

Jonas Tallberg

# Bargaining Power in the European Council

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## **FOREWORD**

This report aims at providing systematic knowledge about a central, yet under-researched, political body within the European Union, namely the European Council. The closed nature of the meetings and summits of the heads of state and governments makes empirical research on the functioning of the European Council very difficult. Drawing on a large and unique set of interviews with present and former heads of government and foreign ministers as well as top-level officials, this report fills a gap in the existing literature.

The report addresses the central issue of bargaining power within the European Council. It is argued that structural power is central but can be mediated by factors such as the threat of the veto as well as by personal attributes of political leaders. The author also analyses how leaders seek coalitions in order to gain bargaining power and how bargaining patterns have changed after the enlargement.

SIEPS conducts and promotes research and analysis of European policy issues within the disciplines of political science, law and economics. SIEPS strives to act as a link between the academic world and policy-makers at various levels. This report is the first in a planned series of publications from the research programme *Representation, delegation and democracy*. The programme aims at analysing political processes, institutional change and representation in an inter-linked political system.

Stockholm, February 2007

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## **TABLE OF CONTENTS**

<b>EXECUTIVE SUMMARY</b> .....	6
<b>1 INTRODUCTION</b> .....	8
1.1 Existing Research.....	9
1.2 The Purpose of the Report.....	9
1.3 The Research Strategy: Elite Interviews .....	10
1.4 The Argument in Brief.....	12
<b>2 STATE SOURCES OF POWER</b> .....	13
2.1 Aggregate Structural Power .....	13
2.2 Issue-Specific Power .....	17
<b>3 INSTITUTIONAL SOURCES OF POWER</b> .....	20
3.1 The Power of the Veto.....	20
3.2 The Power of the Chair.....	22
3.3 Participation by Supranational Actors .....	24
<b>4 INDIVIDUAL SOURCES OF POWER</b> .....	28
4.1 Personality and Personal Authority.....	28
4.2 Expertise.....	30
4.3 Standing in Domestic Politics.....	32
<b>5 POOLING POWER THROUGH COALITIONS</b> .....	34
5.1 Enlargement, Institutional Reform, and Coalition-Building.....	35
5.2 Country Groupings .....	37
5.3 Party Networks.....	40
5.4 Issue Coalitions.....	42
<b>6 CONCLUSIONS</b> .....	45
<b>7 SAMMANFATTNING PÅ SVENSKA</b> .....	48
<b>8 INTERVIEWS</b> .....	50
<b>9 REFERENCES</b> .....	52

## **EXECUTIVE SUMMARY**

The European Council occupies a position at the apex of the EU's institutional system. Its functions are to provide strategic guidelines for the development of the Union, serve as the ultimate decision-maker on issues too complex or contentious for the Council of Ministers to handle, shape the EU's collective foreign policy, coordinate member state policy on socioeconomic issues, appoint the senior officials of the EU institutions, initiate and conclude intergovernmental conferences that amend the treaties, and effectively decide if, when, and how the EU should welcome new members. In the EU's Constitutional Treaty, one of the most central and contentious provisions is to further strengthen the European Council through the establishment of a semi-permanent president. Yet, despite its vital political importance, the European Council has only been subject to very limited research. Part of the explanation is the difficulty of conducting research on a political body that convenes behind closed doors, whose proceedings are undocumented, and whose participants are unusually hard to gain access to.

This report develops findings from a research project explicitly designed to overcome the problems associated with research on the European Council through an ambitious series of interviews with acting or former heads of government and ministers of foreign affairs, as well as top-level officials of member states and EU institutions. More specifically, it identifies and describes the most central sources of bargaining power in the European Council. It moves beyond existing research on the European Council in three respects. It addresses the bargaining dynamics inside the European Council, which so far have not been subject to any form of systematic research. Furthermore, it draws explicitly on general theories of negotiation and decision-making in isolating, explicating, and categorizing alternative sources of bargaining power. Finally, it synthesizes and presents a unique set of elite testimonies on bargaining power, covering the time period from the early 1990s and up until today.

The general argument of the report is that the bargaining power of chief executives in the European Council can be attributed to three sources – the member state, the institutional setting, and the individual negotiator. First, heads of government experience varying levels of bargaining power in the European Council as a product of the member state's (a) aggregate structural power, defined by its territory, population, economic strength, military capabilities, stability in the political system, and administrative capacity, and (b) issue-specific power, defined by its resources, commitment, and alternatives in a particular area. Second, bargaining power in the

European Council is shaped by the institutional setting in which these negotiations take place. Unanimity as decision-making principle gives all parties equal formal right to block proposals. The chairmanship enables the chief executive in control of this office to shape the agenda and negotiations at European Council meetings. The formal right for the Commission and the practice of the Council Secretariat to participate in European Council meetings allows these supranational actors a possibility to shape outcomes through their unusual expertise. Third and finally, heads of government to varying degrees strengthen or weaken the bargaining hand of the member state they represent in the European Council on the basis of individual attributes. More specifically, the influence of the chief executives is affected by their personality and personal authority, level of expertise, and standing in domestic politics.

The testimonies of European Council participants suggest that the first dimension of bargaining power is the most fundamental. The states most advantaged in structural terms – France, Germany, and the UK – also tend to exert the greatest influence in European Council negotiations, owing to their broader range of options, the resources they can commit to an issue, and the legitimacy of their claim to shape joint decisions. The threat of the veto, the control of the Presidency, and the personalities of chief executives matter as well, but are of secondary importance and mainly mediate the impact of structural power differentials.

The report further demonstrates that heads of government seek to improve the bargaining position of the member state they represent by pooling power through coalitions. Coalition-building in the European Council mainly takes three forms: (a) country groupings, in the shape of the Franco-German alliance, the Benelux, the Nordics, and the Visegrad; (b) party networks, organized around the two dominant party confederations – the PES and EPP; and (c) issue-specific coalitions, bringing together like-minded states on particular dossiers. Institutional reforms and the eastern enlargement have led to more issues being pre-negotiated and agreed in the preparatory phase prior to meetings, and to outstanding issues being settled at the meetings in exclusive informal and minilateral groups dominated by the EU's large member states.

# 1 INTRODUCTION

The European Council today constitutes the supreme political body in the European Union. While originally founded in 1974 to provide a forum for informal exchanges between the heads of government in the EU, the European Council has developed into an integral part of the EU's decision-making machinery.<sup>1</sup> Occupying a position at the apex of the EU's institutional system, the European Council provides strategic guidelines for the development of Union, serves as the ultimate decision-maker on issues too complex or contentious for the Council of Ministers to handle, shapes the EU's collective foreign policy, coordinates member state policy on socioeconomic issues, appoints the senior officials of the EU institutions, initiates and concludes intergovernmental conferences that amend the treaties, and effectively decides if, when, and how the EU should welcome new members.

The European Council meets in principle four times a year, and “[t]he dates of its meetings...mark the rhythm of the Union's various activities in the way religious feast days marked the rhythm of daily life in medieval Christendom” (Schoutete 2006, 57). Access to European Council meetings is highly restricted, in order to preserve an intimate atmosphere conducive to frank discussions and efficient bargaining. Formally, the European Council is composed of the heads of government and the president of the European Commission, assisted by the ministers of foreign affairs and another member of the Commission. In addition, it is standard practice that the secretary general and deputy secretary general of the General Secretariat of the Council enjoy seats at the table. Decisions generally require unanimity, even if the European Council occasionally engages in law-making that permits the use of majority voting. No official notes are taken, and the only record of the meeting is the Presidency's conclusions, issued at the end of the summit, but to a large part pre-negotiated in advance.

The European Council is distinct from the Council of Ministers, which brings together government ministers in nine specialized Council configurations, engages in everyday negotiations on EU legislation, and has its work prepared by member state officials in working groups and committees. In practice, however, there is considerable interaction and overlap in the activities of the two institutions, with the Council of Ministers preparing the work of the European Council, and the European Council setting

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<sup>1</sup> Throughout this report, I use the terms “heads of government” or “chief executives,” even if the formally correct term is “heads of state and government”, since the presidents of France and Finland participate.

guidelines and sometimes taking decisions for the Council of Ministers. In addition, the two institutions jointly make up the intergovernmental branch of the EU political system, dominated by the member states and distinct from the supranational branch, composed of the European Commission, the European Parliament, and the European Court of Justice.

## **1.1 Existing Research**

Despite its vital political importance in the EU, the European Council has only been subject to very limited research. Part of the explanation is the difficulties of conducting research on a political body that convenes behind closed doors, whose proceedings are undocumented, and whose participants are unusually hard to gain access to.

The literature on the European Council is typically dated, atheoretical, and predominantly occupied with the historical evolution of the European Council and its role in European integration. More specifically, existing research may be divided into three categories. The first consists of a set of monographs on the European Council, dating from the second half of the 1980s and the first half of the 1990s (Bulmer and Wessels 1987; Donat 1987; Werts 1992; Taulègne 1993; Johnston 1994). The strength of these works is the description of the European Council's early development and influence. Yet they make few or no attempts to draw on general theories in political science, and they offer no guidance on developments beyond the early 1990s. The second category consists of individual chapters on the European Council in volumes on the Council of Ministers or the EU institutions generally (Westlake and Galloway 2004, ch. 9; Hayes-Renshaw and Wallace 2006, ch. 6; Schoutheete 2006). These chapters provide insightful up-to-date overviews of the European Council, but obviously cannot address the politically interesting aspects of this institution in any depth. The third and final category is composed of think-tank reports that either address the potential reform of the European Council (Grant 2002; Grevi 2003; Schoutheete and Wallace 2002), or provide accounts of individual meetings (Ludlow 2002a, 2002b, 2002c, 2004). These offer refreshing perspectives on the European Council, and useful chronologies of negotiations, but do not qualify as theory-driven research.

## **1.2 The Purpose of the Report**

The purpose of this report is to identify and describe the most central sources of bargaining power in the European Council. What resources grant heads of government influence in the European Council, and why are some more influential than others? Bargaining power is defined as the

capacity of the chief executive to secure a favorable distributional outcome for the member state he or she represents – an agreement that as closely as possible reflects the national interests of the particular member state. The report moves beyond existing literature on the European Council in three respects. Most importantly, it addresses the bargaining dynamics inside the European Council, which so far have not been subject to any form of systematic research. Furthermore, it draws explicitly on general theories of negotiation and decision-making in isolating, explicating, and categorizing alternative sources of bargaining power. Finally, it synthesizes and presents a unique set of elite testimonies on bargaining power, covering the time period from the early 1990s and up until today.

Popular and academic conceptions of power and politics in the European Council often border on the naïve or the simplistic. Formally speaking, all heads of state and government in the European Council enjoy equal status. Luxembourg and Malta have the same right to veto proposals as Germany and France. However, even cursory knowledge of European affairs suggests that formal authority is one thing, and influence over political outcomes another. Negotiations on budgets, institutional reform, foreign policy, and other contentious dossiers, indicate that bargaining power in the European Council is unequally distributed, varies across cases, and may come in several forms. Yet, when the legalistic perspective is surrendered for power-sensitive interpretations, these tend to present general claims about differences between large and small member states, without specifying how differences in size matter, and without recognizing alternative sources of bargaining power. As Andrew Moravcsik notes: “Intergovernmental explanations often speak of Germany, France, or Britain as ‘powerful’ or ‘influential’ in negotiations, but such claims are rarely demonstrated by specifying what resources convey ‘power’ or which outcomes demonstrate that one country has been influential” (1998, 53).

