The High Representative and EU Foreign Policy Integration

A Comparative Study of Kosovo and Ukraine

Maria Giulia Amadio Viceré

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To my parents, my brother and Amatrice.

Preface and Acknowledgements

I was a master's student when I first visited Brussels at the beginning of 2012. What I had learnt from EU handbooks and articles during my previous studies seemed to me reductive *vis-à-vis* the complexity of that extremely dynamic EU bubble. At the time, the Lisbon Treaty and its institutional modifications, including the reshaping of the High Representative's post, were still a matter of intense debate among EU scholars, policy analysts, and practitioners. What would have become the European External Action Service's (EEAS) headquarters on Rond point Schuman was being renovated and, partly, under construction. The Arab Spring had begun not long before. A tense emotion animated those that were making predictions about the unfolding of the political transitions in the Middle Eastern and Northern African Region (MENA). Tellingly, people would still use name of flowers, such as the jasmine, when referring to the Arab awakening. And yet, the situation was quite different when I came back as a European Commission Blue Book Trainee in autumn 2013. While the debt crisis of the Eurozone had reached its apex in 2012, it was a widespread opinion that the Lisbon Treaty foreign and security policy's reforms had not worked as expected in their first most significant test, the MENA region. In addition to this, by the end of 2013, Ukrainian citizens and pro-EU activist had started protesting in front of the EEAS and the Commission's building due to the *Maidan* events.

Against this background, while the months spent in Brussels at the European Commission's Service for Foreign Policy Instruments had

been incredibly exciting and rewarding, they left a sense of bitterness in me. European integration was increasingly in danger. Yet, the commonly adopted argument according to which the supposed inconsistencies of EU foreign and security policy were mainly due to a lack of cooperation in this policy sector seemed at odd with what I had observed until that moment as a trainee. It appeared to me that integrated efforts in EU foreign and security policy were a daily practice. That is when my interest in the different patterns of EU member states and institutions engagement to integrated modes of governance began. Almost immediately, I identified the post-Lisbon High Representative as the most relevant institutional actor to analyze in an all-encompassing manner whether and under which conditions integrated institutional practices would develop and consolidate in areas traditionally corresponding to core state powers. This research puzzle and questions stemming from it have guided my work in the following years.

While these are the main reasons that led me to work on EU foreign policy integration, without a number of people, writing this book would have been impossible. I would like to thank my PhD supervisor, Sergio Fabbrini, who has been an example and a source of inspiration for me in these years. A special thank goes to Mattia Guidi for his fruitful suggestions. My gratitude goes also to the faculty of Political Science of LUISS University. In particular, I wish to thank Roberto D'Alimonte, Raffaele Marchetti and Leonardo Morlino for their support and suggestions. My gratitude goes also to the School of Government's team (SOG). Some members of the SOG faculty, particularly James Caporaso, Adrienne Héritier, and Jolyon Howorth, have provided priceless inputs to my work. A special thank goes also to my external examiners, Anand Menon, Arlo Poletti, and Nathalie Tocci, for their time and valuable advices. Needless to say, I bear full responsibility for any shortcoming or mistake.

The study presented in this volume also benefitted from a research stay in London. In this regard, I express my gratitude to Jonathan Grant and the Policy Institute at King's College where I spent one semester during the third year of my PhD I completed this book while working at Leiden University, where I have found an incredibly dynamic and intellectually stimulating environment. A large part of my gratitude for this goes to Isabelle Duyvesteyn, André Gerrits, and Eugenio Cusumano.

It would have been much harder to write this volume without the support of my family and friends. In particular, I wish to thank my parents and my brother for their love and patience. At times, life has gotten

in the way. When I was writing my PhD dissertation, a ferocious earth-quake shook Amatrice. This book is dedicated also to those we lost that night, to the savage beauty of those mountains, and to the restless, caring people that still inhabit them.

Rome, Italy   Maria Giulia Amadio Viceré

As you set out on the way to Ithaca
hope that the road is a long one,
filled with adventures, filled with understanding.
The Laestrygonians and the Cyclopes,
Poseidon in his anger: do not fear them,
you'll never come across them on your way
as long as your mind stays aloft, and a choice
emotion touches your spirit and your body.
Konstantinos Kavafis, *Ithaca*

CONTENTS

Abbreviations

AA	Association Agreement
ACP	African, Caribbean and Pacific Group of States
ATM	Autonomous Trade Measure
CCP	Common Commercial Policy
CEE	Central and Eastern Europe
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
COE	Council of Europe
COMECON	Council of Mutual Economic Assistance
COREPER	Committee of Permanent Representatives
CJEU	Court of Justice of the European Union
CSDP	Common Security and Defense Policy
DCFTA	Deep and Comprehensive Free Trade Area
DG	Directorate General
DG ENER	Directorate General for Energy
DG NEAR	Directorate General for Neighbourhood and Enlargement Negotiations
DG	Trade Directorate General for Trade
EA	Europe Agreement
EaP	Eastern Partnership
ECB	European Central Bank
ECHO	European Commission Civil Protection and Humanitarian Aid Operations
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
EDA	European Defense Agency

