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THE EUROPEAN COUNCIL AND THE BORDERS OF INTEGRATION PROJECT. FORMATION OF THE EUROPEAN UNION'S EXTERNAL ACTIVITIES IN THE CONTEXT OF POLITICAL CHALLENGES[1]

The European Union's development has resulted in modifications of its institutional model. In the context of external activities, this refers to the distribution of formal competences on the one hand, and the functioning of European institutions in practice on the other, especially with regard to informal mechanisms. The aim of this article is to analyze the European Council's role in the formation of the European Union's external activities. The research questions address the sources and manifestations of the European Council's institutional dynamics in the field of external activities. The answers are based on an analysis of the European Council's behavior with regard to how the borders of the European project are established in relations with external partners. In terms of methodology, the text employs an analysis of the European Council Conclusions in the years 2011–2017.
Key words: Council of the European Union, European Union's external activities, borders.

Introduction. As integration processes are advancing in the European Union, it is becoming an increasingly important actor in international relations. The neo-functional (Haas, 1964) spreading of integration to areas of *high politics* which is based on the *spill over* logic (Lindberg, 1966) clashes with the intergovernmental vision of the unification of the continent (Moravcsik, 1993), which in the context of foreign policy leads to questions about the model of the European Union's institutional system. On the one hand, they concern the distribution of formal competences, and on the other — the practical functioning of EU institutions, especially with regard to informal mechanisms.

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The aim of this article is to analyze the European Council's role in the formation of the European Union's external activities. The research questions address the sources and manifestations of the European Council's institutional dynamics. This issue encompasses an extensive range of concepts as well as facts, which is why the scope of the analysis has been narrowed down. As a result, the questions addressed here pertain to one of the most dynamic fields in recent years, namely the European Union's external relations, as well as to how the borders of the European project are established in relations with external partners. In terms of methodology, the text employs the analysis of the European Council Conclusions in the years 2011–2017, which was a period marked by the new, external challenges the EU had to face; first and foremost the Arab Spring, intensified relations with Eastern Partnership members and the migration crisis (together with its consequences).

The text opens with a conceptual debate presenting the theoretical approaches of border studies to defining the borders of the European Union, and theoretical reflections within European studies on institutional changes in the European Union. These considerations provide the context for the issue and an analytical toolkit for the analysis of the European Council's meetings that follows. The final part presents the conclusions.

External borders of the European Union and the borders of the European Union's external activities

Borders have been one of the political foundations of both internal and external integration processes in Europe since World War II. The dimension of internal integration initially applied to the principle of the inviolability of borders and respect for the territorial integrity of states, but over time the emphasis has shifted to debordering processes (Jańczak, 2011) whereby the myth of a 'Europe without borders' was pursued, which materialized in the provisions and practice of the Schengen agreement (Coman, 2019). From the point of view of this analysis, the external dimension is more interesting. It is here that numerous EU policies intersect, which in practice concern external borders defined in terms of three levels: their location, their permeability and their security. All three are the outcome of not only internal political processes in the European Union, but also external relations with neighboring countries, especially given the growing instability of EU international surroundings. These relations result from the clash of the interests of individual member states and ideas from supranational institutions.

The analytical framework adopted here employs the geopolitical model by William Walters, as well as that of Christopher Browning and Pertti Joenniemi. They adopt three organizational patterns of political and territorial units: Westphalian, imperial and neo-medieval (Walters, 2004; Browning, Joenniemi, 2008), each producing specific ways in which external relations are organized (Figure 1).

The Westphalian model is based on a clearly defined territory and a linear border around it, which is a line separating exclusive sovereign entities at the same time. Under this model, the European Union is based on the logic of the

core (defined by formal membership) being in opposition to the surroundings (all non-member countries). Real political power is exercised by institutions and uniformly enforced inside the EU, while presented as a relative monolith outside of it.

The imperial model is based on concentric circles determining a greater or lesser degree of participation in a given structure and illustrating the impact of the center, growing weaker as the distance from it increases. In the case of the European Union, this means a model of varied integration, defined in terms of involvement in different degrees of integration, ranging from member states that are also part of the Schengen and euro areas, through candidates and associated countries, to partner countries.