### **1.3 The Research Strategy: Elite Interviews**

This report presents empirical material collected in a project explicitly designed to overcome the problems associated with research on the European Council.<sup>2</sup> The core strategy of the project is an ambitious and unique series of elite interviews with acting or former heads of government and ministers of foreign affairs, as well as top-level officials of member states

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<sup>2</sup> The research project is entitled “Power and Negotiation in the European Council,” funded by the Swedish Research Council, and conducted in cooperation with Dr. Maria Strömviik of Lund University and Mr. Allan Larsson, former Swedish minister of finance and director general in the European Commission.

and EU institutions (at present 33 interviews).<sup>3</sup> The interviewees contribute as experts on the European Council, capable of offering first-hand testimonies of bargaining in this body. The list of interviewees includes thirteen heads of government and ministers of foreign affairs, selected to control for known divides in European politics, such as left-right, large-small, north-south, and intergovernmentalist-federalist. Furthermore, this body of former or present members of the European Council covers politicians that held office at various stages of the period from the early 1990s until today, which makes it possible to observe changes over time. The interviews were semi-structured, involving a relatively fixed list of open-ended questions. In principle, the interviewees appear on record, but were promised anonymity where this was specifically requested, often because of relations to third countries.

While providing the researcher with unique empirical insights, elite interviewing is associated with a set of risks that should be acknowledged and preferably minimized. In essence, the question is what we can truthfully conclude from elite testimonies. In the case of politicians or civil servants that held office some time ago, there is a well-known memory problem, in that memories of specific events or processes slowly but steadily give way to general impressions and select memories of transformative experiences. There may also be a tendency for the interviewee to overstate his or her role in the historical events that the researcher investigates. In the case of politicians or civil servants in office at the time of the interview, there is a risk that answers will be tailored to suit specific political objectives.

This report adopts a four-fold strategy for dealing with these problems and minimizing the risk of biases in the conclusions drawn from the interview material. First, as already reported, I have selected interviewees so as to be able to control for the influence of political divides in EU politics. Second, I have consistently asked principled questions about experiences and impressions of bargaining power in the European Council, rather than questions about specific historical events or decisions, where the risks of memory loss and self-aggrandizement are most pronounced. Third, I have reduced the problem of politically adapted responses by centering on general tendencies in the interview material, based on multiple interviews, and I only draw on individual interviews when exemplifying general tendencies through quotes. Fourth, I report suspected biases in the interview material, such as when interviewees speak in their own favor.

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<sup>3</sup> A complete list of the interviews is found at the end of the report, before the references. In the text, I only give the names of the interviewees, and refer the reader to the list at the back for the dates of the interviews.

## **1.4 The Argument in Brief**

The general argument of this report is that bargaining power in the European Council can be captured in three dimensions: state sources of power, institutional sources of power, and individual sources of power. The first dimension is the most fundamental. On most issues, differences between the member states in structural power resources – economic strength, population, military capabilities, and administrative capacity – decisively shape bargaining outcomes. Yet differences in state power do not provide the full picture. The dominance of Europe’s resourceful states is mediated, and sometimes even offset, by the other two dimensions of bargaining power. Institutional features of the European Council – the threat of the veto, the rotating Presidency, and the participation of the Commission – constitute additional sources of bargaining power, as do the personal qualities of the chief executives – their authority, level of expertise, and standing in domestic politics.

I present this argument in four sections. The first section explains how bargaining power may be derived from a member state’s aggregate structural power, as well as from its issue-specific power. In the second section, I specify how the institutional context of European Council negotiations generates additional sources of bargaining power. The third section specifies individual attributes that heads of government may enjoy and profit from to varying degrees. In the fourth section, I move on from this inventory of power resources to address coalition building in the European Council, which constitutes a strategy for pooling power. I identify three layers of cooperation: country groupings, party networks, and issue coalitions. The report ends with a conclusion that outlines the implications of this argument for negotiation practitioners and for research on negotiations in the EU and beyond.

## **2 STATE SOURCES OF POWER**

Heads of government in the European Council represent a diverse set of member states. The first issue to consider is how and to what extent differences between member states affect the bargaining power of their representatives, in negotiations with other heads of government in the European Council. Drawing on the international relations literature on state power, I distinguish in this section between a member state's aggregate structural power and its issue-specific power, where the first refers to the overall capabilities of a state and the latter to its resources in a particular policy area. The testimonies from European Council participants suggest that both forms of state power loom large in summit bargaining. Despite the fact that cooperation in the EU is more institutionalized than in any other international organization, and takes place between a relatively homogenous group of industrialized democracies, differences in state capabilities and resources are perceived to matter greatly.

### **2.1 Aggregate Structural Power**

Aggregate structural power refers to a state's total amount of resources and capabilities. Resources are interpreted in the broad sense, and include properties such as territory, population, economic strength, military capabilities, technological development, stability of the political system, and administrative capacity. The notion that state power is a reflection of its aggregate resources harks back to the age of great power conflict in Europe. Yet it also features in the modern analysis of world politics, where it constitutes a key component of the realist approach to the study of international relations (Morgenthau 1948; Waltz 1979). State capabilities, in this view, determine national power, which in turn determines the position of a state in relation to other states within the international system. The emphasis on aggregate resources signals the central assumption that capabilities can be added up, are measureable, and in theory can be calculated into a national power score.

When applied to the analysis of international negotiations, this perspective suggests that states of greater aggregate structural power will prevail, since they can use their superior resources to coax and cajole weaker parties into submission through threats and promises (Hampson with Hart 1995, 8-11; Hopmann 1998, 99-111). The effect is that outcomes of international negotiations are likely to represent the interests of the most powerful states, and therefore are pre-determined. The process and format of international negotiation are thus of limited importance, since the agreements eventually reached in any case will reflect the distribution of structural power

between states. Negotiation tactics and strategies only constitute a “transmission belt,” through which resources and capabilities are translated into instruments of power in interstate bargaining.

Members of the European Council, and top officials with insight into the negotiations, testify that differences in aggregate structural power matter significantly in this forum. This is a general point of view, shared by representatives of large member states, small and medium-sized member states, the Council Secretariat, and the Commission. Valéry Giscard d’Estaing, who took the initiative to the European Council in 1974 together with the German chancellor Helmut Schmidt, speaks of how French and German dominance in the European Council during his time as president was only normal, since they originally had constituted the majority in every conceivable way – territory, population, GDP, and so on. Hubert Védrine, former French minister of foreign affairs, echoes this perspective: “What grants influence in the European Council is first and foremost the actual power of the country. We do, after all, live in the real world. Germany obviously has more power than, say, Malta and Luxembourg. – A member state’s actual power is decided by its economy, demography, geography, political system, and diplomatic reach.” Yet also representatives of small states testify to the impact of structural power resources. As Jean-Claude Juncker, long-serving prime minister of Luxembourg states: “Greater member states have a greater say. We never admit it, of course, but one has to acknowledge that geography and demography are playing a role.” Jean-Claude Piris, director general of the Council’s Legal Service, is even more blunt: “The most important factor explaining bargaining power is state size – citizens and GDP.”

The notion of aggregate structural resources suggests that a state’s potential for influence will only be as large as the sum of its multiple capabilities. In the context of European Council negotiations, this helps to explain a frequently noted anomaly or exception as regards the influence of large member states. Often mentioned is the inability of Italy to translate its potential power, grounded in structured resources, into political influence in the European Council. Despite a population and an economic strength at the level of France, Britain, and Germany before unification, Italy is broadly seen as having suffered in European Council negotiations from the instability of its domestic political system (in recent years supplemented with the unpredictability of Silvio Berlusconi as prime minister). As one foreign minister states: “Italy has many of the general advantages – economy, demography, geography, founding state, etc. – but one important weakness in its political system: instability.” Another long-term participant, representing a small member state, offers a similar reflection, circumscrib-

ing the category of influential large states to France, Germany, and Britain: “Today, Italy sometimes appears at the margin of a dossier. Italy is not one of the four great member states. Spain is trying to replace Italy, but it is not successful, and Poland will have to admit that it is not part of these great member states, although being Poland.”

The negotiations on the 2004 Constitutional Treaty provide an indirect confirmation of the extent to which state representatives embrace the notion that asymmetries in structural power influence bargaining in the European Council. The Constitutional Treaty, which still remains to be ratified by all member states, proposed introducing a semi-permanent president in the European Council. This proposal created a deep rift between almost all small and medium-sized member states, on the one hand, and the large member states, on the other hand. The small and medium-sized member states mobilized forcefully against the proposal, because they expected such a reform to strengthen the European Council in relation to other EU institutions, especially the Commission, effectively leaving greater room for power-based bargaining in EU cooperation. Whereas the involvement of the EU’s supranational institutions in the general legislative process mediates the impact of power differentials on bargaining outcomes, the European Council as a pure intergovernmental forum offers very limited institutional protection, according to representatives of small- and medium-sized countries.

Yet how, exactly, do differences between member states in aggregate structural power impact on European Council negotiations? What are the means through which advantages in structural power translate into superior bargaining power? In the age of great power rivalry, differences in aggregate structural resources influenced states’ relative power by allowing the strong to back up negotiation demands with threats of military aggression or economic isolation. In the EU of today – the most integrated community of states in world politics – gun-boat diplomacy is not an option and aggregate structural power affects negotiations in considerably more subtle ways. The interviews suggest that resources and capabilities rarely, if ever, are actively deployed in the bargaining process to achieve certain outcomes. Rather, asymmetries in aggregate structural power appear to matter indirectly, by affecting the resources a state can commit to an issue, the range of alternatives a state enjoys, and the general perception of what would constitute legitimate negotiation outcomes. Leaders representing significant portions of the EU’s joint population and total GDP are granted greater latitude in the negotiations, and their positions tend to set the frame within which agreements must be sought.

Jean-Claude Juncker explains this logic in the following way: “If you are representing a medium-sized country, you can never say ‘Denmark thinks...’ You can only say ‘I would submit to your considerations, if not...’ Those who are speaking for greater member states, by opening their mouth and by referring to their national flag, they are immediately indicating that, behind their words, you have to accept size and demography. ‘La France pense que...’ and ‘Deutschland denkt...,’ that is something different.” Göran Persson, former prime minister of Sweden with ten years of experience of the European Council, points to a parallel dynamic: “If you are the prime minister of a country with five to ten million people, you simply cannot monopolize twenty percent of the time devoted to the conclusions, it is not possible.” Similarly, one expression of the greater influence of large member states in the European Council, according to one EU ambassador, is the fact that they can take the floor several times on the same issue. Interviewees further testify that large member states may get away with tactics that are otherwise considered inappropriate and to the detriment of decision-making efficiency in the European Council. For instance, they may exploit the inadequate preparation of an issue to push through their own proposal, or launch entirely new initiatives at the negotiation table, in violation of the principle that all matters should be jointly prepared under the supervision of the Presidency.

Yet most fundamental for negotiation outcomes is probably the varying weight attributed to the statements of representatives from large, medium-sized, and small member states, despite the fact that decisions require unanimity and all leaders enjoy the same right and opportunity to veto agreements. Differences in structural power affect the legitimacy and effects of wielding the veto threat. According to one prime minister, it is a simple reality of politics that “Luxembourg can issue a veto once in a decade, and Britain once per week.” By the same token, the veto of the larger member states carries more weight than that of the small- and medium-sized, according to David O’Sullivan, former secretary general of the Commission: “The veto of Cyprus is not the same as the veto of Germany.”