EDC	European Defense Community
EEAS	European External Action Service
EEC	European Economic Community
EMU	Economic and Monetary Union
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy Instrument
EP	European Parliament
EPC	European Political Cooperation
ESDP	European Security and Defense Policy
EU	European Union
EUAM	European Union Advisory Mission for Civilian Security Sector Reform Ukraine
EUBAM	European Union Border Assistance Mission to Moldova and Ukraine
EULEX	European Union Rule of Law Mission in Kosovo
EUMM	European Union Monitoring Mission in Georgia
EUSR	European Union Special Representative
FAC	Foreign Affairs Council
GAC	General Affairs Council
GAERC	General Affairs and External Relations Council
HR	High Representative of the Union for foreign affairs and security policy
IBM	Integrated Border Management Agreement
ICJ	International Court of Justice
ICO	International Civilian Office
IR	International Relations
JHA	Justice and Home Affairs
KFOR	Kosovo Force
LDK	Democratic League of Kosovo
LT	Lisbon Treaty
MEP	Member of the European Parliament
NATO	North Atlantic Treaty Organization
NIS	Newly Independent States
OECD	Organization for Economic Co-operation and Development
OSCE	Organization of Security and Cooperation in Europe
PCA	Political and Cooperation Agreement
PDK	Democratic Party of Kosovo
PESCO	Permanent Structured Cooperation
PSC	Political and Security Committee
QMV	Qualified Majority Voting
SAA	Stabilization and Association Agreement
SAP	Stabilization and Association Process

SEA	Single European Act
SFRY	Socialist Federal Republic of Yugoslavia
SRSG	Special Representative of the UN Secretary-General
STM	Stabilization Tracking Mechanism
TCE	Treaty establishing a Constitution for Europe
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UCK	Ushtria Çlirimtare e Kosovës
UK	United Kingdom
UN	United Nations
UNGA	United Nations General Assembly
UNMIK	United Nations Mission in Kosovo
UNSC	United Nations Security Council
US	United States
USSR	Union of Soviet Socialist Republics
VP	Vice President
WEU	Western European Union

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Introduction

1 EU Foreign Policy Integration

Why does European Union (EU)[1] member states and institutions' engagement in integrated efforts in foreign and security policies follow different patterns? Under which conditions can the High Representative (HR) of the Union for Foreign Affairs and Security Policy[2] become a key figure in fostering integrated policies among EU member states and institutions? And is the current EU foreign and security policy's institutional framework suitable to guarantee the effectiveness and the legitimacy of EU policies? These are the fundamental questions to which the study presented in this book is devoted. At a time when the international arena is shifting from a multilateral system, based on the existence of different blocs and groups of powers, to a multipolar one, putting the Western model of development itself under discussion (Laïdi 2014), the EU stands out as a unique international actor. In principle, such a unique actor has a wide range of instruments and resources to play a leading role in this transition. Nonetheless, in recent years, the EU has been witnessing a series of crises that have put its existence into question, for the first time in its long history (Lefkofridi and Schmitter 2014). Against the backdrop of these centrifugal processes, disintegration—epitomized by BREXIT (Chopin and Lequesne 2016)—is now a chief concern for the EU, as well as a central topic in most recent academic debates (see Jones 2018; Oliver 2017; Rosamond 2016).

EU foreign and security policy is only one of the policy sectors where multiple crises broke out after the coming into force of the Lisbon Treaty (December 2009, LT). These past years, the EU has also engaged with the euro crisis and with a dramatic inflow of migrants and refugees, reaching its apex in 2015 (Connor 2016), with a record of tensions regarding its ineffective—or late—response on both fronts (Fabbrini 2015). Nevertheless, EU foreign policy deserves special analysis. Not only because a series of political and military conflicts arisen at the EU borders is generating pressure to formulate more efficient foreign and security policies, but also because the innovations of the EU foreign policy-making construction, including the reshaping of the HR's post, were considered strategic features of the 2009 legal text (Piris 2012). Thanks to this restructuring the EU should have finally achieved a more united and powerful voice in the world, and a more effective apparatus for supporting it (Fabbrini 2014). Yet, it is a widespread opinion that the results of the post-Lisbon EU foreign and security policy have so far been poor. Furthermore, foreign and security policy is directly related to many dimensions of the existential crisis (Menéndez 2013) the EU is currently experiencing and that are "putting European integration at risk" (Fabbrini 2016, p. 13). In this respect, one has only to think of the dramatic growth, between 2014 and 2017, of applications for asylum from areas in the EU neighbourhood where recent crises have occurred, namely from Ukraine (Connor 2016) as well as from Libya and Syria (Eurostat 2016, 2017; Frontex 2017).

