possible support to the Palestinian Authority. Could you be a little bit precise? How much the European Investment Bank is going to provide as a credit?

Yes, the European Investment Bank has signed a loan, an important loan, to the Palestinian Authority that it will start disbursing right now. In several tranches, which is about, a little less than €200 million. Quite an important amount of money, [it] is a loan which has to be repaid, but in very benefic conditions. This will start being disbursed from now [on]. Then, it will follow the plan announced by President von der Leyen. Also, Member States requested more information about the pending amount coming from 2022 and 2023 budget.

About our mission in the in the border, [EUBAM Rafah]. We are ready to go. We have the human capital. We have the people, waiting to go. Tenemos la capacidad de situar nuestra gente en la frontera, y controlar el paso de personas. Porque se trata de controlar el paso de personas, entre ellos muchos heridos que esperan ser evacuados hacia Egipto. Pero yo no puedo mandar a los funcionarios de la Unión Europea sin saber qué van a hacer y con quién. Y quién garantiza su seguridad.

For this I need an agreement between the Egyptians, the Palestinians, and the Israelis. Without it, I cannot go. Certainly, we need to be part of the deal, [with] the Palestinian Authority.

Q. One short clarification, if you don't mind. Eight European countries sent you a letter, Mr. Borrell, asking the European Union to reconsider its approach towards Syria. Did you discuss this issue? What was the reaction of the Member States?

I have to say that it was very late in the afternoon. Yes, we listened to these Member States represented by Italy and Austria and work will continue. Being pragmatic, but not naive. We know where the Syrian regime is, very close to Russia and Iran. But we will work. We are always ready to work, to try to look for an arrangement that could benefit the Syrian people.

Q. I have a question on the meeting with Nadia Calviño. If you can tell us a bit more, and if you can tell us if the issue of the new Eurobonds for the defence was raised.

It is not the role of the President of the European Investment Bank to take the decision of issuing Eurobonds. No, this was not discussed because it was neither the moment, nor the actor. The issuing of debt to finance the defence effort is something that belongs to the Member States, not to the European Investment Bank.

Q. Vous dites que le droit international et la réalité n'ont jamais été aussi éloignées l'une de l'autre. Que peut faire l'Union européenne pour diminuer cet écart entre la réalité et le droit international?

Malheureusement, comme vous le savez, on a un certain nombre de divisions, des points de vue différents parmi les États membres. Évidemment, ça cela ne nous aide pas à être un acteur fondamental, mais [nous] allons continuer à faire ce que l'on est en train de faire. Et ce n'est pas peu: continuer à donner de l'aide humanitaire, continuer à mettre de la pression politique sur tout le monde, sur le gouvernement israélien aussi. Et regarder de près quelles sont les sanctions qu'on peut prendre. On en a déjà adopté la semaine dernière, contre un certain nombre des violent settlers. Rien n'est exclu, qu'on ne puisse pas adopter d'autres, sanctions, si ça continue comme ça. La situation à West Bank [en Cisjordanie] est explosive et là, il y a quand même des gens qui agissent et des gens qui les poussent à agir. Il faut écouter ce que certains ministres du gouvernement de Netanyahu disent à propos de ce qu'il faut faire dans le West Bank [en Cisjordanie]. Donc, il faut rester vigilant. Il faut, à nouveau, adopter des sanctions. Oui, s'il le faut, on le fera. En même temps, sans doute, demander sans cesse la libération des otages et voir si durant la semaine de UNGA [Assemblée générale des Nations unies] à New York, on peut faire à nouveau ce qu'on a fait l'année dernière. Au moins, une grande rencontre de tous les acteurs internationaux, dans un contexte radicalement différent d'il y a un an. Mais il faut y faire face. Et nous initier cette réunion. Je sais que certains États membres essayent de faire ça - la France aurait bien aimé, l'Espagne voudrait bien le faire au mois de septembre. La semaine de UNGA à New York sera un moment où l'Union européenne et nos partenaires arabes et américains doivent

trouver l'occasion de travailler ensemble, et inviter sans doute le gouvernement israélien et les Palestiniens. On a une initiative norvégienne, le Ad-Hoc Liaison Committee. Nous, vous savez, on est des diplomates en Europe. On n'a pas d'autre moyen que l'art de la parole, de la réunion et de l'action, qui est plus ou moins contraignante, mais qui se base évidemment sur des principes. Je le dis: jamais le droit international, la loi, a été aussi éloignée de la réalité, malheureusement.

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