It is a very frequent observation in the interviews that the interests of the larger member states create the frame of reference for European Council negotiations. They tend to set the parameters within which agreements must be sought, and in those cases where especially France, Germany, and Britain see eye-to-eye on issue, it is extremely difficult to achieve outcomes that diverge from this position. The testimonies of European Council participants indicate that this state of affairs not only is an expression of structural power asymmetries, but also reflects formal differences

in weight in the EU's other institutions, which appear to cast a shadow on European Council negotiations. In the EU's normal legislative process, the larger member states are advantaged by more seats in the European Parliament and more votes in the Council of Ministers (and until recently, more seats in the Commission). Our interviews suggest that these formal differences in national weight in general EU decision-making loom in the background even in European Council negotiations, partly because they will come into play when European Council decisions are implemented through decisions by the other EU institutions, and partly because they signal the tendency in the EU at large to attribute unequal weight and status to member states.

The centrality of aggregate structural power for European Council negotiations is a constant theme in the interviews we have conducted. Yet so are there exceptions to this pattern. Even in this intergovernmental forum, strong states do not always prevail and weak states do not always suffer. Every single interviewee points to additional dimensions of power, and can recite cases that support a more comprehensive perspective on bargaining power in the European Council. The remainder of this report will be devoted to these other dimensions of bargaining power, of which the first is a more specified interpretation of when, where, and how differences in member state properties matter.

## **2.2 Issue-Specific Power**

Issue-specific power refers to a state's resources and position in relation to another state on a particular issue of joint interest. The notion of issue-specific power has developed into the favored explanation in modern negotiation analysis for patterns of bargaining success that cut across traditional conceptions of power, such as the large-small distinction in the EU context. Whereas aggregate structural power may be useful in providing an overall picture of a state's position in a general negotiation setting, it is less useful in analyzing specific negotiations on concrete issues between two or more parties, according to the critique. Resources and capabilities may not be deployed with equal effectiveness in all issues and relationships. Rather, it is the power balance in the issue-specific relationship that determines bargaining outcomes (even if aggregate resources may help shape the issue-specific power balance). This helps to explain paradoxes of power in international negotiation, such as when states that suffer from weak structural power nevertheless prevail in negotiations with advantaged states, owing to superior issue-specific power (Odell 1980; Bacharach and Lawler 1981; Habeeb 1988).

In more concrete terms, issue-specific power may be conceptualized as a state's resources in a particular issue, its commitment to this issue, and its alternatives to a negotiated agreement on this issue. The more comprehensive the resources, the greater the commitment, and the better the alternatives, the more likely is it that the state will be influential in negotiations on this issue. The issue-specific nature of resources entails that a party's bargaining power in economic affairs, for instance, will not be decided by its military capability, territory, or population, but by its market power and GDP (Habeeb 1988). The commitment of a state on a particular issue is sometimes referred to as its preference intensity, its willpower, its resolve, its attention, its stake in the issue, or the salience of the issue for the particular state (Nye 1974; Mesquita and Stokman 1994; Hopmann 1998; Bailer 2004). The logic is effectively the same: states that care deeply about an issue will be more willing to devote scarce resources, negotiate with greater care, stay longer at the negotiation table, and have higher aspirations, than those who are less committed. Finally, it is one of the central axioms of negotiation analysis that bargaining power is shaped by a state's best alternative to a negotiated agreement (Fisher and Ury 1981; Lax and Sebenius 1986; Moravcsik 1998). A state with a good alternative is less likely to compromise and more likely to shape the final outcome, than a state desperately in need of a joint agreement. These last two aspects of issue-specific power may stand in opposition to each other, if a state's commitment to an issue is a product of its dependence on an agreement.

European Council participants testify that issue-specific aspects of power are prominent in negotiations. The relative weight of the member states shifts depending on the issue, as a product of the resources they can deploy, national commitments to particular causes, and the attractiveness of the status quo or continued unilateralism. Yet, before we delve into expressions of issue-specific power, it should be noted that the empirical establishment of such power is made more difficult by the overlap with aggregate structural power, which gives rise to observational equivalence. In other terms, it is difficult to determine whether the influence of German, French, and British leaders on internal market issues and the EU's long-term budget is a product of these countries' superior economic strength or their advantages in terms of aggregate structural power. Furthermore, the analysis is made more complicated by the fact that economic strength obviously constitutes a central component of the aggregate structural capability of modern European states, just as it is a prominent issue-specific resource in most areas of EU cooperation.

Yet, even with these limitations, it is possible to isolate a range of expres-

sions of issue-specific power in European Council negotiations, by focusing on cases where aggregate and issue-specific resources diverge. A first indication of issue-specific power is the observation that large member states do not necessarily wield equal power on all issues. European Council members and observers most frequently point to the relatively limited role of Germany in foreign and security policy, compared to France and the UK. As the EU's greatest military powers, in possession of both extensive conventional capabilities and nuclear weapons, France and the UK speak with considerable authority on issues of security policy. Even if Germany in recent years has become more willing to invest resources in military capabilities for international operations, its influence in the European Council on issues of foreign and security policy is not on par with that of France and the UK, according to participant testimonies. Another often mentioned example of a large member state that suffers from issue-specific weaknesses is Italy's loss of bargaining power on economic issues, despite a sizeable GDP, because of long-running budget deficits and a growing government debt.

A second expression of issue-specific power is the tendency of small- and medium-sized states to "punch above their weight" – to exercise more power on specific issues than a mere assessment of their aggregate structural resources would lead one to expect. This bargaining power may well be understood in terms of resources, commitment, and alternatives. It is broadly acknowledged by European Council members that small and medium-sized states with specific regional interests often succeed in shaping the EU's policy toward these areas, owing to extensive experience in dealing with the region, as well as great commitment to the development of EU policy vis-à-vis the region. Generally, these regional interests are rooted in historical legacies and/or geopolitical realities, such as Belgium's engagement in Central Africa, the Netherlands in Indonesia, Spain in the Mediterranean, and the Nordics in the Baltic and the Barents regions. European Council participants further testify to specific small-state influence on issues where these countries pose as leaders with strong ambitions, extensive knowledge, and national policies that may be exported to the European level. Often mentioned are the Nordic states in employment policy and environmental policy. Another combination that is deemed to have strengthened the bargaining power of small and medium-sized states is that of a strong commitment coupled to an attractive status quo alternative. Frequently mentioned in this context are the examples of Greece on issues relating to Turkey and Cyprus (before membership), and Luxembourg's unusual bargaining power on issues pertaining to financial services.

### **3 INSTITUTIONAL SOURCES OF POWER**

Negotiations in the European Council take place in a specific institutional setting. The second issue to consider is the extent to which the properties of this institutional setting shape bargaining power and outcomes in the European Council. Drawing on a combination of negotiation theory and institutional theory, I identify three institutional factors with implications for bargaining power in the European Council: the veto, the chairmanship, and the participation of supranational actors. The testimonies of European Council participants indicate that all three institutional factors influence bargaining power, even if the threat of the veto and access to the Presidency have more profound implications than the participation of the Commission and the Council Secretariat.

#### **3.1 The Power of the Veto**

The most central institutional feature of any negotiation is the decision rule governing the adoption of joint agreements. Simplifying slightly, the world of international policy-making offers two alternative decision rules: unanimity and majority voting. Unanimity requires that all parties give their consent, or at least do not actively block an agreement. Majority voting – whether qualified or simple – entails that only a large subset of all parties needs to be on board for an agreement to be reached. The choice of decision rule matters greatly for the distribution of bargaining power, and is therefore often the subject of significant controversy. Where decisions are taken through majority voting, such as in the EU's general legislative process, differentiation of voting power based on population or GDP grants those states that already enjoy structural power advantages in the formal decision-making system as well. By contrast, where decisions require unanimity, such as in the European Council, this works to offset the impact of structural power differentials, by giving all parties equal formal right to block proposals through the veto.<sup>4</sup>

Studies of international negotiations find that veto provisions strengthen the bargaining position of parties or coalitions that do not enjoy structural power, and constitute one of the principal sources of influence for weak states in competition with the strong (Zartman 1971; Habeeb 1988; Hamp-

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<sup>4</sup> There are some exceptions to the general principle of unanimity in European Council decision-making. When the European Council takes decisions on behalf of the Council of Ministers, it makes use of the same decision rule as should have been used in the Council on the particular issue, often qualified majority voting. In addition, the convening of an intergovernmental conference to revise the EU treaties only requires the support of a majority of the member states.

ston with Hart 1995, 32). Furthermore, existing research establishes that unanimity tends to generate processes of consensual decision-making, where recalcitrant parties are bought off through side-payments and favors are exchanged through package deals. The states expected to benefit the most from unanimity as decision principle are therefore those most pleased with the status quo, that is, those who would lose the least if an agreement could not be found (Scharpf 1997; Meunier 2000; Moravcsik 1998).

European Council participants testify that the actual wielding of the veto is a relatively rare occurrence in summit negotiations, but very effective when used. When the prime ministers walk into the European Council, they know that they will have to agree, and if a state has strong objections in an issue, it will often prevail. As Erkki Tuomioja, Finland's minister of foreign affairs, states: "At the end of the day, you can block. Moving forward at the European Council depends on consensus. In general there is still this kind of understanding, although no one talks about the Luxembourg compromise any longer...If a country's vital national interests are at stake, this is respected." One EU ambassador underlines the same point in colorful language: "If you have the guts, you can use the veto with great effect. You've got everybody by their balls."

Why, then, is the veto not wielded more frequently? Interview testimonies point to four reasons. First, the veto is a measure of last resort, and skillful negotiators should be able to convey the importance they attach to an issue and secure others' respect, without actually using the weapon. Göran Persson goes as far as saying: "The veto is only an asset as long as it is not used." Second, it needs to be generally understood that the issues in question are of truly vital national importance for the state concerned, or else the use of the veto will have reputation repercussions. Third and related, the veto is only effective if it is not wielded too frequently. The use of the veto carries a political cost in terms of credibility. As David O'Sullivan notes: "They cannot threaten to block all the time. Even if they might have three issues they would want to block, they only have one card each to play. If you play all three cards in one session, then you use up your capital." Jean-Claude Juncker explains this logic in greater detail, and emphasizes the political gains of sometimes abstaining from the veto even when important national interests are at stake:

If a prime minister, sitting with his colleagues, is threatening with a veto time after time, he loses all kinds of influence. It is seen as a sign of weakness, because if you give the impression that you do not have free hands at home, you cannot really develop an influence in the European Council. But, if from time to time, you step away from a well-known national position, saying 'OK, I will take it, but I will have great difficulties at home,' then you gradually build up a

kind of aura that this is not only about words and lip-service, but that you are willing to undergo some difficulties at home.

Finally, the veto does not put an end to the political process. Conflicts must be solved and proposals adopted. As Finland's president, Tarja Halonen, underlines: "[The veto may be used] when you really need it and you have a plan what to do after that. Because saying no, you do not stop the process. You just take a time-out."