Through a broad conceptualization of EU foreign and security policy including both the supranational and the intergovernmental aspects of this policy area, this book intends to offer an analysis of how different patterns of integrated modes of governance have developed and consolidated in two potentially highly divisive foreign policy cases in the post-Lisbon era, namely Kosovo and Ukraine. This is done with specific attention to the role of the HR. In light of the track record of the past and considering the increase in quantity and complexity of the challenges ahead posed by international and transnational threats, there is a strong functional argument for rationalizing and improving enhanced cooperation among EU member states and institutions in foreign and security policy (see Tocci 2016). At the same time, given that "cooperation over security matters" is generally considered to be "more problematic" than in other areas of EU activity (Menon 2010, p. 85) developing theoretical discussions on the integration of foreign policy conceptualized

in a broad manner could increase not only our comprehension of the integration of core state powers (Genschel and Jachtenfuchs 2014), but of the entire European integration process (Menon 2012).

2   CONTRIBUTION TO THE LITERATURE

Even though the EU seems to be less and less able to respond to a variety of external challenges, EU foreign and security policy has been largely neglected as a field of study (Menon 2012). Against this backdrop, the book develops an original model for the study of the nature and development of EU foreign and security policy by means of a strategic choice approach. By doing so, it offers a rigorous empirical assessment of the post-Lisbon institutional dynamics and of their effects on the governance of EU foreign and security policy on Kosovo and on Ukraine with specific attention to the role of the HR. Therefore, its contribution is particularly valuable for the scholarly literature on EU foreign and security policy, on EU external relations, on international relations more in general, and on EU integration and politics. Hence, the volume connects the traditional literature on foreign policy and on EU integration to its most recent developments. At the same time, the book contributes to the empirical understanding of two EU policies that have recently been at the centre of the debate among scholars, policy analysts and practitioners, namely the EU enlargement towards the Western Balkans and the EU Neighbourhood Policy (ENP) and Eastern Partnership (EaP).

The book is innovative for the most recent scholarly literature on EU institutions and on the governance in foreign and security policy. In contrast to Dijkstra (2013), who only focuses on EU Commission bureaucracies and on institutional developments in common security and defence policy (CSDP), this study conveys a comprehensive understanding of delegation decisions to EU foreign and security policy broadly defined. Concerning the HR, the book complements the volume edited by Müller-Brandeck-Bocquet and Rüger (2011), which was published only one year after the beginning of Catherine Ashton's tenure and contains mostly speculative assumptions over the HR under the LT. Rather than examining the impact of the HR and of the European External Action Service (EEAS) on the lack of continuity, of coherence and of leadership in EU foreign and security policy as Smith et al. (2015) do, the focus of this volume is more specific, and lays on the influence of the

HR on integrated modes of governance in this policy field. Finally, by taking into consideration and examining the mandates of two different post-holders within two policy frameworks through a comparative approach, this book casts light over the HR's role by means of an analysis, underpinned by more external validity than the one offered in the volume edited by Wilga and Karolewski (2014).

Concerning studies on foreign and security policy, this volume would also complement the following most recent scholarly contributions. Unlike Dragneva-Lewers and Wolczuk's study on Ukraine's relationship with the EU and Russia (2015), this book proposes an examination of the institutional functioning of EU foreign and security policy towards Ukraine. With an analysis of the HR's role in leading EU foreign and security policy on Kosovo, it offers a more specific and in-depth study than Keil and Arkan's (2015) broad overview of the EU enlargement's impact on fragile Western Balkan states. Instead of concentrating on the compliance patters of Western Balkan governments to EU demands as Noucheva (2012) does, this volume also examines whether and to which extent the HR and the EEAS have been able to exploit such compliance by linking Serbia's accession perspective into the EU to the normalization of Belgrade's relationship with Pristina. Finally, this book acknowledges the relevance of the concept of "shared neighbourhood" put forth by Simão and Piet (2016) and adopts it to assesses whether and under which conditions the behaviour of third actors can serve as a causal factor and provide functional pressure on EU member states and institutions' preferences.

As for the broader literature on EU integration and politics, the study joins the effort recently undertaken by a number of scholars to theorize and analyse the engagement of EU member states and institutions to integrated practices in foreign and security policy. The proponents of the recent strand of literature dubbed as the new intergovernmentalist approach (Bickerton et al. 2014, 2015b; Puetter 2014) claim that under certain circumstances deeper integration can be achieved in key areas of EU activity without greater supranationalization (Dehousse 2011). These key areas generally correspond to traditional core state powers (Genschel and Jachtenfuchs 2014) and inevitably include foreign and security policy. Studies conducted through the lenses of these theories have resulted in contradictory results concerning the explanatory variables involved in determining institutional practices in the EU intergovernmental domains (see Bickerton et al. 2015a; Schimmelfennig 2015).

In this framework, whilst the institutional modifications envisaged by the LT in foreign and security policy—including the reshaping of the HR's post—have led to certain speculations (see Fabbrini 2014, 2015; Menon 2013; Mérand and Angers 2013; Smith 2015; Weiss 2013), their influence on modes of governance has not been investigated in-depth yet. Moreover, even though explanations have been advanced on the emergence of new institutional practices, such as the creation of the Normandy format (Balfour 2015), it is not yet clear in the literature what are the origins and the consequences in terms of effectiveness and legitimacy (Scharpf 1999) of this mode of governance for the EU foreign and security policy.