The neo-medieval model consists of independent territorial circles interacting with each other in many different ways. Its polycentric structure points to a number of authorities and sovereignties interacting with one another while each having separate borders.
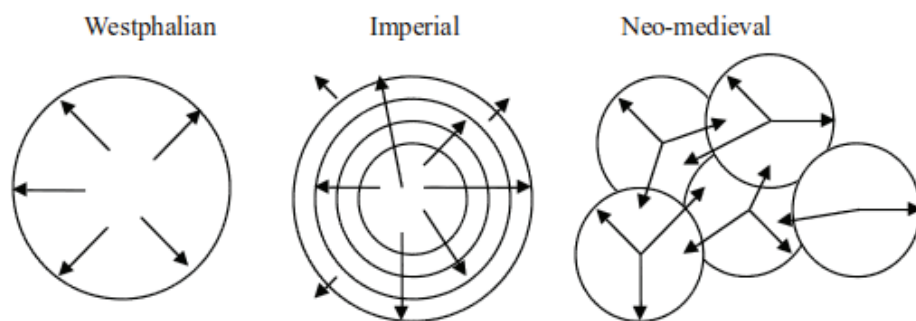

Figure 1. Geopolitical models of the European Union
Source: Browning, Joenniemi, 2008

As regards the location of the external borders of the European Union, the Westphalian model seems to best identify EU membership as a key criterion of unambiguously defined participation in, or exclusion from the integration project. The borders are much more difficult to define in the imperial and neo-medieval models; there are a lot of them, and they identify many stages and forms of integration. Permeability can be high or low in each of the three models. What is of utmost importance here is the structure of decision-making about the degree to which the border regime is restrictive. In the Westphalian model, this is a policy coordinated by the core and implemented in a similar way on all sections of the border. In the imperial model, the ability of influencing permeability decreases as one moves away from the center. In the neo-medieval model, many strategies emerge regarding border permeability, and are implemented in different sections of the border. The logic of the Westphalian model makes border security part of the joint effort of the entire structure, managed from within and involving all member states. The EU jointly protects the external border against threats. In the imperial model, this responsibility is divided among

many circles of actors. The agreement between internal and external circles creates a security system. The neo-medieval model is about borders being protected by individual member states which independently decide on the protection of their own respective territories, interacting with some other countries.

The question that comes to mind after analyzing the three models is which one best describes the organization of the external border of EU activities and how the European Council exercises its powers to carry out external activities to develop the territorial and political dimension of the European Union. To answer these questions it is imperative to begin by examining the position of the European Council in the institutional order of the EU.

The operation of the European Council in the process of institutional change in the EU regarding external activities

In order to examine the position of the European Council in the process of institutional change in the EU it is essential to start from the Lisbon Treaty, which introduced considerable changes in this respect. Researchers are divided in their assessment of those changes, typically expressing one of the following opinions.

After the Lisbon Treaty had been agreed, it was believed that the European Parliament and the European Council had been considerably strengthened, while the European Commission and the Council of the European Union had been weakened (Rewizorski, 2013, p. 40). In particular, the significance of the European Council increased, although it is still at the stage of clarifying its own position, both in terms of formal competences as well as practical operations based on informal operating procedures developed during decision-making processes. Consequently, the European Council is attributed the «leading role» in handling internal and international challenges (Przybylska-Maszner, Rewizorski, 2012, p. 165).

On the other hand, there are researchers who emphasize that this arrangement is far from obvious, and point to the fact that «the participation of EU institutions in the operation of the EU's political system is opaque, multidimensional and frequently difficult to be clearly qualified» (Rewizorski, 2013, p. 40). For example, at the time of the crisis, and in a post-crisis EU in particular, the European Commission is perceived as an anonymous technocratic entity, while the European Council is seen as a personalized and efficiently operating body (Rewizorski, 2013, p. 40), the importance of which is additionally augmented in line with the logic of strengthening the respective positions of EU member states (Kabat-Rudnicka, 2016, p. 74).

To understand the relationship between the institutional dynamics of the European Union and political processes one has to investigate the internal and international dimensions of integration.

The internal dimension of integration appears to prevail in the academic and political discourses. This is an outcome of the discussion on the supranational and intergovernmental models of integration, with all the consequences each of them brings for the institutional order of the EU. Since the analysis

below is focused on the EU's external activities, this dimension will not be further discussed.

The international dimension of European integration is also extensively described in the literature. One way to understand it is to see it as «the entirety of actual relations connecting the main actors of integration processes […] with the outside world, and the related research issues covering various political, legal, economic, military, cultural, etc. aspects» (Milczarek, Zajączkowski, 2015, p. 9-10). The importance of relations between the European Union and its surroundings for the dynamics of integration processes is clearly increasing. These relations include economic processes as well as, or even primarily, political issues, in particular security.