Furthermore, European Council participants articulate the impression that the veto is used more frequently on some issues than on others, and more effectively by some member states than by others. As regards issues, they specifically point to negotiations on financial issues, such as the EU's long-term budget, and to bargaining over treaty reform. These are issues with such general political and economic implications that they bring vital national interests to the fore and legitimate the wielding of the veto. As regards member states, European Council participants frequently mention Spain as a country whose representatives have been very skillful in exploiting the power of the veto, especially in negotiations over the EU's long-term budgets. As one chief executive states: "Spain is very good at having results. [They achieve results by] being tough, being very tough. They are not impossible – you always know that there is price to buy them. You can be impossible, so that the others know that you will say forever no. [But] if you negotiate a good result, [the Spanish] will say yes." Former Spanish prime minister Felipe González is generally credited with having secured very advantageous deals for Spain on regional funding, but rather emphasizes the rarity of the veto in the European Council, and Margaret Thatcher's extreme position on the budget, than his own successful use of this weapon. European Council members further testify that small and medium-sized states tend to use the veto more rarely, that the new member states have been careful not to use the veto as a threat, with the exception of Poland on institutional reform and Cyprus on relations to Turkey, and that the eastern enlargement generally has made it more difficult to block on your own: "It was one thing to block when you were one out of six parties, and a completely different thing to stand up on your own against all other 24 member states."

### **3.2 The Power of the Chair**

Research on multilateral bargaining on trade, security, regional integration, and the environment suggests that the chairmanship of international decision-making bodies constitutes a power platform, enabling the actors in control of this office to shape the outcomes of multilateral negotiations (Tallberg 2006; but also Hampson with Hart 1995; Odell 2005). Negotiation

chairs are typically granted the responsibility to set and manage the agenda, broker agreements, and represent the decision body vis-à-vis third parties. In these functions, negotiation chairs generally benefit from privileged access to a set of important power resources, notably information and procedural control. The common practice of bilateral encounters at which governments offer negotiation chairs privileged information about national resistance points provides chairmen with unique information about state preferences. Furthermore, international secretariats at the chairman's special disposal endow negotiation chairs with expert information about the technical subject matter of the negotiations. The procedural power of negotiation chairs consists of control over decisions on the sequence of negotiations, the frequency of negotiation sessions, the format of negotiations, and the method of negotiation. Moreover, as managers of individual negotiation sessions, chairmen open and conclude meetings, structure the meeting agenda, allot the right to speak, direct voting procedures, and summarize the results. Additional power resources, apart from information and procedural control, may consist of the legitimacy of the chairmanship office, trust acquired in previous negotiations, and the capacity of chairmen to persuade others through the better argument.

With very few exceptions, heads of government and foreign ministers underline the political significance of the Presidency office in the European Council as a platform and resource for the incumbent. It is notable that representatives of small and medium-sized states tend to rank access to the Presidency as the most important source of power, particularly for themselves, since they cannot rely on advantages in structural power. As Finland's Erkki Tuomioja asserts: "The Presidency is always in a strong position. Even small country Presidencies, if they are successful and do their homework, can have a lot of influence. The Presidency is always number one." Similarly, former Swedish foreign minister Lena Hjelm-Wallén emphasizes: "The chairmanship is the most important power resource – you are holding the reins," whereas Gunnar Lund, former Swedish EU ambassador, stresses: "It is obvious. The Presidency grants considerable influence, even for a small country. You are managing the entire process."

More specifically, European Council members point to the setting of the agenda and the engineering of compromises as the functions through which Presidencies exert influence. It is the Presidency that carries the responsibility, and enjoys the privilege, of preparing the agenda of European Council meetings. Part of the agenda of individual meetings tends to be pre-determined, as an effect of the European Council's growing tendency to pre-program forthcoming meetings in order to achieve greater

policy continuity. In addition, the European Council generally devotes part of its meetings to EU or international matters that require the attention of the heads of government. Yet, even with these constraints, the Presidency can affect the agenda and the outcome of meetings by contributing its own pet issues, attributing relative weight to the items that need to be dealt with, and keeping certain issues away from the agenda. It is frequently emphasized by European Council participants that the greatest influence over the agenda is exerted in the preparatory phase, when the Presidency structures and delimits the agenda, rather than in the meeting per se. Sweden's Göran Persson offers the following reflection:

As the chairman of a meeting, you are controlling the agenda. It is those who realize the potential to set the agenda that affect the development [of EU policy]. Then you need not dominate the meeting, but it is the issues that you yourself have put up on the agenda that are discussed. If you do not control the agenda as chairman – and there have been such Presidencies – then nothing will come of it. It has to be prepared, and this is a truth that applies to local associations and the European Council alike. If you are to have any chance of governing the meeting, then you must decide the contents of the agenda.

Since several issues that require the European Council's attention are "hard cases," where the member states have been unable to reach agreement at lower levels, brokerage constitutes a central function for Presidencies. Typically, heads of government rely on two institutionalized practices for sounding out state concerns and devising acceptable compromise agreements – the *tour des capitales* and the confessional. The President of the European Council either travels to or receives all other heads of government in the weeks preceding the summit. The format of the bilateral encounter enables heads of government to share information about their bottom lines with the Presidency, thus improving the chances of summit agreements on contentious issues. Confessionals serve the same purpose during the course of actual meetings. According to European Council members, both practices grant the Presidency a politically privileged position in the engineering of agreements.

### **3.3 Participation by Supranational Actors**

A third institutional feature of negotiations in the European Council, and of multilateral negotiations in general, is the participation of supranational actors. Secretariats are a standard feature of international organizations and multilateral conferences. Even if the specific tasks and powers of these secretariats vary considerably, offering expertise to the chairmanship and the parties, and providing logistical and secretarial services, are standard functions of international secretariats. The literature on multilateral negoti-

ations suggests that international secretariats, much like negotiation chairs, can draw on specific resources that may enable them to affect the outcomes of interstate negotiations, mainly by facilitating agreement, but also by influencing the distributional outcomes under exceptional circumstances (Young 1991; Underdal 1994; Beach 2005). Typically, international secretariats have built up impressive technical expertise about the content matter of the regime they serve, and contain entire departments exclusively devoted to procedural and legal matters. In addition, they tend to track the development of member state positions closely, and may thus offer valuable knowledge about the state of play in negotiations. In a comparative perspective, the Council Secretariat and especially the Commission constitute unusually resourceful international secretariats, whose presence at the negotiation table may shape the outcomes of bargaining in the European Council, to the advantage of some states and the disadvantage of others, depending on the issue.

European Council members and observers invariably refer to the decade of Jacques Delors as the heyday of Commission influence at summits, and to declining influence since the mid-1990s. This is a description that echoes the results of research on the Commission and its role in especially institutional reform negotiations (Moravcsik 1998; Beach 2005). In an historical perspective, the influence of the Delors Commission is the exception rather than the rule, yet this exception still constitutes the benchmark against which all subsequent Commissions and Commission presidents are evaluated. Two forms of resources are considered pivotal if the Commission President is to exert influence in the European Council: the technical know-how of the dossiers under negotiation, and the trust of the (most important) heads of government. Delors is considered to have enjoyed both, whereas the Commission presidents who have followed him have been disadvantaged in either the one, the other, or both regards.

Jerôme Vignon, who worked closely with Delors during his time as president, finds that Delors mainly mastered the details of two broad, important dossiers: the long-term budgets and the institutional reforms. Both issues were high on the agenda in the second half of the 1980s and first half of the 1990s, and Delors exerted influence by using his technical know-how to devise compromise solutions. “Delors was a problem solver, and when he could deliver, European Council members were extremely grateful,” concludes Vignon. Whereas European Council members frequently mention differences in personality when addressing the limited impact of subsequent Commission presidents, David O’Sullivan offers a more original explanation:

Over the last 20 years, the Commission has lost its comparative advantage in technical knowledge. Previously, national administrations were not interested in issues of European integration, but are now savvy and much better equipped with technical knowledge. In fact, they often have more people working on an issue than the Commission. Consider the Nice summit, where the delegations ran around with lap tops that immediately calculated the implications of the latest proposal for the reweighing of votes, to be compared with Delors' handwritten tables in the 1986 and 1991 IGCs. The Commission's advantage has eroded – and not primarily because of shifts in the presidency of the Commission.

Heads of government who were present in the European Council during the Delors era further emphasize the close relations and high degree of trust within a select group of participants: Jacques Delors, German chancellor Helmut Kohl, French president Francois Mitterrand, and in addition Ruud Lubbers of the Netherlands and Felipe Gonzáles of Spain. Delors' political initiatives were generally discussed in this group before the meetings of the European Council, and therefore enjoyed the support of a core group when presented to the broader membership. While emphasizing that there is still scope for Commission influence, heads of government who have experienced European Council negotiations after Delors paint a very different picture of the positions of Jacques Santer, Romano Prodi, and to some extent José Manuel Barroso. Santer is described as a Luxembourgger who was born happy and wanted to die happy, and therefore tended to avoid contentious issues, whereas Prodi mostly was regarded as irrelevant in the European Council. Again, an alternative explanation offered by a top-level Commission official instead stresses the changing structural conditions, in this case the greater difficulties of building support and influencing the agenda through informal contacts with pivotal heads of government in an EU of 25 as opposed 12 member states.

The Council Secretariat, which is present through the secretary general, the deputy secretary general, and five additional officials, tends to be described by European Council members as unintrusive, very professional, and with an excellent sense of the political battle ground. The Council Secretariat is generally closely involved in the preparations of summits, assisting the Presidency with the drafting of the agenda and conclusions of the meeting. "The Presidencies come with the priorities, the Council Secretariat with the expertise on how to formulate them," as one official puts it. Yet Secretariat officials simultaneously testify to notable variation between Presidencies in the extent to which they allow the Council Secretariat a role in the drafting of agendas, conclusions, and papers. Large member states, capable of mobilizing impressive administrative resources for the Presidency, are generally less dependent on the Secretariat and therefore less inclined to rely on its advice.

European Council participants are of the general impression that the Council Secretariat does not have an independent political agenda, with the important exception of one area: foreign policy. The position of the secretary general as the EU's high representative in foreign and security policy entails that the Council Secretariat works actively to affect the European Council's mandates to the high representative – and it is deemed to be relatively successful. One consequence of this political maneuvering is turf competition with the Commission, which also represents the EU on foreign policy issues and carries the main responsibility for trade policy and foreign aid. As one high-level Commission official puts it: “There is a First World War fight over the legal basis in foreign policy. It is the dream of the Council Secretariat to become the Commission of foreign policy.”

## **4 INDIVIDUAL SOURCES OF POWER**

Negotiations in the European Council are conducted by individuals who represent their states. The third issue to consider is how and to what extent differences in individual attributes affect the bargaining power of heads of government. Even if the heads of government may try to function as efficient and detached servants of the national interest, their negotiation behavior and influence over outcomes may be shaped by factors such as experience, cognitive structure, culture, personal visions, and trust. Drawing on negotiation theory, I discuss in this section the potential impact of three categories of individual attributes: personality and personal authority, expertise, and standing in domestic politics. The testimonies from European Council participants indicate that variation within the group in the shape and distribution of individual attributes affects the bargaining power of the respective states. Whereas some individuals strengthen the bargaining position of the states they represent, owing to personal authority, high levels of expertise, and a comfortable standing in domestic politics, other individuals constitute liabilities for the states they represent. A prominent explanation for this impact of individual attributes is the format of negotiations in European Council, where the heads of government operate on their own, beyond the immediate control of national civil servants.