The volume also seeks to enrich the broader literature on rational theories of EU integration that rely on incomplete contracts. These theoretical frameworks revolve around a series of ontological assumptions whereby cost–benefit calculations explain the emergence of policy processes. While the political science literature on rational theories of EU integration speculating on executive politics is very rich, the concept of incomplete contracts does not provide theoretically robust assumptions that could be turned into testable hypotheses on the transformation of European integration and of EU foreign and security policy (Bickerton et al. 2015a). Furthermore, by assuming that integration necessarily entails the empowerment of supranational bodies, the proponents of this approach underestimate the possible formation and consolidation of integrated modes of governance without an increase of supranationalization (Cooley and Spruyt 2009; Karagiannis and Héritier 2013).

In terms of this last aspect, the book also aims at contributing to the literature on the impact the legal system had on European integration. Weiler's work is one of the most influential ones, and a reference point for studies on the impact of the legal system on European integration. In *The Transformation of Europe* (1991) this scholar proposes a theoretical construct based on the so-called "equilibrium thesis" to explain the process of European integration. According to this theorem, "the harder the law in terms of its binding effect both on and within states, the less willing states are to give up their prerogative to control the emergence of such law's opposability to them" (Weiler 1991, p. 2426). Weiler focuses his analysis on the development of the European Economic Community before the coming into force of the Maastricht Treaty (1993) and of the institutionalization of the pillars' structure. Therefore, he takes into consideration only the supranational side of the EU foreign and security policy.

Nevertheless, this book shows that Weiler's theory holds for the EU inter-governmental side as well and delineates the implications of an application of this theorem to the governance of the EU foreign and security policy understood in a broad sense.

To conclude, this study aims at including in the proposed analytical model also cognitive and constructivist approaches to international relations (Adler 2002; Wendt 1999). The book argues that these theories are also compatible with the strategic orientation adopted in this book. Thus, constructivist theories do acknowledge the strategic nature of politics (Hurd 2008) and admit that actors can display purposive behavior while they interact. Indeed, the methodological assumption of the strategic choice approach that "the processes of socialization remain constant over a single round of interaction" (Lake and Powell 1999, p. 33) clashes with constructivism, which posits the reciprocal constitution of structures and agents. Nonetheless, under certain conditions strategic choice may intertwine with constructivism (Gourevitch 1999). On one side, when governance disputes involve ambiguous situations, ideas can address uncertainty, and temper the absence of information. On the other side, as processes of interaction unfold, preferences may mutually correlate with strategies and governance structure in the long run. In this way, rather than adopting mono-causal arguments and explanations, the model presented in this volume devotes enough consideration to both the logic of consequences, and the logic of appropriateness (March and Olsen 1999) and seeks to include both material and ideational factors among those explaining outcomes of strategic interactions. This is especially done through theories on collective identity formation in the EU, with specific attention to Laffan's analysis (2004) on the role of EU institutions in identity formation and change. Indeed, the latter is considered particularly suitable to investigate the HR's role in promoting collective efforts among the member states.

3   THE ARGUMENT

Integrated modes of governance in EU foreign and security policy represent the dependent variable of this study. To provide a robust and all-encompassing analysis of the institutional practices occurring in this area, the notion of EU foreign and security policy is conceptualized in a broad manner. Along the lines of the definition of foreign and security

policy provided by Hill (2003, p. 3), this is considered as the ensemble of supranational and intergovernmental policies generated by the EU policy-making system having an external impact. As for the modes of governance, these are understood as "the different types of instruments (legislative or non-legislative) used for the steering and coordination of interdependent actors through institution-based internal rules systems" (Monar 2011, p. 181).

The study offered in this book sets out and explains the logic of variations in EU member states and institutions' engagement to integrated modes of governance through an analysis of the role of the HR in leading EU foreign and security policy. In this way, the book presents a new perspective from which institutional practices in this specific area can be examined, casting light over the nature and over the main drivers of cooperation among EU member states and institutions in this policy sector. The analytical benefits of developing a theoretical construct for the governance of EU foreign and security policy by examining the role of the HR are numerous. Whilst the post envisaged by the LT lends itself to a certain degree of institutional ambiguity, its qualifying institutional features render it particularly apt for an analysis on blends of integration in foreign and security policy. Because of its institutional characteristics, the HR's post is positioned at the crossroad between the supranational and intergovernmental realms of the EU. A study of the mechanism through which the HR exercises its institutional role can cast light on institutional practices taking place in the policy area under study, without restricting the analysis to either the intergovernmental or the supranational aspects of this policy sector.

