

Research Article

**THE DOMINANCE OF THE EUROPEAN COUNCIL IN THE
DECISION-MAKING PROCESS OF COMMON FOREIGN AND
SECURITY POLICY OF THE EUROPEAN UNION**

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ABSTRACT

The European Union has changed significantly, especially regarding authority between supranational and intergovernmental institutions. Intergovernmental institutions now begin to shift the authority of supranational institutions and seem to dominate the decision-making / foreign policy within the European Union. The cause of the emergence of dominance from intergovernmental institutions due to the existence of challenges and issues that are complex and sensitive is unable to be solved at the supranational level. The presence of the European Council which consisted by the Heads of State of each member country is expected to be able to resolve the foreign affairs of the European Union without disturbing diplomatic relations with other countries. The magnitude of the influence of the European Council is also supported in the points of the article in the European Union Treaty, which implicitly position the European Council as the highest authority in the European Union. The purpose of this study is to understand the dominance of the European Council in the Decision Making Process with the Common Foreign and Security Policy in the European Union. The theory used in this research is Intergovernmentalism. This study used qualitative methods, with descriptive analytical type, and data collection techniques use sources in the form of primary and secondary data. Based on the results of the study, it was concluded that the European Council had dominated the decision-making process regarding the Common Foreign and Security Policy in the European Union. Domination is seen in several examples of important cases such as resolving the crisis in Libya in 2011, resolving the global financial crisis in 2008, and addressing the issue of climate change in 2011. The European Council has become the EU's collective head of state in handling global issues such as political, security, monetary, and the environment issues.

Keywords: *European Council, Intergovernmentalism, Head of State, Common Foreign and Security Policy*

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INTRODUCTION

This research was made by looking at the architecture of the European Union building which consists of 3 pillars namely the European Community (economy), the Common Foreign and Security Policy (security politics), and Justice and Home Affairs (law), whereas this article tries to analyze in depth the dominance conducted by the heads of states in the decision-making process on the CFSP pillar using the approach or analysis of the theory of intergovernmentalism.

Some of the studies carried out by Fabbrini (2015) with the title “States' Equality v States' Power: the Euro-crisis, Inter-state Relations and the Paradox of Domination” and Pactoni (2016) “The European Union between Intergovernmentalism and 'Shared and Responsible Sovereignty': The Haptic Potential of EMU's Institutional Architecture” explicitly states the state in influencing EU decision making. Especially in the work of Federico Fabbrini explaining the dynamics of relations created by the European Union, involving the heads of state in resolving problems with 'euro crisis' such as the issue of economic assistance (financial assistance), financial stability problems, and banking resolution issues, has created inter-state dominations through the European Council. While the research of Simona Piattoni explains the approach of intergovernmentalism, which is not only interpreted as a method of decision making, but it can be interpreted as the most democratic method or way of dealing with European Union crisis. Reflecting on the research conducted by Fabbrini that emphasized the economic role of heads of state in the European Union, as well as Piattoni's research which emphasized the political role of heads of state in EU politics, this article aims to direct more specific institutions that are the place for heads of state to perform dominance, namely the European Council and the target where the CFSP is the object of domination by the heads of state.

The novelty value in this article is that the European Union as a supranational institution in all work practices, implementation of activities, and the entire process of strategic policy making is largely determined by the decisions of heads of states incorporated in the European Council. Starting from the political, security, economic, and social policies, the European Council always intervenes in determining decisions made by the European Union. Some examples of cases can prove the magnitude of the state's power in determining EU policies such as the use of the British currency only for the United Kingdom, Turkey's accession cases that have not yet obtained certainty, granting bail-out funds to Greece when experiencing the biggest economic crisis in 2010, to the departure of Britain from European Union membership (Brexit) in 2017. Therefore, theoretically, the European Union building is more appropriate explained from Intergovernmentalism theory point of view which states that the state will

always be the main actor, and its role cannot be reduced or replaced by actors or other institutions.

The European Council was formed for the first time in 1969, in the form of an 'informal summit meeting' which was attended by each EU head of state. The meeting gave birth to an agreement known as the Hague Agreement. The Hague Agreement became the forerunner to the emergence of the existence of heads of state within the European Union. After the emergence of the Hague Agreement, the role of heads of EU member states further began to develop into political cooperation commitments called European Political Cooperation in 1970. Finally, in 1974, EU heads of state agreed to form a European Council, with a consideration that the European community is considered not able to respond quickly to new issues and challenges that are increasingly difficult.