One of the characteristics of contemporary international relations is their considerable volatility and instability affecting all their actors (Milczarek, Zajączkowski, 2015, p. 9). The EU's external policy is based on a number of principles, institutions and procedures. In terms of «subject and function it resembles the tools of the classic foreign policy of state, but it has its own specificity, characteristic of such a unique entity as the EU» (Milczarek, Zajączkowski, 2015, p. 18). The EU's external policy can be examined on many levels, but it can be described as «the joint formulation of specific principles, development of institutional solutions and undertaking of specific tasks and actions by EU bodies and institutions, as well as by member states, first and foremost within broadly understood external relations of an economic, political and military nature» (Milczarek, Zajączkowski, 2015, p. 19). This approach assumes both functional multidimensionality and two-level decision-making.

Functional multidimensionality refers to the variety of tools and procedures applied to develop external policies enumerated above. Two-level decision-making refers to the role of the EU level and the level of member states, both of which co-create external policy. These two levels are connected by the European Council, which is an interesting institution. On the one hand, being an intergovernmental body, it represents states and their interests. Academic studies particularly emphasize the role of large countries and informal negotiations (Tallberg, 2008, p. 703). On the other hand, the European Council is an EU institution, an element of its structure and procedures, which, in light of many studies, is increasingly playing the role of «the European Union's government» (Carammia, Princen and Timmermans, 2016, p. 809, 822). However, the political component of the European Union's external policy is underdeveloped compared to its economic component (Milczarek, Zajączkowski, 2015, p. 19).

Debordering and (re)bordering within the range of practical competence in the European Council's external activities

The theoretical considerations above make it possible to examine matters empirically. To investigate the evolution of the European Council's competence in external activities, the conclusions of its meetings held in the period of 2011–2017 have been analyzed. The year 2011 was selected because it

marked the beginning of the Arab Spring, which posed the first major challenge to external activities in the post-Lisbon reality. The sequence of revolutions and upheavals in Arab countries which broke out in Tunisia in December 2010, destabilized the Middle East and North Africa in the following year, generating a chain of bloody conflicts in the EU's immediate vicinity and exerting migration pressure on the European Union. This demanded a response from the EU (Przybylska-Maszner, 2011). In 2013, the situation in the eastern neighborhood of the European Union became more dynamic when closer cooperation between the EU and some Eastern Partnership countries triggered a coup in Ukraine and Russia's attempt to divide this country, which eventually ended in the conflict over Crimea and then Donbass. These events transformed EU-Russia relations (Raś, Szkop, 2014) and undermined belief in the superiority of the EU's *soft power* (Barburska, 2016). The year 2015, in turn, brought a migration crisis in the wake of the civil war in Syria, which sent millions of Syrian civilians abroad (Adamczyk, 2016), affecting the European Union, in particular its management of its internal and external borders (Lesiewicz, 2016).

In this context, an analysis of the European Council's response to external challenges becomes feasible. Such a chronological analysis follows.

Little attention was given to the situation in Egypt at the European Council's meeting in February 2011, while expressing the EU's «strong commitment to strengthening its engagement with Belarusian civil society.» In the debate on energy policy, the European Council emphasized that «[t]here is a need for better coordination of EU and Member States' activities with a view to ensuring consistency and coherence in the EU's external relations with key producer, transit, and consumer countries» (European Council, 2011a). The extraordinary meeting in March was devoted to the events in North Africa. The EU expressed its support for democratic changes in the region and declared that it «will consult with the countries of the region concerned on financial and technical support to improve the control and management of borders and measures to facilitate the return of migrants to their countries of origin» (European Council, 2011b). During the March summit, the European Council declared that «[r]egarding the Southern Neighbourhood, we reiterated our determination to develop a new partnership with the region» (European Council, 2011c). A considerable proportion of the June summit was devoted to discussing the principles of external border protection, guaranteeing the free movement of persons at internal borders, and the need to prevent migration by building partnerships with neighboring countries and further cooperation on asylum policy. As a result, the conclusions indicated that «[a]fter an extensive debate, the European Council set orientations for the development of the EU's migration policy, as regards the governance of the Schengen area, the control of external borders, the development of partnerships with the countries of the Southern Neighbourhood and the completion of the Common European Asylum System by 2012» (European Council, 2011d). The meeting in October referred to the events in North Africa and the summit of the Eastern Partnership (European Council, 2011e).