This book argues that the existence of an alignment of preferences and of an ideational convergence among EU member states and institutions is a necessary condition for the HR to foster *consensus* within the Foreign Affairs Council (FAC) and to safeguard the decision-making role of the Commission in EU foreign and security policy broadly defined. When this alignment and convergence exist, the HR is able to create opportunities and to influence policy outcomes (Vanhoonacker and Pomorska 2015). Besides integrated institutional practices without the greater empowerment of supranational actors (Bickerton et al. 2014, 2015b; Puetter 2014) and supranational integration, also modes of governance that combine intergovernmental and supranational features can take place on these occasions. In contrast with what some scholars might have expected (see Juncos and Pomorska 2006), the volume also shows

that under these conditions the EEAS may be able to streamline policy processes. *Ex adverso*, as predicted by the new intergovernmentalists, the European Council may exert a clear control over the HR, the FAC and the Commission when preferences are not aligned and policy stalemates occur. As the case of Ukraine demonstrates, in these situations member states can also engage in integrated institutional practices through the formation of *ad hoc* coalitions with the support of EU institutions, included the HR. In line with the existing literature on the role of the HR (Müller-Brandeck-Bocquet and Rüger 2011), the book also shows that the influence of this institutional actor on the policy processes may not only be caused by institutional developments, but also strongly shaped by the personality of the incumbent. Even though the HR Ashton was well-placed to act as an autonomous political actor both in the case of Kosovo and—until the November 2013 Vilnius Summit—in the case of Ukraine, she was more active in fostering integrated policies among EU member states and institutions in the former than in the latter.

In normative terms, the volume indicates the democratic unaccountability of the EU foreign and security policy-making system. In general terms, the European Parliament's activities (EP) have been marginal in both policy *dossiers*. This marginality, coupled with the exclusion of national parliaments from foreign policy-making processes at national level, has led to an overall absence of the public opinion from decisions on Kosovo and on Ukraine. This lack of control has been further stressed by the tendency of EU foreign and security policy to function according to the logic of *directoires*—or of policy differentiation—and by the hegemonic role of Germany in EU foreign and security policy-making processes and implementation (Fabbrini 2015).

Finally, the volume shows that in the cases under consideration the engagement of EU member states and institutional actors to integrated modes of governance has been higher than what the vast majority of the scholarly literature on EU integration and on EU foreign and security policy might have predicted. As to the consequences, the book proves that under certain conditions EU member states and institutions may take part in different blends of integrated modes of governance in this policy area. In this regard, this book claims that it is possible to map and measure different categories of integrated modes of governance in EU foreign and security policy. In particular, the study identifies the different modes of governance that may emerge from strategic interactions among

EU member states and institutions and consolidate in EU foreign and security policy (see Table 1).

4   METHODOLOGICAL APPROACH

Adopting a most similar systems design, the validity of the proposed analytical model is tested by means of a comparative study of the role of the HR in leading EU foreign and security policy in the two cases under consideration. Since the August 2016 implementation of the agreement on the Mitrovica Bridge in the case of Kosovo and the July 2016 assessment of the Minsk Agreement's implementation largely coincide, the role of this institutional figure is examined from the coming into force of the Lisbon Treaty in December 2009 until summer 2016. EU foreign and security policy on Kosovo and Ukraine represent valuable test cases for this analytical framework. The two case studies share common systemic characteristics. They contain features proper of the intergovernmental common foreign and security policy (CFSP) as well as traits of the supranational policy—EU enlargement policy in Kosovo *policy dossier*; ENP and EaP in the Ukrainian one. This aspect is of crucial importance. On one side, the relevance of the intergovernmental dimension in the cases under analysis prompts an examination of the role played by the HR as chair of the FAC. On the other side, the mentioned supranational features deserve special attention as well. Indeed, these may be an essential starting point for the HR to foster more integrated policies and an increased role of the Commission in her/his capacity as Vice President (VP) of this institution.

Table 1   Measurement of EU foreign policy integration

	Integrated modes of governance
0	No EU level policy coordination
1	Intergovernmental integration I (within intergovernmental forums)
2	Intergovernmental integration II (within and outside intergovernmental forums)
3	Supranational integration
4	Supranational integration intertwined with intergovernmental integration

Source Schimmelfennig et al. (2015, p. 768)

One *caveat* applies: while selecting on the dependent variable is a fundamental method in qualitative research, this may cause selection bias as well (Héritier 2008). Even though this study only focuses on two countries, the research design upon which this book is based ensures the external validity of the analysis conducted. On the one hand, the empirical chapters investigate the relations between a foreign policy case strictly connected to an accession perspective and a foreign policy case not including this perspective. Thus, whilst the Kosovo policy *dossier* involves the offer of a potential accession to the EU, the Ukrainian *dossier* entails the offer of a potential "special relationship" between the EU and Ukraine. On the other hand, the research dwells on cases involving the mandates of different post-holders. This is particularly relevant if one considers that the influence of the HR on the policy processes under consideration may not only be caused by institutional developments, but also strongly shaped by the personality of the incumbent.

To identify the explanatory variables accounting for diverging institutional patterns, the comparative method was performed empirically using process tracing. Through the examination of the selected cases studies, triangulation of primary and secondary sources was done complementing critical discourse analysis with semi-structured interviews and with quantitative indicators. In this framework, primary sources consisted of quantifiable and verifiable data drawn from EU official digital archives and other primary sources, such as: governments documents; treaties; preparatory works; public statements by decision-makers; parliamentary debates and hearings—with specific consideration to the EP.

