



# Qualified majority voting: a tool to make Europe's Foreign and Security Policy more effective

#SOTEU

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*'If we want to be 'weltpolitikfähig' (\*), then we also need to simplify our decision-making processes. It is this compulsive need for unanimity that is keeping us from being able to act credibly on the global stage. The European Union could not reach a unified position on the problems in the South China Sea; we could not reach a unified position on human rights in the People's Republic of China; we could not reach a unified position on Jerusalem. We need to simplify our decision-making processes so that the European Union can also reach positions by qualified majority voting. Contrary to a widely held belief, this would not entail amendments to the Treaty, as Article 31(3) of the Lisbon Treaty allows the European Council to decide unanimously the areas in which decisions may in future be taken by qualified majority'*

Jean-Claude Juncker, 54<sup>th</sup> Munich Security Conference, Munich, 17 February 2018

The EU has moved gradually from unanimity to qualified majority voting many times in its history. First introduced by the Single European Act, qualified majority is today the standard voting rule for EU decision-making. This stands in contrast to the EU's Common Foreign and Security Policy, where voting by unanimity remains the rule — even if the Treaties provide for possibilities to resort to more flexible forms of decision-making.

## Examples of where EU Foreign Policy has delivered

The EU's Common Foreign and Security Policy has been strengthened considerably over the past few years. The EU is becoming an increasingly important global player and is considered by many worldwide as the champion of universal values.

From facilitating the normalisation of the relations between Belgrade and Pristina and responding to the violation of international law by the Russian Federation in East Ukraine to initiating and brokering the negotiations related to the Iranian nuclear programme, the Union has consistently supported peace and prosperity in its neighbourhood and beyond.

However, there is a growing realisation that the challenging international landscape we face requires a 'change of gear' in the Common Foreign and Security Policy.



Participation of Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission, in the nuclear negotiations with Iran, 26 March to 2 April 2015 in Lausanne



Federica Mogherini chairs the Belgrade-Pristina EU facilitated dialogue, June 2017 — Hashim Thaci, President of Kosovo, Federica Mogherini and Aleksandar Vucic, President of Serbia

(\*) able to credibly act on the global stage.

## Time for the EU to fulfil its Global Role

While the EU's Common Foreign and Security Policy has been strengthened considerably over recent years, there are a number of areas where the EU's ability to act could be greatly improved. These include the defence and promotion of human rights, the imposition of EU sanctions or the adoption of positions on key regional and geopolitical questions. A more flexible and efficient decision-making mechanism is needed to allow the EU to respond quickly and adequately to ever-changing global challenges. In order to do so, President Juncker is inviting the European Council to use the existing possibilities in the EU Treaty to take more decisions by qualified majority:



- Article 31(2) of the Treaty on European Union already enables the Council to decide by qualified majority in certain predefined cases.
- The specific Common Foreign and Security Policy 'passerelle clause' in Article 31(3) of the Treaty on European Union empowers the European Council to further extend qualified majority voting in Common Foreign and Security Policy matters, if Member States unanimously agree to do so.

The European Commission suggests exploring both these options further. In particular, it has identified three concrete and achievable areas that would immediately benefit from the application of the 'passerelle' clause — while maintaining the Union's culture of consensus-building.

### Moving from unanimity to qualified majority voting in foreign policy — THREE AREAS



#### 1 POSITIONS ON HUMAN RIGHTS QUESTIONS IN INTERNATIONAL FORA, SUCH AS THE UNITED NATIONS HUMAN RIGHTS COUNCIL

Political unity on human rights is critical for maintaining the EU's soft power and international credibility, inside and beyond multilateral organisations.



#### 2 DECISIONS TO ESTABLISH SANCTIONS REGIMES

EU sanctions policy is one of the EU's strongest foreign policy tools, as it leverages the Union's significant economic power to promote its external objectives. Internally, the EU's unity is essential in order to preserve the Single Market's level playing field and the efficiency of the common rules under Schengen.



#### 3 DECISION TO LAUNCH OR IMPLEMENT CIVILIAN MISSIONS IN RESPONSE TO CRISES ABROAD

As the European Union seeks to ensure stability in its neighbourhood, the number and importance of civilian missions is likely to increase.

### Advantages of qualified majority voting in foreign policy

The use of qualified majority would make the Union a stronger, more effective and more credible international actor, as it would make it easier for the Union:



to **pull its real weight** in the international scene through robust and consistent positions;



to react with **speed and efficiency** to foreign policy challenges, be it in its wider neighbourhood or beyond;



to strengthen the **resilience of the EU** by shielding Member States from targeted pressure by third countries that try to divide the EU.

## The problems with unanimity voting in the area of Common Foreign and Security Policy



### INTERNATIONAL HUMAN RIGHTS

In June 2017, the EU was unable to adopt a statement at the United Nations Human Rights Council in Geneva on China's human rights records due to the unanimity requirement, marking the first time the EU failed to make any statement at the United Nations Human Rights Council.



### EU FOREIGN POLICY STATEMENT

In July 2016, the EU was unable to swiftly support the award by an arbitral tribunal under the United Nations Convention on the Law of the Sea on the South China Sea due to the objection of a limited number of Member States, unrelated to the award in question. Only after several days of intense negotiations, a statement was belatedly agreed. However, the EU did not succeed in calling for the implementation of the award.



### EU SANCTIONS

In the summer of 2017 unanimity voting blocked the adoption of targeted EU restrictive measures against Venezuela in response to the undermining of the democratically elected National Assembly. Measures were finally adopted in November 2017, once the situation had further deteriorated. Unanimity rules have also delayed or prevented agreement on the persons and entities to be listed under existing EU sanctions regimes.



### CIVILIAN COMMON SECURITY AND DEFENCE POLICY MISSIONS

Unanimity voting rules have been used as a bargaining tool in some cases. In 2018, one Member State blocked the extension of an EU civilian mission in the Sahel until another Member State dropped its reservations on a separate mission to Iraq.