The magnitude of the influence given by the European Council, caused institutions such as the European Commission to weaken authority. The authority of the European Commission began to be taken over by the European Council, especially in the decision-making process. The weakening of the European Commission can be seen implicitly from the points in the Luxembourg Agreement. The role of the Council of the European Union has also weakened since the appearance of the European Council (Piasecki and Woroniecki, 2014). The Council of the European Union has weaknesses, especially in overcoming sectoral issues that cannot be solved at the European Union level, but needs negotiations involving heads of state. The European Council further strengthened its influence by making an official announcement known as 'Paris Communique' which said that the heads of EU member states must be involved in deciding all forms of European Union political and security decisions or policies. The strong influence of the European Council has made this institution the highest authority in the political security sector of the European Union, and the European Council will always always be the foremost commander representing the European Union in foreign political affairs (Hatos, 2013). The role of the European Council became increasingly widespread after the appearance of the Nice Agreement, in which the institution influenced political economy policy making such as budget problems, initiated the formation of the European Monetary System in 1978, and initiated direct elections of the European Parliament in 1979 (Taylor et al 2012).

The emergence of the European Council is an indicator of failure to make decisions at the European Commission and the Council of the European Union. The dominance of the European Council on major issues such as political security has led to organizational distortions in the European Union. Distortion can be seen from the ease of the European Council taking over the role of the European Commission in deciding foreign policy,

influencing the decision of the Council of the European Union on sensitive or sectoral issues, ignoring the European Parliament in dealing with certain issues, and dominating the European Council in taking global security / CFSP political decisions (Piechowicz, 2015).

The theoretical approach in this study uses the theory of intergovernmentalism which focuses on the role of the state as the main actor in international relations. This theory strongly rejects the functioning of the Supranationalism principle which says that international institutions are a pool of sovereignty, while sovereignty in this institution remains a state prerogative. While according to intergovernmentalism theory, sovereignty remains the absolute right of the state. This theory also emphasizes that international cooperation will be effective if countries continue to uphold the principle of Intergovernmentalism. The Intergovernmentalism theory developed by Stanley Hoffman rests on the Realist argument which states that the state is still the main actor and its role cannot be reduced to secondary both in the political and non-political fields.

European integration is an intentional project that would be in vain if the state does not want it. Without state commitment, agreements will not be signed and obeyed. Countries always consider whether the integration project benefits the maximization of national interests. As rational actors, countries are aware and must know the exact consequences of the ongoing process before they sign the agreements. For the intergovernmentalist, the direction of integration carried out by Europe is intentional which indicates the country's knowledge of its impact on the country.

Intergovernmentalism sees that the European Union is a product of bargaining, its structure is shaped by agreements made by countries. Therefore, the European Union tends to be dominant with intergovernmental characteristics over supranational ones. The effectiveness of this institution depends on the preferences of countries. The state remains the core structure of the European Union which will determine whether supranational institutions are merely authoritative or administrative and coordinative. Intergovernmental uses the "Bottom-Up" perspective by emphasizing the role of the state as the main actor that encourages the achievement of European integration (Chatwin, 2012). In the body of the European Council, there is a power which supranational institutions do not have. In fact, the existence of the European Council tends to dominate the work of the European Union supranational institutions, for example, the European Council monopolizes the taking of initiatives that are the authority of the European Commission for divergent national interests reason, and the European Council revises the treaty which is the European Parliament's authority.

The variant of Intergovernmentalism was developed by Andrew Moravcsik, known as Liberal Intergovernmentalism. The theory provides support for Hoffman's views in looking at the position of countries within the European Union. Moravcsik argues that cooperation is something that might happen between sovereign countries, but such cooperation may only occur if it is in the interests of countries. Consequently, member countries will immediately stop or change the direction of integration if the integration is no longer their need. Moravcsik criticized the concept of supranationalists who tended to ignore the reality that the European Union must serve the interests of member countries. Interest is a key concept to explain why the integration process took place in Europe.

Hoffman believes that European nations will continue to be related and will always face the development of European integration, exceeding the beliefs originally put forward by the neofunctionalists. The formal institutions of the European Union and the policy-making process in them will always represent a form of community system international affairs that are increasingly complex. This will make it very difficult for analysts not to ignore the state as their framework in analyzing changes in the complexity of the work of a supranational institution. The idea that the state is the main actor in the development of European integration is strongly believed by the intergovernmentalists. The principle of Intergovernmentalism emphasizes that effective relations will be achieved if every government has full authority to determine their preferences relating to the regulation of international relations (Hermawan, 2007).