The discourse analysis was conducted on primary sources such as the European Council and the Council's official conclusions; national governments' official documents, EU treaties, preparatory works, public statements by national and EU decision-makers, parliamentary debates and hearings with specific consideration to the EP. Specific attention was devoted to semiotic choices—over-lexicalization or lexical absence— (Machin and Mayr 2012). Throughout the research, primary sources also consisted of interviews with EU officials, governmental actor and members of think tanks. A systematizing expert interview approach was adopted. As interviews were semi-structured, they combined both open and close-ended questions (see Appendixes A and B). While snowball sampling was employed, interviewees included officials closely involved

in the decisions that led to the inter-institutional balance under study and experts bearing extensive and consolidated knowledge of the cases under examination (see Appendix C). Because of the institutional focus of this project, such extensive fieldwork was conducted mostly in Brussels. Twenty interviews were conducted during face-to-face meetings and one interview was made on the phone. As for quantitative indicators, these include the frequency of the meetings of the institutional actors under consideration—e.g. number of European Council and Council's gatherings, and figures of the personnel and resources committed by the EU member states and institutions. Secondary sources consisted of secondary literature such as books, books' contributions, peer-reviewed journals, policy analysis published by independent experts on EU affairs and reports from a wide range of think-tanks and from non-governmental organizations selected from both Western Europe and from the regions under consideration. Other secondary sources included a well-balanced review of media and commentaries chosen from international and regional sources.

The estimation of EU member states and institutions' engagement to integrated practices was based on a range of indicators, namely: on the convergence of positions in discussions, in preparatory works, in official documents and in public statements, on member states' willingness to see EU policy-making taking place, on the acting on the basis of common resources, including personnel and budget (Dijkstra 2013); and on the equal allocation among member states and institutions of the costs and advantages deriving from EU policies on the cases under study.

5   Outline of the Book

The outline of the book is as follows. Chapter 2 introduces the reader to the hybrid analytical construct set out and adopted in this book. It begins with an overview of the reasons accounting for the adoption of a strategic-choice approach to build a model of EU foreign and security policy integration, with specific attention to its constitutive elements. Since the theoretical paradigms by means of which the model is created derive from different meta-international relation theories, the chapter first examines whether these meta-theories are compatible with a strategic-choice approach. Having established that these macro-perspectives are

compatible with the approach adopted in this book, the chapter reviews the European studies theoretical frameworks selected to construct a synthetic analytical model. Drawing on these theoretical constructs in a complementary manner, it then elaborates an original model of integration in foreign and security policy; it lists the main assumptions on which the hybrid theoretical construct is based; and derives the hypotheses on the occurrence of member states' and institutions' engagement in integrated efforts in this area, with specific focus on the role of the HR.

Chapter 3 places EU foreign and security policy processes occurring under the LT in their institutional context. It reconstructs the institutionalization of EU foreign and security policy, by showing its multidimensional development from the Rome Treaty (1958) until the Lisbon Treaty (2009). This chapter indicates that while exogenous and endogenous causal factors have influenced member states' preferences over the institutionalization of EU foreign and security policy mechanisms of "intra-organizational correction and recuperation" (Weiler 1991, p. 2411) have led to the establishment of a system of government characterized by multiple separations of power (Fabbrini 2015). Finally, it provides an assessment of the institutional logical functioning of the intergovernmental and of the supranational policies having an external dimension under the LT with specific focus on the role of the HR. In this regard, the chapter shows that the HR finds herself/himself at the crossroad between the supranational and the intergovernmental side of EU foreign and security policies. However, the current legal provisions do not provide enough indication on whether to conceptualize this institutional post as an autonomous political actor—part of the political executive of the EU—or as an implementing branch of the European Council and of the member states reunited within this intergovernmental forum.

Chapter 4 defines the actors and the strategic environment (Lake and Powell 1999) under consideration in the case studies examined in this book, focusing on their historical evolution. By doing so, it places EU foreign policy on Kosovo and Ukraine in context. The examination shows that a series of exogenous and endogenous causal factors impacted on member states' preferences over the two countries. Eventually, this functional pressure triggered and shaped the causal pathways determining the emergence and consolidation of an ideational convergence among EU political *élites* on the strategies to adopt towards them. This convergence

resulted in the formalization of the Western Balkans' enlargement in 2003 and in the launch of the EaP in 2009. The chapter then provides an overview of EU member states and institutions' preferences over Kosovo and Ukraine, as well as of their beliefs about the preferences of others. It then moves on to analyse the actions and the information structure (Lake and Powell 1999) constituting the case studies' strategic environments. In this respect, the chapter shows that the institutional *equilibrium* reached within the EU on the creation of these regional policies guaranties to the member states an extensive control over their implementation.