### **4.1 Personality and Personal Authority**

The importance of individual personality traits, experiences, and authority is an issue that has received quite some attention in the study of international negotiations and foreign policy decision-making, as well as in the literature on domestic political leadership (e.g., Burns 1978; Young 1991; Hermann et al. 2001). One line of inquiry specifically addresses how the cognitive structures of leaders affect behavior and communication in bargaining (Welsh 1985; Jönsson 1990), whereas another strand of analysis explores the role of culture in negotiations (Faure and Rubin 1993; Cohen 1997). The influential notion of negotiations and diplomacy as two-level games, simultaneously involving both domestic and international bargaining, generates the expectation that heads of government will enjoy a certain level of autonomy, to the effect that personalities and personal preferences may impact on negotiation outcomes (Putnam 1988; Evans, Jacobson, and Putnam 1993). Finally, students of international negotiations propose that specific individuals may succeed in shaping how other participants perceive of problems and solutions through ideas and visions, as well as authority and trust earned in previous interaction (Young 1991; Risse 2000).

The importance of personality and personal authority is a recurring theme in the participants' own assessments of power and influence in the European Council. In particular, they underline the differences between individuals in terms of personal authority, respect, or trust. Typically, these are seen as attributes to be won and earned, rather than given by birth or appointment. One implication is that seniority in the club and earlier performance are perceived to matter. As Philippe Schoutete (2006, 46), long-serving EU ambassador of Belgium, testifies: "Because participants are relatively few in number and personal relations important, the balance of power in the European Council is influenced by seniority. Newcomers will not be able to pull their full weight at first meetings. Heads of government of smaller member states can expect to exert more influence after several years of being present, particularly after they led a successful presidency."

This analysis is shared by those leaders of small and medium-sized countries who most frequently are mentioned as examples of growing personal influence over time, next to Belgium's Guy Verhofstadt and the Netherlands' Wim Kok. Jean-Claude Juncker, presently the longest serving head of government, stresses the importance of "personal experience, personal relations with leaders of other countries, [and] the volume of confidence you have worked up. If you are there for a longer time, you become a reference point for others, mainly for the newcomers, and they are inspired by what you are saying." Similarly, Göran Persson, who attended the European Council as Swedish prime minister during a full decade, admits: "My own position in the European Council is obviously a product of having been there long. I have been able to welcome many, say goodbye to many, and still remain myself."

Inquiries into the relative importance of personalities invariably lead to comparisons between individual leaders. The observations by European Council participants are remarkably similar with respect to the role of five heads of government during the last decade: Jacques Chirac, Gerhard Schröder, Tony Blair, Silvio Berlusconi, and Jean-Claude Juncker. Whereas Chirac and Juncker are perceived to have strengthened the bargaining hand of their countries because of their personal qualities, Schröder and Blair's personalities have neither contributed positively nor negatively, whereas Berlusconi unanimously is presented as a liability for his country. Chirac is described as a political animal who is very clever and persistent, somewhat arrogant, capable of instilling fear in others through his temper, and almost always very influential. Schröder, by contrast, is portrayed as surprisingly silent, without an interest in the political game, often detached from the

debate, and therefore dependent on others' automatic respect for German interests, even if he was listened to on those occasions when he did speak up. Blair's influence is typically seen as less extensive than his spin-doctors make it seem, and with the important exceptions of the Lisbon process and transatlantic issues, "he is not really in the game, although destroying the games of others." Berlusconi is consistently portrayed as a maverick leader with a limited interest in EU issues, erratic negotiation behavior, and a self-assumed role as the comedian of the club. Juncker, finally, is described as the head of government who by himself commands the greatest respect and authority, because of his long time in the European Council, his extreme experience and competence, his capacity to put European interests before national (of which there are few), and his networking abilities and close relationship with especially German and French leaders, all of which combine to make him remarkably influential, given the country that he represents. As one head of government put it: "How many times do you need to multiply Juncker's weight because of his personal and human attributes? Juncker probably weighs more than countries- with twelve to fourteen million inhabitants."

## **4.2 Expertise**

The advantages in bargaining of possessing expertise and information are widely acknowledged. Multilateral negotiations are characterized by high levels of complexity and uncertainty, because of the large number of parties, proposals, and preferences (Winham 1977; Zartman 1994; Hampson with Hart 1995). As a result, negotiators seldom have perfect knowledge of the many technical issues on the agenda, the legal procedures available, and the preferences of other actors. However, some may be better informed than others, and those parties that possess superior expertise are also better positioned to identify potential agreements and to shape outcomes in their own favor (Young 1991; Tallberg 2006). It is common in the literature to distinguish between three alternative forms of expertise: content expertise, process expertise, and preference information (Wall and Lynn 1993; Beach 2005). Content expertise refers to technical knowledge of the issues under negotiation. Process expertise refers to knowledge of the institutional framework of negotiations, including legal provisions and procedures. Preference information, finally, refers to knowledge of other parties' interests and domestic political constraints.

The majority of European Council members testify to the importance of personal expertise in summit negotiations, and to varying levels of content, process, and preference information among the participants. Even if the

heads of government ought to be well briefed when they arrive, there are sometimes glaring gaps in knowledge, with implications for the negotiations. One particular feature of European Council meetings merits special attention in this context, namely the deliberate separation of the heads of government from the civil servants, in order to create an atmosphere more conducive to concessions and compromises. An important side-effect of this arrangement is that the heads of government are largely on their own, and that differences in the level of personal expertise therefore matter more than in the Council of Ministers or in other international negotiations, where legions of specialists normally accompany the chief negotiator.

Content expertise is deemed very important, indeed a prerequisite for influence, by the heads of government. Even if all parties profit from mastering the technical details of the dossiers, representatives of small and medium-sized states, as well as the Commission, emphasize that issue knowledge is particularly pivotal for them, since they cannot rely on structural power, and that they therefore have greater incentives to be well informed. In this vein, Erkki Tuomioja, observes: “Smaller countries tend to do their homework better. They cannot afford not to be knowledgeable about the issues.” Jean-Claude Juncker makes a similar observation and explains how content expertise matters: “The knowledge of dossiers is essential. I have to say that my experience is that those representing smaller and medium-sized countries, they have the better knowledge of the dossier, because they have less people to prepare it, they have less speaking notes and transport mechanisms than the others. And if you have a broader knowledge than your colleagues, then you can give indications, you are able to introduce nuances, you can draw up broader perspectives, taking pieces from other meetings or other portfolios.”

In the European Council, it is the Council Secretariat’s specific task to be well-versed in all the procedural and legal aspects of decision-making. Yet the Secretariat’s presence does not eliminate differences in process expertise and their implications for bargaining power. Some heads of government have developed considerable knowledge of the EU’s institutional system and its procedural idiosyncracies, whereas others face significant shortages. Philippe de Schotheete (2006, 39) notes that the heads of governments sometimes do not understand the formal procedures applicable in the European Council, even if these are of very limited complexity compared to the procedures that apply to other institutions, such as the Council of Ministers. One long-serving head of government confirms these deficits in process expertise, and points specifically to the prime ministers from the new member states, who only recently gained seats in the

European Council, who suffer from high turn-over rates, and who seldom have been portfolio ministers and therefore are unfamiliar with the EU's institutions and legislative process. Typical gaps in knowledge include the Commission's monopoly on initiative in the first pillar, and the European Parliament's equal status to the Council of Ministers under the co-decision procedure – very basic features of the EU's political system.

Information about other parties' preferences is a prerequisite for building coalitions and negotiating agreements in the European Council. Generally, European Council members perceive themselves to be well-briefed on the positions of the others. Yet there is a difference between knowing what the position is, and understanding why this particular position is taken. According to European Council participants, there is sometimes a lack of understanding of the domestic political debate in the member states that renders it difficult to arrive at compromise agreements acceptable to all parties. As one experienced prime minister concludes:

The real problem of the European Council is that the majority of the members...do not have the time or do not take the time to be totally informed in a way that, leaving behind their national interests, they can develop compromise formulas, knowing what kind of rhetorics you have to serve in order to have the support of others. Sometimes, colleagues do not understand why a colleague says this or that, simply because they do not know what kind of debate he has to go through in his own country. If you know what kind of debates they have, it is easier to understand and to propose formulas that could be agreeable to the one who is speaking even before he is speaking, in order to avoid a bad atmosphere. What people say is seldom unreasonable, it is simply political.

### **4.3 Standing in Domestic Politics**

It is a central proposition in the literature on negotiations as two-level games that the domestic political arena influences the room for maneuver of the head of government in international negotiations (Putnam 1988; Moravcsik 1993). This sub-section discusses the effects of the chief executive's standing in domestic politics for his or her bargaining power. In this context, standing refers to the general position of the leader and his or her government in public opinion, in parliament, and as a product of potential referenda. The basic assumption is that weak domestic political standing will affect negatively the capacity of the prime minister to achieve favorable bargaining outcomes. Heads of government who face declining popularity figures and appear likely to be voted out of office, who have a weak parliamentary position and just narrowly survived votes of no confidence, or who have lost referenda on central political issues, are more likely to be consumed by domestic affairs, and less likely to be prioritized coalition

partners, in international negotiations (e.g., Bulmer and Wessels 1987, 135–136).

Testimonies from European Council participants suggest that domestic standing matters for bargaining power, though mainly when a head of government is undergoing a political crisis. Lars Danielsson, former Swedish state secretary to the prime minister, notes: “Those heads of state and government who are in control domestically and are not involved in any crises have a much, much stronger standing in the European Council.” Two frequently mentioned examples of heads of government whose influence in the European Council took a blow from domestic developments are Jacques Chirac in association with the French no vote to the Constitutional Treaty, and Gerhard Schröder toward the end of his term. The impact was particularly notable in the case of Chirac, according to interviewees, since he had had an extremely prominent position in the European Council and a tendency to dictate what is best for Europe. As one top official of an EU institution remarked: “Chirac’s show in the European Council is over. Now he cannot come and tell the others how it should be.”

However, there is little support for the notion that a weak parliamentary standing in general affects negotiation power in the European Council. Heads of government who are representing broad coalition governments, for instance, do not necessarily suffer in dealings with their peers. Neither is *cohabitation* in France regarded an inevitable weakness for the president and the prime minister in the European Council. On the contrary, the French themselves consider it a strength, since they get to have two political heavy weights at the table, and have instituted procedures to minimize the obvious risks of *cohabitation*. As Hubert Védrine states: “*Cohabitation* in fact creates very few problems, since you are prepared. Since it presents a risk, you prepare enormously, more than the others. You have a negotiation before each meeting of the European Council on every agenda item.”

## **5 POOLING POWER THROUGH COALITIONS**

The previous sections have provided an inventory of three categories of bargaining resources that members of the European Council may draw on to varying degrees in summit negotiations. These sources of bargaining power are complementary rather than competing. It is possible for a chief executive to enjoy simultaneously the advantages of superior structural resources, the platform of the chairmanship, and a high level of issue expertise – all of which combine to make his or her position particularly strong. Yet, more often, heads of government face a combination of advantages and disadvantages as regards state, institutional, and individual bargaining resources, making them dependent on cooperation with other parties if they are to exert influence in the European Council. By building coalitions, chief executives may pool bargaining power and achieve outcomes for the coalition that are more favorable than what could have been secured individually. Even if the advantages of coalition-building are most prominent for parties with weak individual bargaining resources, all parties have an incentive to improve their bargaining position by belonging to a coalition. In most cases, the coalitions that appear on a particular issue in the European Council are not unique to this body, but were formed in the preparatory negotiations in Council of Ministers and its subsidiary bodies, and subsequently transferred to negotiations between the chief executives. In that sense, coalition formation is a continuous process that well illustrates the close and interdependent relationship between the European Council and the Council of Ministers in the EU's intergovernmental branch.