In addition, Hellen Wallace in his *An Institutional Analysis and Five Policy Mode* stated that the five distinctive decision-making process involved the participation of European leaders (head of states), particularly in dealing with strategic issues. Wallace referred to the coordination of the work of European heads of state as 'intensive transgovernmentalism (Wallace, Pollack and Young, 2010). In essence, intergovernmentalism rejects the functioning of the principles of Supranationalism because sovereignty remains the absolute right of the state. In addition, supporters of Intergovernmentalism believe that international cooperation will work effectively when countries continue to uphold the principle of Intergovernmentalism. European countries remain separate entities and have clear interests, even though they have a desire to cooperate closely in low politics fields such as agriculture and trade. Members of the European community remain reluctant to give up their respective sovereignty to control foreign policy, national security and the use of force (high politics) to institutions above the state (Gruszczak, 2009). What they are doing is practically bargaining about control over economic aspects to gain material benefits.

RESEARCH METHODS

The method used in this research is qualitative with analytical description type. The type of data used is primary data obtained from interviews, and secondary data obtained from scientific journals, books and official documents. Data collection techniques are carried out with in-depth interviews and documentation.

RESULTS AND DISCUSSION

From the results of interviews conducted with Basil Vasilica Constantinescu, former Counselor, the EU-ASEAN Regional Cooperation Advisor, and whose now serves as the Ambassador of Romania to China stated:

The establishment of the European Union is a natural process, a process stimulated by economic driving forces. Therefore, politics only play a role in facilitating and not to impose the achievement of integration.”

The statement above means that EU integration is a natural process driven by economic motivation rather than political motivation, and further said that head of states play a central role in the development of the European community in the future, and one of them is dealing with issues of Terrorism and the Middle East always involves national leaders of member countries in making foreign policy. Furthermore, the results of interviews with Norbert Baas, former German Ambassador to Indonesia, said that the existence of heads of states in the body of the European Union was a requirement to solve international economic and political problems. One of the objectives is further stated that the heads of state are trying to minimize the Euroscepticism of the European community by creating asymmetrical relations with other EU supranational institutions (Conti and Memoli, 2012). From the results of the depth interviews conducted, two main elements were obtained which led to the dominance of the role of the European Council in the body of the European Union.

a. The Composition of the European Council: Heads of State as Major Power

In accordance with Hoffman's view of the phenomenon of intergovernmentalism in the European Union, he stated that the slow effectiveness of the European integration process depends on state preferences, and any increase in power that occurs at supranational levels is the result of agreement from each national government. The head of state is a very powerful actor influencing the European Union, various deadlocks that cannot be resolved at the community level can always be solved at the meeting level of the head of state. When the European Union tries to solve the crucial problem of the community, the head of state is always included, so that the special summit is held with various agendas previously discussed

with the European Commission and the Council of the European Union. The ability of the European Council to overcome deadlocks is why the EU always needs heads of state in solving international problems. The European Council is behind the actor behind the scenes who influences the EU's international political map.

The European Council also acts as a decision power for all EU policy strategies. The power it has is the result of the European Council role as an extension of the Council of the European Union (Council of Ministers). The Council of the European Union is one of the spearheads of the European system together with the European Commission. The vision, mission, and policies taken by the ministers of member countries must always reflect the interests of their heads of state. In Newman's theory, it is stated that increasing the role of the European Council in relation to the existence of heads of state in the European system, in practice is actually an attempt to increase the power and influence of national leaders themselves (Ward, 2010).

The European Council holds an important position in the issue of the European Union's Common Foreign and Security Policy (CFSP), where several crucial points of the function of the European Council are related to political security issues, namely:

- a. The European Council has the right to formulate general guidelines on foreign policy and European community security policies, including defense issues.
- b. The European Council has the right to decide on a joint strategy that will be implemented by the European Union, insofar as each member country also has an interest in certain issues.