In March 2012, the European Council remained «committed to developing partnerships with the Southern Neighbourhood countries» and welcomed «the progress the Eastern Partnership has achieved in furthering political association and economic integration with the EU» while criticizing Belarus at the same time (European Council, 2012a). In October, the European Council expressed its indignation over the situation in Syria and «called for the full implementation of the internal arrangements agreed in September 2010 to improve the EU's external relations» (European Council, 2012b). In December, the European Council devoted much space to the Common Security and Defence Policy, stressing that «[t]he EU plays an important role in its neighbourhood and globally» (European Council, 2012c).

In February 2013, the European Council referred to the Arab Spring stressing that «Europe and its Southern Mediterranean partners share a common neighbourhood and are bound by common interests and concerns» and proposed an extensive range of measures for EU involvement in North African countries (European Council, 2013a). The October meeting addressed the preparation for the Vilnius summit of the Eastern Partnership, underlining «the importance of the Eastern Partnership for building a common area of democracy, prosperity and stability across the European continent» and expressing hopes for association agreements with Ukraine, Moldova and Georgia. The European Council emphasized the tragedy of thousands of immigrants dying in the Mediterranean Sea and called for fair sharing of responsibility (European Council, 2013b). Similar topics were discussed in December, alongside the Common Security and Defence Policy (European Council, 2013c).

The first European Council meeting in 2014 was held in March. It addressed the situation in Ukraine, first and foremost, and was concluded by «the decision to accelerate the signing of association agreements with Georgia and Moldova.» The European Union and its member states declared they were «committed to sign the remainder of the Association Agreement and Deep and Comprehensive Free Trade Area, which together with the political provisions constitute a single instrument.» «The illegal annexation of Crimea and Sevastopol to the Russian Federation» was condemned and further cooperation with Georgia and Moldova was announced (European Council, 2014a). In June, a «comprehensive approach [...] tackling irregular migration resolutely and managing the EU's external borders efficiently» was announced, where the «effective implementation of the Common European Asylum System (CEAS) is an absolute priority.» At the same time, «[m]igration policies must become a much stronger integral part of the Union's external and development policies.» The European Council also emphasized that «in the context of the development of Frontex, the possibility of setting up a European system of border guards to enhance the control and surveillance capabilities at our external borders should be studied.» Regarding the events in the East, «[t]he European Council welcomed the signature of the Association Agreements, including Deep and Comprehensive Free Trade Areas, between the European Union and Georgia and the Republic of Moldova, as well as the signature of the remainder of the Association Agreement and Deep and Comprehensive

Free Trade Area, between the European Union and Ukraine» (European Council, 2014b). Considerable portions of the special meetings in July (European Council, 2014c) and October (*European Council Conclusions*, 2014e) were also devoted to the crisis in Ukraine, and in August to that in North Africa and the Middle East (European Council, 2014d).

The European Council summits in 2015 were dominated by the migration crisis. In March, it was declared that «[t]he ongoing review of the European Neighbourhood Policy should ensure the continued deep involvement of the EU with both Eastern and Southern partners» and the expectation of the «ratification by all Member States of the Association Agreements/Deep and Comprehensive Free Trade Areas (AAs/DCFTAs) with Georgia, Republic of Moldova and Ukraine.» The tragic fate of migrants in the Mediterranean was also highlighted (European Council, 2015a). Migration problems were the main focus again at the June meeting, where it was stated that «concrete measures have been taken to prevent further loss of life at sea, to find new ways of confronting smugglers and to intensify cooperation with countries of origin and transit, while respecting the right to seek asylum.» At the same time, however, it was stressed that «[w]ider efforts, including the reinforcement of the management of the Union's external borders, are required to better contain the growing flows of illegal migration» as are solidarity between member states and cooperation with neighboring countries (European Council, 2015b). The October meeting was almost entirely devoted to migration. The main focus, however, began to shift towards strengthening the protection of external borders. The EU planned to «work towards the gradual establishment of an integrated management system for external borders,» «make full use of the existing Frontex mandate, including as regards the deployment of Rapid Border Intervention Teams» and «enhance the mandate of Frontex in the context of discussions over the development of a European Border and Coast Guard System» (European Council, 2015c). The conclusions of the December meeting read that the «implementation [of the strategy] is insufficient and has to be speeded up.» The openness of the EU's internal borders was connected with the demand for the external borders to be impermeable: «For the integrity of Schengen to be safeguarded it is indispensable to regain control over the external borders» (European Council, 2015d).

