



PISM | POLSKI INSTYTUT SPRAW MIĘDZYNARODOWYCH
THE POLISH INSTITUTE OF INTERNATIONAL AFFAIRS

BULLETIN

No. 162 (1233), 4 December 2018 © PISM

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The Introduction of Qualified Majority Voting in EU Foreign Policy: Member State Perspectives

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The European Commission's (EC) proposal to resign from the unanimity rule in certain areas of the EU's external relations will not be supported by many smaller EU countries. However, ahead of the Sibiu summit in May 2019, Member States will debate other mechanisms to improve the decision-making process in EU foreign policy, for example, the creation of a European Security Council (ESC). In a contribution to this process, Poland may exchange views on the ESC concept within the Weimar Triangle format (Poland, Germany, France) and propose an EU representative be present in international conflict-resolution negotiation formats in which Member States participate.

On 12 September, EC President Jean-Claude Juncker presented a proposal to introduce qualified-majority voting (QMV is reached if 55% of EU countries representing at least 65% of the total EU population vote in favour) in three areas of foreign policy: EU positions in the field of human-rights issues in international forums, decisions on sanctions, and on EU civilian missions. This form of voting aims to speed up the decision-making process and eliminate situations in which one country blocks consensus. The changes do not require a revision of the treaties. They can be introduced through the “passerelle” clause, which allows the extension of qualified-majority voting to new areas if the EU Member States agree unanimously. The EC proposal is mainly supported by Germany. Member States should decide by the European Council summit in Sibiu, Romania.

Main Division Lines. The EC proposal is perceived as unfavourable by smaller Member States. The unanimity requirement is an opportunity for them to pursue their own interests in foreign policy at the EU level. Cyprus regularly blocks various EU decisions to increase its negotiating position with regard to Turkey. For larger countries involved in the resolution of international conflicts, the opposition of individual countries under the unanimity procedure is assessed as an obstacle. Germany argues, for example, that extending sanctions against Russia requires intensive diplomatic efforts on their part each time.

The Member State positions in the negotiations also depend on the European integration model they prefer. For countries opting for deeper EU integration (e.g., Belgium), the introduction of QMV is not controversial. For countries preferring cooperation at the intergovernmental level in the EU and strongly emphasising their sovereignty (e.g., Poland and Hungary), the EC proposal is perceived as partial communitarisation of foreign policy, which is difficult to reconcile with their vision of EU development.

Human Rights in International Forums. A few EU countries will support the switch from unanimity to QMV regarding EU positions in this area—the Nordic countries (Denmark, Finland, Sweden) act as the main human-rights advocates in the EU's external relations, while the Netherlands and Ireland do so to a lesser extent. Other Member States take different positions that depend on the gradation of their political and economic interests in relation to specific countries and regions. In the UN Human Rights Council, EU

members have divergent views regarding assessments of human-rights violations by China and Israel. Only some of the Member States regularly support positions criticising the Chinese government in this area. In March 2016, only Denmark, Finland, Ireland, Germany, the Netherlands, Sweden, and the UK signed the UN position on human-rights violations by China. The EU standpoint in this respect is questioned most frequently by Greece and Hungary. With regard to the Israeli-Palestinian conflict, the pro-Israel group of Member States that usually contest EU positions include Hungary and the Czech Republic. Together with the U.S., in March 2018, Hungary voted against a UN resolution on Israeli settlement in the occupied Palestinian territories.

Sanctions. The support of EU members for QMV in this area will depend mainly on their interests in the economic and security spheres in relations with the 33 countries sanctioned by the EU in 2018. For the Member States opposing some restrictions, maintaining unanimity is beneficial. Even though in the negotiations on sanctions, the Member States try to exclude their application to certain areas based on regional coalitions, there are instances when a state has blocked a decision to force concessions. In 2018, for example, Italy blocked a decision on individual sanctions against high-ranking military members and officials in Myanmar for serious violations of human rights against the Rohingya minority until Italy's demands related to limiting the scope of restrictions were at least somewhat considered. In 2017, Hungary opposed the prolongation of the arms embargo on Belarus to get a waiver for sports-related weapons.

For countries that support specific sanction regimes, it will be beneficial to introduce QMV. Regarding the prolongation of sanctions against Russia, this would allow speeding up negotiations by disregarding Italy's resistance. The creation of a blocking minority against prolonging the sanctions would require a coalition of at least two large EU countries, which is currently not possible. However, in the long run, such a minority could form because of the unpredictability of the electoral cycle and a possible change in policy towards Russia in some countries, e.g., in France.

EU Civilian Missions. Some EU members will oppose ending the unanimity requirement in this area, although these operations are of limited importance to the stabilisation of international conflicts. Ten civilian missions (including four in Africa and two in the Eastern Partnership region), with a budget of €247.33 million in 2017, mainly deal with monitoring, advisory and institutional support. France and Germany are the main promoters of new missions, mainly in Africa. However, many countries (e.g., Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Greece, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia) do not significantly contribute to operations in this region. In this light, the use of QMV would increase the chances of launching missions preferred by the Franco-German tandem. Moreover, the value of the unanimity procedure for some Member States interested in the development of missions in the eastern and southern neighbourhood is that to avoid a block, they support each other.

Perspectives. Despite Germany's backing for the EC proposal, it will be difficult to reach Member State consensus around this project. The countries likely to block it are not only the smaller Member States, headed by Cyprus, but also Greece, Hungary, and Italy.

However, the EC proposal opens up the debate on other ways to improve EU foreign policy. Germany wants to create the European Security Council. Despite France's support for starting discussions on this subject in the Meseberg Declaration in June, it seems it will be difficult for the sides to agree on the nature of this institution. For Germany, the ESC would be a new mechanism for coordinating EU foreign policy, consisting of 10 states operating on a rotational basis. France, on the other hand, prefers that the ESC be an informal advisory body for EU leaders, composed of representatives of the military, diplomatic, and intelligence spheres of the Member States. It is possible, however, that in exchange for concessions from Germany in the negotiations of the EU budget for 2021–2027, France will compromise on the ESC.

For Poland, ending the unanimity requirement in the foreign policy areas proposed by the EC means it risks losing impact on the shape of EU proposals. At the same time, however, it also allows the possibility of accelerating negotiations if it comes to extending sanctions against Russia. In the Member States' debate on improving EU foreign policy mechanisms, Poland might discuss the ESC concept within the Weimar Triangle format if France and Germany present their assumptions. In addition, Poland may consider proposing a rule that the presence of an EU representative should be obligatory in international conflict-resolution negotiation formats involving Member States. For example, in the Normandy format (France, Germany, Ukraine, Russia), responsible for the mediation of the conflict between Ukraine and Russia, the EU as a body is not represented. The solution of an EU representative would increase the influence of all EU members on the mediation of a given conflict since the negotiation mandate of the EU representative would require their consent.