The dominance of the European Council in the body of the European Union lies in the decision-making process. The heads of state in this matter have acted as supervisory committees, becoming powerful actors to decide policies on important issues as well as powerful actors to give orders to European Commission institutions, the Council of the European Union and the European Parliament. Some examples of the dominance of the European Council in the decision-making process in the European Union can be seen in the case of Turkey's accession to the European Union (White-Hunt, 2014), resolution of conflicts in Macedonia, and the issue of lifting the arms embargo on China. The European Council has become a medium of mediation from the national governments of member countries to maintain overall control over the European Union. According to Hoffman, the pace of the EU's rapid or slow integration and effectiveness depends on the preferences of the state and the national government that mostly determine the speed of European integration. Any increase in power at the supranational level is the result of direct decisions by national governments (Lakomy, 2011).

b. Complexity Issues: The Role of the European Council in Resolving Important Issues

According to Giscard D'estaing, the European community tends to face deadlocks and logjams in resolving an issue. Deadlocks often occur due to the inability of the European Commission and the Council of the European Union to form an agreement on an important issue. An issue is considered to be complex if an issue can affect a part, while influenced by other issues, and cannot be resolved at the community level. Security issues are one of the most complicated issues to be solved in the European Union. Complexity can be seen from the process of formulating a joint policy strategy, which must produce a joint agreement as a representation of policies taken by the European Union. The European Council, in relation to it, will not go directly to negotiate with other countries, but by delegating the results of a decision agreed upon at the head of state level, to the European Commission. So that any decision taken by the European Commission on the issue of politics and international security is a reflection of the interests of European heads of the state in the international community. Political and security issues have been severely decided by European national leaders. The cases example is presented in Table 1:

Table 1. International Political and Security Issues Policies by the European Council

No	Case Name
1	Revocation of China's arms embargo due to human rights violations in Tiananmen Square
2	Turkey accession to the European Union
3	Middle East peace process in 2010
4	European Union foreign policy in the Baltic Sea in 2010
5	Strategic partnership with Mediterranean countries and the Middle East in 2004
6	European Union foreign policy in Central Asia in 2007
7	Declaration on the issues of South Africa in 2006
8	Foreign policy towards the ex-Yugoslavia region in 1998
9	Establishment of the European stability pact in 1999
10	Political support for democratic governments in Central America, Bolivia and Guatemala in 2003
11	Role in expanding EU membership
12	Statement of transatlantic partnership in 1999
13	Strategy for security cooperation with Russia in 1999
14	European Union strategic partnership with key global players in 2010
15	Declaration of war on terrorism in 2001
16	Cooperation of NATO and non-allied European Union in 2002
17	European Council Declaration on increasing European Security and Defense Cooperation in 2008

Source: Wessels, 2011

The power of the European Council in dealing with security issues is closely related to the ability of European heads of state to unite the national interests of the respective member countries. In looking at an issue, the heads of state greatly ensure that the decisions to be taken will be relevant, and not detrimental to the future of each member country. Another security issue that is the domain of the European Council is the issue of terrorism. Combating terrorism in the European Union cannot be resolved at the community level but needs support and involvement from European national leaders. As an example of the 9/11 incident, all European leaders form a common national security policy in the form of the European Union Council Framework Decision on Combating Terrorism (Windiani, 2018: 147). Some of the decisions of European leaders at that time were methods carried out in combating terrorism, as well as implementing strict rules in conducting tourist visits to European countries (Wade, 2014).

The role of the European Council in dealing with the political crisis in Libya in 2011 was when the European national leaders demanded Gaddafi to immediately retreat from the power and asked Libya to begin the political transition into a democratic government. At the 2 days European Council meeting on 24-25 March 2011, it was decided the European Union's political policy to impose sanctions on Libya by adopting UN Security Council resolutions in 1970 and 1973 (Koenig, 2011: 4). The European Council guarantees that Libyan oil and gas revenues will not fall into the hands of the Gaddafi regime. The European Council also instructed the European Union's Foreign Affairs Council to also adopt the 1973 UN Security Council resolution.

In Libya case, the European Council has a role in determining the political position of the European Union against Libya and also its security alliance at the United Nations (Mena Report, 2018), especially the United States. Through orders of European national leaders, Libya receives humanitarian aid, guarantees security for civil society, and guarantees maritime security. The European Council as a key decision maker is very dominant in influencing and controlling the European Union in political security issues. The European Council has become the main actor capable of establishing a joint position of the European Union, being the main actor who created the European community's common decision and being the main actor as a negotiator in responding to the issue of international security.

CONCLUSION

The dominance of the European Council in the decision-making process of Common Foreign and Security Policy of the European Union was caused by the composition of the European Council filled with heads of EU member states. In this case, the power of heads of state is able to aggregate the interests of other member states to produce one voice in facing the security issues. Moreover, due to the complexity of the issue, which cannot be resolved at the European community level, led to the need for full involvement of European heads of state to influence and control European Union policies.

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