The March 2016 summit addressed the issue of migration again, declaring that «[p]riority will continue to be given to regaining control of our external borders» (European Council, 2016a). The June summit, in turn, additionally stressed the multifaceted nature of the necessary activities (European Council, 2016b). In October, attention was given to relocation mechanisms and supporting partner countries, but, first and foremost, the European Council appreciated the «entry into force of the European Border and Coast Guard Regulation» and called «for a swift adoption of the revised Schengen Borders Code enforcing systematic controls on all travellers crossing EU external borders» (European Council, 2016c). Similar conclusions were made in December, when relations with Ukraine and the situation in Syria were also referred to (European Council, 2016d).

The European Council of June 2017 addressed the issue of European security (European Council Conclusions, 2017a), while that of October stated that «[t]he approach pursued by Member States and EU institutions to ensure full control of the external borders is yielding results and must be consolidated. Overall, migratory flows are being significantly reduced and the number of deaths at sea has decreased.» The EC urged «to get 'Back to Schengen' as soon as possible while taking proportionate security interests of Member States fully into account» (European Council, 2017b).

The above review of key challenges faced by the EU and the ways of responding to them allows a number of conclusions to be presented regarding the involvement of the European Council in the formation of the EU's external activities on the one hand, and the sources and manifestations of the institutional dynamics of the European Council on the basis of how it set the borders of the European project on the other.

Conclusions

The following can be stated on the basis of the above analysis. The European Council has systematically and consistently focused its interest around the key challenges facing the European Union. It has addressed the most important problems affecting the EU as a whole, and its individual members. The European Union's external activities are an excellent illustration of this.

In the process of institutional reforms and the dispute between the supranational and intergovernmental integration visions, the European Council and the way it sets the borders of the European Union has followed certain principles. On the one hand, it applies the imperial model, strongly emphasizing the connections between the integration project and neighboring countries, which clearly illustrates the logic of concentric circles in problem solving. On the other hand, however, both the Southern and the Eastern crises are shifting the vision of the European Council towards the Westphalian model. The emerging tendency to be on one side of the EU's external border or the other is becoming more apparent.

Thus, the border itself is becoming more distinct and less permeable. The EU's surroundings are perceived as increasingly dangerous (both in the South, due to migrations from the Arab world, and in the East, due to Russia's aggressive actions) and thus demanding an increase in the level of security by moving from *soft power* to some forms of *hard power*.

Finally, in order to maintain the current level of integration within the EU (as exemplified by the lack of internal border control), it is imperative to jointly strengthen the protection of external borders and further integrate certain areas, primarily the asylum system. This again falls under the logic of the Westphalian model and departs from the elements of the neo-medieval model.

This analysis is far from exhaustive, and actually appears to offer a convenient starting point for further studies. The conclusions presented above raise further research questions, related, among other things, to the internal dynamics of decision-making processes in the European Council, the strength

of individual member states' influence on the selection of issues addressed by the European Council, and on the shape of its conclusions. On the other hand, external activities, in particular the construction of the borders, constitute an interesting empirical area with significant development potential.

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ЄВРОПЕЙСЬКА РАДА І КОРДОНИ ІНТЕГРАЦІЙНОГО ПРОЕКТУ. ФОРМУВАННЯ ЗОВНІШНЬОЇ ДІЯЛЬНОСТІ ЄВРОПЕЙСЬКОГО СОЮЗУ В КОНТЕКСТІ ПОЛІТИЧНИХ ЗАВДАНЬ

Резюме

Розвиток Європейського Союзу призвів до змін його інституційної моделі. В контексті зовнішньої діяльності це відноситься до розподілу формальних повноважень, з одного боку, і функціонування європейських інститутів на практиці, з іншого, особливо щодо неформальних механізмів. Метою статті є аналіз ролі Європейської Ради у формуванні зовнішньої діяльності Європейського Союзу. Питання дослідження стосуються джерел і проявів інституційної динаміки Європейської Ради в області зовнішньої діяльності. Відповіді засновані на аналізі поведінки Європейської Ради щодо того, як встановлюються межі європейського проекту в стосунках із зовнішніми партнерами. З точки зору методології в тексті використовується аналіз висновків Європейської Ради за 2011–2017 роки.