Coalitions are sometimes described as the hallmark of multilateral negotiations, since they help to simplify and facilitate the process of bargaining between a large number of parties on a large number of issues (Zartman 1994; Hampson with Hart 1995). Yet coalitions do not spring up by themselves, but must be actively built by the parties. A central question in the general literature on coalition building (Brams 1975; Lax and Sebenius 1991; Dupont 1994; Sebenius 1996), as well as in the EU specific literature on the topic (Mattila 2004; Thomson et al. 2004; Naurin 2006), is what drives the coalition-building process and determines the resultant pattern of coalitions. Whereas the general ambition is to form a coalition that is sufficiently dominating to shape outcomes, given the applicable decision rule, the parties confront varying motives, strategies, and choices. Negotiation theorists typically distinguish between alternative forms of coalitions (formal or informal), alternative strategies for states interested in building coalitions (easiest first or most influential first), and alternative choices for states in response to coalition-building efforts (balancing or bandwagoning). Relating findings from European Council negotiations to

this research, this section isolates three layers of cooperation in the European Council, each driven by a specific rationale: country groupings, party networks, and issue coalitions. Yet, before turning to these three forms of cooperation, I will summarize the interview evidence on the increasing importance of coalition-building in the European Council in recent years.

### **5.1 Enlargement, Institutional Reform, and Coalition-Building**

The most profound change in summit negotiations in recent years, according to members and observers of the European Council, is the growing importance of coalition-building in the preparatory phase. The sources of this change are the institutional reforms adopted in Seville 2002, and the expansion of EU to 27 member states through the 2004 and 2007 enlargements.

The purpose of the Seville reforms was to improve the efficiency of European Council decision-making, so that the heads of government could focus on the central task of providing general political guidelines, rather than be caught in sentence-by-sentence negotiations over the conclusions (Council of the European Union 2002; Ludlow 2002c). More specifically, the reforms sought to streamline the preparations by introducing a procedure whereby the Presidency outlines a draft agenda four weeks before the summit, and the items of this agenda subsequently are pre-negotiated by the EU ambassadors in Coreper and the foreign ministers in the General Affairs and External Relations Council (GAERC). Furthermore, such preparations held the promise of more concise conclusions, clearly differentiating between the areas where agreement had already been reached, and the few issues that would have to be settled at the meeting itself. The first Presidency to implement the Seville reforms was the Danish Presidency in the second half of 2002, and since then, this has become the standard format for the preparation of European Council meetings.

The enlargement of the EU to ten new member states in 2004 constitutes a second source of changes in European Council decision-making, effectively reinforcing the consequences of the Seville reforms. Enlargement of the EU meant enlargement of the European Council, which was extended to more than 50 participants. The expansion of the group entailed more conference-like plenary sessions and less speaking time for each member, creating an institutional environment potentially less conducive to effective negotiations. The accession of Bulgaria and Romania in 2007 is likely to further strengthen this tendency.

European Council participants present a united verdict on the joint effects of the Seville reforms and the 2004 enlargement. The majority of issues formally agreed in the European Council are now effectively concluded in pre-negotiations between alternative interest coalitions in the preparatory phase. Furthermore, the minority of issues that remain unsettled at the opening of the meetings are normally resolved through bilateral, trilateral, or unilateral negotiations, headed by the Presidency. As an effect, the plenary sessions have lost much of their political relevance, and predominantly consist of the heads of government rubber-stamping agreements concluded in the run-up to the meetings or in the chambers of the Presidency.

The growing importance of coalition-building in the preparatory phase does not mean that the heads of government have surrendered their role in European Council negotiations. Rather, they have partly shifted their negotiation activities to the preparatory phase, and partly empowered their closest aides to negotiate on their behalf. Poul Nyrup Rasmussen, former Danish prime minister, well captures this shift in the role of the chief executives:

The heads are today extremely well prepared. In the old days, they just met and spoke about things. Today, they spend considerable time on the phone preparing with their colleagues. If you want influence in the European Council, you really must pick up your phone. You must have created your network beforehand, if you are to exert influence on the agenda items you prioritize. There are 25 people and you have five minutes, tops. All of this means that everything has to be prepared outside and beforehand. Your alliances with the old and the new need to be well worked through. We are talking about strategic networking.

Whereas the foreign ministers in GAERC formally enjoy an important function in the preparations, civil servants in both Brussels and the capitals testify that the actual negotiations before European Council meetings tend to be in the hands of the prime ministers' EU advisors, with the heads of government themselves as ultimate negotiators. In the words of Lars Danielsson, former state secretary and EU advisor to Göran Persson: "Achieving results in the European Council is increasingly less about influence in the European Council, and increasingly more about preparations. In recent years, we have witnessed the development of a very, very tight network between the offices of the prime ministers. In order to be successful in the negotiations, you need to be part of this network. The foreign ministers in GAERC are not seen as a natural preparatory process, for which Coreper has had to suffer as well." Claas Knoop, minister at the German permanent representation, corroborates this picture:

Earlier, there was extensive room for negotiations at the European Council meetings. But now when the working methods have changed, and the participants have become more numerous, the whole dynamic has shifted to the

preparatory phase. The EU advisors of the heads of state and government are almost in daily contact with each other, and it is in this phase that more or less all agreements are done nowadays. There are hardly any negotiations at the table anymore – the whole center of action has changed. This does not mean that the European Council has lost influence in any way, but that the central decision-making does not take place at the meetings. And since it is the preparatory process (...) that is important for the result, this is also the phase where coalitions become particularly important.

For smaller and medium-sized member states, the incentives to engage in coalition-building in the preparatory phase are particularly strong. Not only are the fundamental bargains on most issues struck in this phase, but those issues that remain to be dealt with at the summit tend to be resolved in fora from which these states are more often than not excluded. When plenary meetings are interrupted for purposes of minilateral negotiations managed by the Presidency, the parties invited tend to be those most crucial for the reaching of an agreement that subsequently can be extended to the broader membership. In practice, those parties tend to be the large member states, sometimes joined by small and medium-sized member states with particular interests at stake. One top-level official in the Council Secretariat observes: “There is a danger for the small and medium-sized countries in the new development. If you as President want to come to a deal, who will you consult? The main actors – Germany, France, the UK. In the end, this might be a danger for the Union – it can threaten the balance.” One experienced small-state representative in the European Council further underlines the distributional effects of shifting from a multilateral to a bilateral setting: “It is obviously the bigger countries [who are benefiting]. Their relative weight is always bigger in any bilateral discussion.”

Whereas coalition-building always has been an important feature of European Council negotiations, the Seville reforms and the eastern enlargements partly have changed the conditions for, and relative importance of, coalition-building. Yet on what basis do states choose their coalition partners, and what are the dominant coalitions in the European Council? Based on the testimonies of European Council participants, three complementary layers of cooperation may be discerned, each offering multiple, competing coalitions.

## **5.2 Country Groupings**

The first layer of interstate cooperation in the European Council is the traditional country groupings, mainly the Franco-German alliance, the Benelux, the Nordics, and the Visegrad states. The distinctive features of these groupings are their long-term nature, high level of institutionaliza-

tion, anchoring in both interest and identity affinities, and concrete expression through pre-meetings in the run-up to European Council summits. These groupings build on shared historical experiences, cultural affinity, and geographical proximity. But, in addition, they share broad interests in the EU, as a function of structural similarities. Furthermore, their institutionalized cooperation is not restricted to the EU, but extends to other political fora, such as the Benelux Economic Union, the Nordic Council of Ministers, and the Visegrad Group. Typically, the level of agreement among the states in these partnerships varies over time and across issues, affecting the coherence and bargaining strength of these groupings in the European Council. Expressed in the language of negotiation theorists, these partnerships are mainly built on the logic of “easiest first,” in that the high level of shared interests should make the pooling of power in a coalition relatively easy to achieve, compared to the alternative of building coalitions with others. The partial exception to this principle is the Franco-German alliance, which carries distinctive traits of the logic of “most influential first,” and owes much of its influence to the negotiation of pre-agreements that bridge French and German interests and establish the parameters for subsequent European Council decisions.

Testimonies on the Franco-German alliance unanimously point to the historical importance of this grouping for the development of the EU and negotiations in the European Council, but also to the declining strength of this partnership in the last decade.<sup>5</sup> The strength of the partnership is often seen as a product of the quality of the personal relationship between French and German leaders. Having been jointly initiated by Valéry Giscard d’Estaing and Helmut Schmidt, the European Council is also regarded to have been dominated by this tandem in the first years of its existence. Subsequently, Francois Mitterrand and Helmut Kohl worked very closely together in the re-launch of integration in the second half of the 1980s and early 1990s. Yet, even if Mitterrand and Kohl shared a commitment to the deepening European cooperation, the relationship was never automatic, but based on regular and careful preparations and pre-negotiations before summits. The contrast with Franco-German relations under Jacques Chirac and Gerhard Schröder is striking, according to the interviewees.

While paying lip-service to the importance of Franco-German cooperation, and going through the motions of bilateral pre-summit meetings, Chirac and Schröder have been unable to find a common ground to the same extent as their predecessors. In the words of Giscard d’Estaing: “There is

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<sup>5</sup> On Franco-German cooperation generally, see Pedersen 1998, 2003; Cole 2001.

great disorder. There is no Franco-German leadership, since there are many areas where the two states are not in agreement. There has been a degradation in the relationship. Today, it is difficult to imagine a Franco-German impulse.” This is a picture confirmed by officials and politicians with insight into the Franco-German relationship, who emphasize the divergent interests of the two states in many issues, the difficulties of reaching common accords, and the tendency of such accords when they are reached to either paper over differences or involve trade-offs, rather than manifest a common perspective. Moreover, interviewees testify that the potential for this alliance to shape outcomes in the European Council has declined as a product of the successive enlargements, even if pre-agreements between France and Germany, when such are arrived at, tend to be very influential. Several members of the European Council further point to a specific pattern of interaction in the Franco-German partnership, where France has the lead initiative, and Germany is more reactive, though equally important for the outcome. As Finland’s president Tarja Halonen chose to formulate it: “France is the one who proposes, Germany the one who says yes or no.”

The Benelux grouping engages in traditional pre-meetings in the run-up to the European Council for purposes of finding joint positions. Historically, Belgium, the Netherlands, and Luxembourg have experienced a high degree of interest homogeneity, both as regards the overall development of the EU and specific policy issues. The second half of the 1990s, when the three countries were governed by Jean-Luc Dehaene, Wim Kok, and Jean-Claude Juncker, is regularly described as the heyday of Benelux cooperation. By contrast, the relationship is described as strained after the Dutch no vote to the Constitutional Treaty in 2005, which required the Dutch government to take a different course on the general development of EU cooperation.

Since Finland’s and Sweden’s accession to the EU in 1995, the Nordics appear as an institutionalized grouping with regular pre-meetings before the European Council. For all three countries, the Nordic grouping constitutes an important network for preparation and exchange of information. In European Council meetings proper, Nordic cooperation is sometimes expressed through pre-agreed strategies to take turns in the promotion of a particular standpoint. Yet several Nordic interviewees also express certain surprise and disappointment at the level of cooperation during the first decade, which they deem to be less impressive than expected. However, since the enlargement of the EU, the grouping often meets as the Nordic-Baltic Six, and this arrangement has contributed to strengthening the cohesion among the Nordics, which become the lead advocates in this broader interest coalition.