In order to identify institutional patterns characterizing the post-Lisbon foreign policy-making, Chapter 5 offers an empirical analysis of the HR's role in leading EU foreign and security policy on Kosovo from the coming into force of the LT in December 2009 until summer 2016. The analysis indicates that, despite the position of the five non-recognizers, the former HR, Catherine Ashton, and the current HR, Federica Mogherini, have both played as policy instigators and as policy enforcers because they benefitted from a general *consensus* on the direction to pursue within the European Council and the FAC. The alignment of preferences among member states on the stabilization of the Western Balkans made possible for both HR's in their capacity as VP of the Commission to connect the enlargement policy with the CFSP agenda. Hence, besides the existence of intergovernmental cooperation and of supranational integration, the Kosovo case also reveals the formation of an institutional practice that combines intergovernmental and supranational factors, although the EP has had only limited possibilities to participate in the decision-making process (see Table 1).

Chapter 6 process-traces the role of the HR in EU foreign and security policy on Ukraine. The empirical analysis shows that an alignment of preferences and an ideational convergence among EU member states and institutions on this foreign policy case led to an engagement of EU member states and institutions to integrated modes of governance. This could have served as fertile ground for the HR to act as an autonomous political actor, and to play a role as policy instigator and as policy enforcer. Still, even though on some occasions Ashton acted as *consensus*-seeker within the FAC, over time, the HR mostly left the coordination and implementation of EU foreign and security policy on Ukraine to the Commissioner for Enlargement and Neighbourhood policy, Štefan Füle, who frequently adopted an antagonistic approach and assertive narrative on Moscow. With the violently repressed protests in Kiev in late 2013,

the annexation of Crimea in March 2014 and the ensuing disruption of the alignment of member states' preferences, the previous HR Ashton and the present HR Mogherini have been unable to preserve the decision-making role of the Commission in their capacity as VP of this institution and have played a limited role as *consensus* seekers within the FAC. Within this highly divisive context, the creation of the Normandy format testifies the emergence of a new institutional practice. The latter consists of an engagement of EU member states and institutions to integrated efforts through the formation of *ad hoc* multinational coalitions operating in coordination and with the full support of the EU institutions, but "not necessarily on the basis of an agreed mandate" (Duke 2017, p. 187) (see Table 1).

Finally, Chapter 7 summarizes the contribution of the book with specific attention to the most relevant theoretical and empirical results.

Notes

1. The book uses the term European Union and therefore the abbreviation EU to refer to the entire integration process and not just to the aftermath of the entry into force of the Maastricht Treaty in 1993, which officially introduced such term.
2. While most of the academic literature refers to the abbreviation HRVP, the volume opts for the term HR. This is done to differentiate between the High Representative's activities as chair of the Foreign Affairs Council and those as Vice President of the European Commission. Hence, the book uses the term Vice-President and therefore the abbreviation VP only when referring to the HR's activities in this capacity.

References

Adler, E. (2002). Constructivism and international relations. In W. Carlsnaes, T. Risse, & B. A. Simmons (Eds.), *Handbook of International Relations.* London: Sage.

Balfour, R. (2015, July). Europe's patchwork foreign policy needs more than a few new stitches. *German Marshall Fund of the United States Policy Brief, 2*(6).

Bickerton, C., Hodson, D., & Puetter, U. (2014). The new intergovernmentalism: European integration in the post-Maastricht era. *Journal of Common Market Studies, 53*(4), 1–20.

———. (2015a). Something new: A rejoinder to Frank Schimmelfennig on the new intergovernmentalism. *Journal of Common Market Studies, 53*(4), 731–736.

———. (Eds.). (2015b). *The New Intergovernmentalism. States and Supranational Actors in the Post-Maastricht Era*. Oxford: Oxford University Press.

Börzel, T. (2005). Mind the gap! European integration between level and scope. *Journal of European Public Policy, 12*(2), 217–236.

Chopin, T., & Lequesne, C. (2016). Differentiation as a double-edged sword: Member states' practices and Brexit. *International Affairs, 92*(3), 531–545.

Connor, P. (2016, August 2). *Number of refugees to Europe surges to record 1.3 million in 2015.* Pew Research Centre. Available from http://www.pew-global.org/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/.

Cooley, A., & Spruyt, H. (2009). *Contracting States: Sovereign Transfers in International Relations*. Princeton: Princeton University Press.

Dehousse, R. (Ed.). (2011). *The 'Community Method': Obstinate or Obsolete?* New York: Palgrave.

Dijkstra, H. (2013). *Policy-Making in EU Security and Defence. An Institutional Perspective*. Basingstoke: Palgrave Macmillan.

Dragneva-Lewers, R., & Wolczuk, K. (2015). *Ukraine Between the EU and Russia: The Integration Challenge*. Basingstoke: Palgrave Macmillan.

Duke, S. (2017). *Europe as a Stronger Global Actor. Challenges and Strategic Responses.* Basingstoke: Palgrave Macmillan.

Eurostat. (2016, March 4). *Asylum in the EU member states record number of over 1.2 million first time asylum seekers registered in 2015 Syrians, Afghans and Iraqis: Top citizenships.* Available from http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/.