В статті вказується, що у процесі інституційних реформ та суперечки між наднаціональними та міжурядовими інтеграційними баченнями Європейська Рада при вирішенні питання встановлення кордонів Європейського Союзу дотримується певних принципів. З одного боку, застосовує імперську модель, сильно підкреслюючи зв'язки між інтеграційним проектом та сусідніми країнами, що ілюструє логіку концентричних кіл при вирішенні проблем. З іншого боку, південна і східна кризи зміщують бачення Європейської Ради у напрямку Вестфальської моделі. Зростаюча тенденція зміни розташування на одній чи на іншій стороні зовнішнього кордону ЄС стає все більш очевидною. Відтак, сам кордон стає більш чітким і менш проникним. Навколишнє середовище ЄС сприймається як все більш небезпечне (як на Півдні, через міграцію з арабського світу, так і на Сході, внаслідок політики Росії) і тому вимагає підвищення рівня безпеки шляхом переходу від м'якої до жорсткої сили. Для підтримання інтеграції в ЄС необхідним стає посилення захисту зовнішніх кордонів та політики щодо розбудови системи притулку. Це знову відповідає логіці Вестфальської моделі і протистоїть логіці неосередньовічної моделі. Висновки, представлені вище, викликають подальші дослідницькі питання, пов'язані з внутрішньою динамікою процесів прийняття рішень в Європейській Раді, силою впливу країн-членів на вибір питань, до яких звертається Європейська Рада, та рішень Європейської Ради. З іншого боку, зовнішня діяльність, зокрема будівництво кордонів, є цікавою емпіричною областю зі значним потенціалом розвитку.

Ключові слова: Рада Європейського Союзу, зовнішня діяльність Європейського Союзу, кордони.

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ЕВРОПЕЙСКИЙ СОВЕТ И ГРАНИЦЫ ИНТЕГРАЦИОННОГО ПРОЕКТА. ФОРМИРОВАНИЕ ВНЕШНЕЙ ДЕЯТЕЛЬНОСТИ ЕВРОПЕЙСКОГО СОЮЗА В КОНТЕКСТЕ ПОЛИТИЧЕСКИХ ЗАДАЧ

Резюме

Развитие Европейского Союза привело к изменениям его институциональной модели. В контексте внешней деятельности это относится к распределению формальных полномочий и функционированию европейских институтов, особенно в отношении неформальных его механизмов. Целью статьи является анализ роли Европейского Совета в формировании внешней деятельности Европейского Союза. Вопросы исследования касаются источников и проявлений институциональной динамики Европейского Совета в области внешней деятельности. Ответы основаны на анализе деятельности Европейского Совета в отношении того, как устанавливаются границы европейского проекта в отношениях с внешними партнерами. С точки зрения методологии в тексте используется анализ выводов Европейского Совета за 2011–2017 годы. В статье указывается, что в процессе институциональных реформ и споров между наднациональными и межправительственными интеграционными видениями Европейский Совет при решении вопроса установления границ Европейского Союза придерживается определенных принципов. С одной стороны, применяет имперскую модель, сильно подчеркивая связи между интеграционным проектом и соседними странами, что иллюстрирует логика концентрических кругов при решении проблем. С другой стороны, южный и восточный кризисы смещают видение Европейского Совета в направлении Вестфальской модели. Растущая тенденция изменения расположения на одной или на другой стороне внешней границы ЕС становится все более очевидной. Следовательно, сама граница становится более четкой и менее проницаемой. Окружающая среда ЕС воспринимается как все более опасная (как на Юге, через миграцию из арабского мира, так и на Востоке, в результате политики России) и поэтому требует повышения уровня безопасности путем перехода от мягкой до жесткой силы её обеспечения. Необходимым становится усиление защиты внешних границ и политики по развитию системы убежища. Это вновь отвечает логике Вестфальской модели и противостоит логике неосредневековой модели. Представленные выводы вызывают дальнейшие вопросы, связанные с внутренней динамикой процессов принятия решений в Европейском Совете, силой воздействия стран-членов на выбор вопросов, к которым обращается Европейский Совет, и решения Европейского Совета. С другой стороны, внешняя деятельность, в частности строительство границ, интересна эмпирической областью со значительным потенциалом развития.

Ключевые слова: Совет Европейского Союза, внешняя деятельность Европейского Союза, границы.