The Visegrad coalition in the European Council is composed of the Czech Republic, Hungary, Poland, and Slovenia, and is one expression of the institutionalized cooperation between these countries in the formal Visegrad Group, established in 1991. In the 1990s, the Visegrad Group was an effective instrument for pursuing these states' joint interests in EU and Nato enlargement. Since the accession in 2004, the Visegrad countries work jointly to promote Central European interests in the EU, and meetings in the run-up to European Council summits is an important component of this cooperation. To further pool power in the European Council, the Visegrad countries have begun to meet with the Benelux countries in advance of summits.

### **5.3 Party Networks**

The second layer of cooperation in the European Council consists of party networks, organized around the two dominant European party federations: Party of European Socialists (PES) and European People's Party (EPP).<sup>6</sup> Both party networks organize meetings just before the opening of European Council summits, for purposes of defining common positions and strategies on issues with ideological dimensions, but also hold party summits independent of the European Council. Poul Nyrup Rasmussen, former Danish prime minister and current chairman of the PES, explains the incentives for the chief executives to mobilize along ideological lines, in addition to the interest-based partnerships and coalitions: "The party affiliation offers yet another level of alliances. I believe that the new generation in the European Council is clear over the fact that they have great use for many allies. Every head of government thinks: if I can organize or get into more alliances by speaking to my political neighbours, then I will do it. So you have alliances on two levels: purely strategic alliances, and alliances where the party interest is used in combination with the national interest."

The importance of the European party networks and the level of politicization in the European Council are issues where summit participants express quite divergent points of view. One potential interpretation is that the perspectives differ, depending on whether one assesses the influence of the ideological dimension across all issues handled by the European Council, or focuses on socioeconomic issues specifically, which more readily can be placed on a left-right dimension.

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<sup>6</sup> On transnational party alliances generally, see Hix and Lord 1997; Johansson 1999, 2002; Ladrech 2003.

The heads of government who emphasize the importance of the party networks for bargaining in the European Council generally point to the effects on policy of swings in the relative strength of these networks. The strength of the networks is typically viewed as a product of how many chief executives they can gather at any particular point in time. One European Council member, Tarja Halonen, even goes as far as saying that party affiliation matters more than the structural status of the member state, if there is a clear dominance either way. Even heads of government from large member states will be marginalized, if the European Council is dominated by the competing party network: "It does not help if you come from the country alone, if you have the wrong political background." The evidence presented in favor of a politicization of the European Council is two distinct periods over the last ten years: the period of social democratic and socialist dominance in the second half of the 1990s, and the period of conservative and liberal dominance in the first half of the 2000s.

These swings were an effect of general ideological shifts in the European electorate, which translated into the empowerment of socialists or conservatives/liberals in almost all member states at more or less the same time. At most, socialists or social democrats were part of thirteen out of fifteen governments. According to PES members of the European Council, this dominance enabled them to put a distinct mark on summit output. Most importantly, it was during this period that the European Council concluded the negotiations on an employment chapter in the Amsterdam Treaty, and subsequently worked to put these ambitions into effect through the open method of coordination. This period of socialist or social democratic supremacy gradually gave way to center-right dominance in the early 2000s, with the elections of, for instance, Guy Verhofstadt in Belgium, José Maria Aznar in Spain, José Manuel Barroso in Portugal, Silvio Berlusconi in Italy, and Anders Fogh Rasmussen in Denmark. This ideological swing in the European Council is generally seen as a prominent explanation for the political reorientation toward competitiveness and liberalization, manifested in the ambitions of the Lisbon process. European Council members from competing political camps further testify that the dominant ideological orientation today remains center-right, as a product of liberal or conservative dominance in the EU governments, including those in the new member states.

Yet these descriptions of the European Council as politicized along ideological lines do not stand unchallenged. Advocates of the counter-case generally emphasize that most issues addressed in the European Council are not easily placed on the left-right dimension, that pre-summit coordina-

tion in the party networks tends to be ineffective and irrelevant, and that there are extensive ideological differences within the networks, undercutting their political potential. One social democratic member of the European Council offers the following observation: “Although the European Union, and in particular the European Parliament, is fully politicised, you do not see this at the European Council. There are no ideological or clear political lines. I started at a time when social democrats were in eleven or twelve of the fifteen governments, with thirteen at most, but there was no socialist coordination to speak of at all. The attempts to have these pre-Council meetings were rather ineffective. The big boys did not attend and it was quite irrelevant.” This perspective is echoed by another social democrat: “Party affiliation matters very little in the European Council. At the end of the 1990s, the heads of government among the social democratic party leaders were too many to make the pre-meetings meaningful. In the following years, when right-wing winds swept through Europe, the heads of government became too few to make the meetings important – only Germany, the UK, Sweden, and Portugal. The first two did not consider these party meetings important and sent replacements. Overall, the heads of state and government in the European Council do not want to coordinate party-wise, even if it may happen in economic and social issues where the ideological affinity is more pronounced.”

Furthermore, European Council members who are skeptical of the alleged politicization frequently emphasize the internal divisions within the party families. As one head of government explains: “Sometimes, there is a greater difference between a Nordic social democrat and a social democrat from southern Europe, than there is between a Nordic social democrat and a German Christian-democrat.” Underscoring this point, a northern social democratic member of the European Council acknowledges: “Anyway, who are socialists? I find that I myself am mostly in agreement with Jacques Chirac and in disagreement with Tony Blair! The politicisation is not there, at the moment, anyway. And I think that it has grown relatively weaker with the enlargement.”

## **5.4 Issue Coalitions**

The third layer of cooperation in the European Council is the issue-specific coalitions that are formed with respect to particular dossiers. These coalitions are characterized by their issue specificity, low degree of institutionalization, and relatively more flexible and unstable status. The membership of these coalitions may shift over time, and the coalitions do not operate through routinized pre-meetings in the run-up to summits.

Rather, they are formed and coordinate strategy through close contacts between the offices of the prime ministers. In the terms of negotiation theorists, these issue coalitions are typically based on the philosophy of “easiest first,” since they bring together likeminded states on a particular dossier. The result is a complex pattern of cross-cutting issue coalitions, where heads of government within the same European Council meeting shift coalition partners, depending on the issue under consideration. In several areas, there is a relatively good match between the memberships of country groupings and issue coalitions, the first often making up a subgroup of the latter. But there are also areas where the issue coalitions cut across the institutionalized country groupings, which partly explains why these groupings are not as cohesive and strong as sometimes expected.

It is a very common observation among members of the European Council and top officials of the EU institutions that issue coalitions are fluid and shift depending on the issue. They further testify that loyalties play a minor role in this context – there is rarely a sense of “them and us” and you are not regarded as unfaithful when shifting to new partners on the next issue on the agenda. Rather, as one former prime minister emphasizes: “It is important to go by your interests, and not to get stuck in fixed groupings.” Furthermore, there is a tactical element in the formation of these coalitions. As one state representative explains: “There are relatively few fixed coalitions – it depends entirely on the issue. In addition, member states seek coalition partners depending on whether they want to block or promote an issue. Large states are important in order to form a blocking minority. But if you want to get something through, it helps having European Council members with charisma, such as Juncker, whose argument everyone listens to.” A common theme in interviews with small state representatives is the ambition to form issue coalitions that split the trinity everyone fears – Germany, France, and the UK.

More specifically, European Council members and top officials point to four broad issues that give rise to alternative coalition patterns. First, on issues of institutional reform and the future of the EU, they refer to a distinct cleavage between large and small member states. This is a new phenomenon, brought on by the adaptation of the EU institutions to eastern enlargement through the Treaty of Nice and the Constitutional Treaty – a process that pitted large states against small and medium-sized states on the composition of the Commission and voting weight in the Council. It should be noted that this is the only issue where a large-small divide can be identified. Second, there is a coalition divide between net payers and net recipients in the recurrent negotiations on the EU’s long-

term budgets. The net payers (generally northern) typically want to cap or reduce the budget, rebalance the contributions, and do away with the UK's budget rebate, whereas the net recipients (generally southern) advocate a continuation of existing principles for budget contributions. There is a decent, but far from perfect, match with the coalitions on regional policy and agricultural policy, which together make up roughly 80 percent of the EU budget. Third, on socioeconomic issues, there is a coalition divide between those states that advocate modernization through the Lisbon process, and those states that prefer to move slowly on economic reform, employment policy, and environmental policy. This divide, too, tends to orient northern versus southern member states. Fourth, the area of foreign policy contains a number of cross-cutting cleavages, although not as strong and permanent as those in the other fields. On the issue of transatlantic cooperation, the UK and the new member states tend to be relatively more enthusiastic about close ties to the US than the others. On the orientation of the EU's security and defense policy, the non-aligned countries share the other member states' ambition to develop the EU's civil and military crisis management capacity, but disapprove of proposals for mutual security guarantees and a future common defence. Finally, there is a clear north-south divide on the EU's neighborhood policy, with competing priorities as regards the promotion of cooperation in the Mediterranean and around the Baltic Sea.

## 6 CONCLUSIONS

Bargaining power in the European Council comes in multiple forms. The relative power of the chief executives in the European Council is a product of the structural capabilities of the member states they represent, the institutional properties of the European Council as a negotiation setting, and their own personal attributes. Moreover, the chief executives may improve their bargaining positions beyond the limits of their resources, by pooling power with others through coalitions.

Yet not all forms of bargaining power are equally prominent in shaping negotiation outcomes. European Council participants testify that differences in structural power between the member states are most fundamental. The preferences of France, Germany, and the UK most often set the parameters of European Council negotiations. The institutional and individual dimensions of power tend to be of secondary importance and mainly mediate the impact of structural power asymmetry. Reformulated in other terms, the assets that chief executives bring to the European Council in the shape of economic strength, population, territory, military capabilities, and administrative capacity tend to matter more for their influence over outcomes than access to the Presidency, the threat of the veto, or their own personal qualities as negotiators. Even if structural power capabilities rarely are deployed directly in the negotiation process to achieve specific outcomes, they impact indirectly, by defining a state's range of options, the resources it can commit to an issue, and the legitimacy of its claim to shape joint decisions.

The European Council offers greater lee-way for power politics than any other EU institution. Whereas the impact of structural power differentials in the EU's general legislative process is softened by the involvement of the supranational institutions – the Commission, the Parliament, and the Court – the European Council offers very limited institutional protection to small and medium-sized member states. The formal equality of the member states, as expressed in the principle of unanimity, is largely a procedural fiction that helps to legitimize the outcomes of European Council bargaining.<sup>7</sup> Somewhat paradoxically, the enlargement of the EU has further strengthened these qualities of the European Council, by moving the negotiations on difficult issues away from the plenary meetings of the summits and into informal and minilateral sessions dominated by the large member states.

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<sup>7</sup> For a parallel, consider the disproportionate influence of the EU and the US in the GATT/WTO under the principle of consensus decision-making. Steinberg 2002.

These conclusions carry implications for practitioners as well as scholars.

The message to negotiators is twofold. First, since bargaining power comes in multiple, complementary forms, it is possible to actively strengthen the bargaining position of a chief executive by cultivating specific power resources. Whereas some resources are not open to manipulation in the short run – structural capabilities, control of the Presidency, and personal authority – others are. Apart from coalition building, which tops the list and is explored at some length in this report, important strategies include (a) selective and credible use of the veto threat, (b) prioritization among multiple concerns, and (c) development of content and procedural expertise. Even if all chief executives benefit from additional power resources, the ambition to strengthen manipulable sources of power should be particularly acute for small- and medium-sized member states, which cannot rely on advantages in structural power. While careless and frequent use of the veto reduces its political credibility and hurts the reputation of the chief executive, wielding this weapon on issues of clear national concern is both legitimate and effective. Hard selection of the issues to push in the European Council allows the member state to focus its resources, enables the chief executive to signal resolve, and opens up for exchanges of favors with other states. Making sure that the head of government enters the negotiations with a mastering of the details of the dossiers and a proper understanding of the formal procedures, enhances the potential for influence and reduces the risk of unnecessary exploitation.

Second, negotiators should be aware of the implications for state bargaining power of institutional reforms that further strengthen the authority of the European Council vis-à-vis other EU institutions. The provision in the Constitutional Treaty for a semi-permanent president of the European Council is one such reform. It is tempting for chief executives in general to support a prominent role for the European Council in the EU, since this institution offers them a unique political platform and opportunities to influence European as well as domestic politics. In addition, the European Council, in the best of times, may offer what no other institution can provide: strategic leadership in the EU. Yet these concerns should not obscure the fact that the relative standing of the European Council carries power political consequences. For the EU's large member states, the calculation is straightforward: reforms that strengthen the efficiency of the European Council and its standing in relation to other EU institutions simultaneously carry the positive implication of expanding the room for power-based bargaining. For the EU's small and medium-sized member states, the calculation is less clear-cut and involves the balancing of competing goals.

Its merits notwithstanding, the European Council is an inhospitable environment for these states, and reforms that further strengthen this arena at the expense of the general legislative process are likely to carry negative implications for their capacity to safeguard national interests in the EU.

The report speaks to prominent lacunae in the literature on EU politics and international relations as well. First, it opens up a new area of research on the politics of summitry, in the EU and elsewhere. Existing literature on the European Council is typically atheoretical, refraining from integrating insights from the general political science literature on negotiation and decision-making. Furthermore, it tends to be heavily centered on the historical evolution of the European Council and its contribution to European integration, and silent on the issue of bargaining dynamics within. This report demonstrates that general negotiation theory is a highly effective instrument for untangling alternative sources of power in the European Council. Moreover, it contributes to advancing the research in summitry politics in general – a subject that so far has received exceedingly limited attention (for a rare contribution, see Putnam and Bayne 1987).

Second, the report points to the limits of presenting dominant international relations theories as competing in all instances. Rather, the inventory of sources of bargaining power in the European Council underlines the complementarity of resources privileged by alternative theories of power and influence in international relations: the importance of structural power (realism), the power of the veto (rational choice institutionalism), and the power of persuasion (constructivism).

Third and finally, the report engages in the kind of analytical groundwork that is sorely needed in the international relations literature on power. As David Baldwin (2002, 186) emphasizes in a recent review on the topic: “Instead of focusing on how a given power distribution affects regime formation or war initiation, international relations scholars need to devote more attention to questions like ‘Who has power with respect to which other actors, on which issues?’ ‘By what means is this power exercised?’ and ‘What resources allow states to exercise this power?’”

## 7 SAMMANFATTNING PÅ SVENSKA

Europeiska rådet intar en unik position överst i EU:s politiska system. Dess funktioner är att ge strategiska riktlinjer för unionens utveckling, tjäna som slutgiltig beslutsinstans i frågor som är för komplexa eller kontroversiella för ministerrådet att hantera, forma EU:s gemensamma utrikes- och säkerhetspolitik, koordinera medlemstaternas politik i socioekonomiska frågor, tillsätta toptjänstemän i EU:s institutioner, initiera och avsluta regeringskonferenser som reviderar fördragen, samt i praktiken besluta om, när och hur EU skall välkomna nya medlemmar. I EU:s konstitutionella fördrag är ett av de mest centrala och kontroversiella förslagen att ytterligare stärka Europeiska rådet genom skapandet av en halvpermanent ordförande – en EU-president. Trots Europeiska rådets stora politiska betydelse, har institutionen endast varit föremål för mycket begränsad forskning. En del av förklaringen är svårigheten att bedriva forskning om ett politiskt organ som sammanträder bakom lyckta dörrar, vars möten inte dokumenteras, och vars deltagare är ovanligt svåra att få tillgång till.

Denna rapport redovisar resultaten från ett forskningsprojekt som är särskilt utformat för att hantera dessa problem inom forskningen om Europeiska rådet genom en ambitiös intervjuundersökning med nuvarande eller tidigare regeringschefer och utrikesministrar, såväl som toptjänstemän i medlemsstaterna och EU:s institutioner. Mer specifikt syftar rapporten till att identifiera och beskriva de mest centrala källorna till förhandlingsmakt i Europeiska rådet. Rapporten rör sig bortom existerande forskning om Europeiska rådet på tre sätt. Den tar sig an frågan om förhandlingsdynamiken inom Europeiska rådet, som hittills inte varit föremål för systematisk forskning överhuvudtaget. Vidare använder den sig av generella teorier om förhandlingar och beslutsfattande i sin ambition att identifiera, kategorisera och redovisa alternativa källor till förhandlingsmakt. Slutligen syntetiserar och presenterar rapporten en unik samling vittnesmål om förhandlingsmakt från deltagare i Europeiska rådet, avseende tidsperioden 1990 till 2006.

Rapportens huvudsakliga argument är att regeringschefernas förhandlingsmakt i Europeiska rådet kan härledas från tre källor: medlemsstaten, den institutionella miljön och den individuella förhandlaren. För det första åtnjuter regeringscheferna olika nivåer av förhandlingsmakt i Europeiska rådet som en följd av medlemstatens (a) aggregerade strukturella makt, definierad av dess territorium, befolkningsmängd, ekonomiska styrka, militära kapabilitet, politiska stabilitet och administrativa kapacitet, samt (b) sakfrågespecifika makt, definierad av dess resurser, engagemang och handlingsalternativ inom ett särskilt område. För det andra formas maktfördelningen i Europeiska rådet av den institutionella miljö i vilken förhandling-

arna äger rum. Enhällighet som beslutsprincip ger alla parter samma formella rätt att blockera förslag. Ordförandeskapet ger den regeringschef som innehar ämbetet särskilda möjligheter att påverka dagordningen och förhandlingarna i Europeiska rådet. Kommissionens formella rätt att delta och rådssekretariatets medverkan i praktiken ger dessa övernationella aktörer en möjlighet att forma förhandlingarna genom sin unika expertis. För det tredje förstärker eller försvagar regeringscheferna som personer i varierande utsträckning förhandlingsmakten hos den medlemstat de representerar. I mer konkreta termer påverkas regeringschefens inflytande av hans eller hennes personlighet och personliga auktoritet, sakfrågeexpertis, och inrikespolitiska ställning.

Vittnesmål från deltagare i Europeiska rådet ger vid handen att den första dimensionen är mest avgörande. De stater som har störst fördelar i form av strukturell makt – Frankrike, Tyskland och Storbritannien – tenderar att också utöva störst inflytande i förhandlingar inom Europeiska rådet, som en följd av dessa länders större uppsättning handlingsalternativ, överlägsna resurser och uppfattade legitima rätt att forma EU:s gemensamma politik. Hotet om veto, ordförandepositionen och regeringschefens personlighet har också betydelse, men är av sekundär vikt och mildrar främst innebörden av skillnader i strukturell makt.

Rapporten visar vidare att regeringscheferna söker förbättra sin medlemstats förhandlingsposition genom byggandet av koalitioner. Koalitionsbyggande i Europeiska rådet förekommer i företrädesvis tre skepnader: (a) ländergropper, i form av den fransk-tyska axeln, Benelux-länderna, den nordiska gruppen och Visegrad-länderna; (b) partinätverk, organiserade runt de två dominerande partisammanslutningarna – PES och EPP; samt (c) sakfrågespecifika koalitioner, som samlar stater med likartade positioner i en särskild fråga. Nyligen genomförda institutionella reformer och östutvidgningen har lett till att fler frågor förförhandlas och avgörs i förberedelsefasen innan Europeiska rådets möten, samt att utestående frågor avgörs i exklusiva informella och minilateral grupper, dominerade av EU:s stora medlemsstater, i anslutning till mötena.

## **8 INTERVIEWS**

The title or function of the interviewee is given as it was held at the time of the interview, and in the capacity that he or she is relevant for the project.

Frank Belfrage, former Permanent Representative to the EU, Sweden. November 17, 2005.

Bernard Bot, Minister of Foreign Affairs, the Netherlands, April 28, 2005.

Ingvar Carlsson, former Prime Minister, Sweden. September 8, 2004.

Robert Cooper, Director General of DG E, General Secretariat of the Council. February 3, 2005.

Lars Danielsson, State Secretary, Sweden. September 8, 2004.

Kim Darroch, Head of the European Secretariat, Cabinet Office, United Kingdom. November 29, 2006.

Jacques Delors, former President of the European Commission. December 21, 2006.

David Galloway, Head of the private office of the Assistant Secretary General, General Secretariat of the Council. November 3, 2004.

Valéry Giscard d'Estaing, former President, France. December 7, 2005.

Felipe Gonzáles, former Prime Minister, Spain. May 17, 2005.

Tarja Halonen, President, Finland. May 27, 2005.

Lena Hjelm-Wallén, former Minister of Foreign Affairs, Sweden. October 28, 2004.

Jean-Claude Juncker, Prime Minister, Luxembourg. December 8, 2005.

John Kerr, former Permanent Representative to the EU, United Kingdom. November 28, 2006.

Neil Kinnock, former European Commissioner, United Kingdom. November 29, 2006.

Claas D. Knoop, Minister at the Permanent Representation, Germany. November 5, 2004.

Wim Kok, former Prime Minister, the Netherlands. April 28, 2005.

Erkki Liikanen, former European Commissioner, Finland. May 27, 2005.

Gunnar Lund, former Permanent Representative to the EU, Sweden.  
September 7, 2004.

John Major, former Prime Minister, United Kingdom. December 1, 2006.

Guy Milton, adviser, General Secretariat of the Council, February 3, 2005.

David O'Sullivan, Secretary General, European Commission.  
February 2, 2005.

Göran Persson, Prime Minister, Sweden. January 25, 2005.

Sven-Olof Petersson, Permanent Representative to the EU, Sweden.  
September 24, 2004.

Michel Petite, Director General of the Legal Service, European  
Commission. November 3, 2004.

Jean-Claude Piris, Director General of the Legal Service,  
General Secretariat of the Council. February 3, 2005.

Paolo Ponzano, Director of the Task Force on the Future of the EU and  
Institutional Questions, European Commission. November 5, 2004.

Poul Nyrup Rasmussen, former Prime Minister, Denmark.  
November 11, 2005.

Javier Solana, Secretary General of the General Secretariat of the Council.  
December 12, 2006.

Erkki Tuomioja, Minister of Foreign Affairs, Finland. May 27, 2005.  
Hubert Védrine, former minister of foreign affairs, France.  
November 17, 2005.

Jerôme Vignon, former Director of the Forward Studies Unit,  
European Commission. February 3, 2005.

Stephen Wall, former Permanent Representative to the EU,  
United Kingdom. November 30, 2006.

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