———. (2017, June 15). *Asylum quarterly report.* Available from http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report.

Fabbrini, S. (2014). The European Union and the Libyan crisis. *International Politics, 51*(2), 177–195.

———. (2015). *Which European Union? Europe After the Crisis.* Cambridge: Cambridge University Press.

———. (2016). Beyond disintegration: Political and institutional prospects of the European Union. In B. Vanhercke, D. Natali, & D. Bouget (Eds.), *Social Policy in the European Union: State of Play*. Brussels: European Trade Union Institute and European Social Observatory.

Frontex. (2017). *The central mediterranean route.* Available from http://frontex.europa.eu/trends-and-routes/central-mediterranean-route/.

Genschel, P., & Jachtenfuchs, M. (Eds.). (2014). *Beyond the Regulatory Polity? The European Integration of Core State Powers*. Oxford: Oxford University Press.

Gourevitch, P. A. (1999). The governance problem in international relations. In D. Lake & R. Powell (Eds.), *Strategic Choice and International Relations*. Princeton: Princeton University Press.

Héritier, A. (2008). Causal explanation. In D. Della Porta & M. Keating (Eds.), *Approaches and Methodologies in the Social Sciences*. Cambridge: Cambridge University Press.

Hill, C. (2003). *The Changing Politics of Foreign Policy*. Basingstoke: Palgrave Macmillan.

Hurd, I. (2008). Constructivism. In C. Reus-Smit & D. Snida (Eds.), *The Oxford Handbook of International Relations*. Oxford: Oxford University Press.

Jones, E. (2018). Towards a theory of disintegration. *Journal of European Public Policy, 25*(3), 440–451.

Juncos, A. E., & Pomorska, K. (2006). Playing the Brussels game: Strategic socialization in the CFSP council working groups. *European Integration Online Papers, 10*. Available from http://eiop.or.at/.

Karagiannis, Y., & Héritier, A. (2013). Interstitial institutional change in Europe: Implications of the financial and fiscal crisis. In B. De Witte, A. Héritier, & A. Treschel (Eds.), *The Euro Crisis and the State of Democracy*. Florence: European University Institute/Robert Schuman Centre for Advanced Studies.

Keil, S., & Arkan, Z. (Eds.). (2015). *The EU and Member State Building. European Foreign Policy in the Western Balkans*. Abingdon and New York: Routledge.

Laffan, B. (2004). The European Union and its institutions as "identity builders". In R. K. Hermann, T. Risse, & M. B. Brewer (Eds.), *Transnational Identities. Becoming European in the EU*. Lanham: Rowman & Littlefield.

Laïdi, Z. (2014). Towards a post-hegemonic world: The multipolar threat to the multilateral order. *International Politics, 51*(3), 350–365.

Lake, D., & Powell, R. (1999). *Strategic Choice and International Relations*. Princeton: Princeton University Press.

Lefkofridi, Z., & Schmitter, P. (2014). Transcending or descending? European integration in times of crisis. *European Political Science Review, 7*(1), 3–22.

Machin, D., & Mayr, A. (2012). *How to Do Critical Discourse Analysis*. London: Sage.

March, J., & Olsen P. J. (1999). The institutional dynamics of international political orders. In P. J. Katzenstein, R. O. Keohane, & S. D. Krasner (Eds.), *Exploration and Contestation in the Study of World Politics*. Cambridge, MA: The MIT Press.

Menéndez, A. J. (2013). The existential crisis of the European Union. *German Law Journal, 14*(5), 453–525.

Menon, A. (2010). Power, institutions and the CSDP. *Journal of Common Market Studies, 49*(1), 83–100.

———. (2012). Defence policy. In E. Jones, A. Menon, & S. Weatherill (Eds.), *The Oxford Handbook of the European Union*. Oxford: Oxford University Press.

———. (2013). Defence policy and the logic of "high politics". In P. Genschel & M. Jachtenfuchs (Eds.), *Beyond the Regulatory Polity? The European Integration of Core State Powers*. Oxford: Oxford University Press.

Mérand, F., & Angers, K. (2013). Military integration in Europe. In P. Genschel & M. Jachtenfuchs (Eds.), *Beyond the Regulatory Polity? The European Integration of Core State Powers*. Oxford: Oxford University Press.

Monar, J. (2011). Modes of EU governance in the justice and home affairs domain: Specific factors, types, evolution trends and evaluations. In U. Diedrichs, W. Reiners, & W. Wessels (Eds.), *The Dynamics of Change in EU governance*. Cheltenham: Edward Elgar Publishing.

Müller-Brandeck-Bocquet, G., & Rüger, C. (Eds.). (2011). *The High Representative for the EU Foreign and Security Policy—Review and Prospects*. Baden-Baden: Nomos Publishers.

Noutcheva, B. (2012). *European Foreign Policy and the Challenges of Balkan Accession. Conditionality, Legitimacy and Compliance*. Abingdon and New York: Routledge.

Oliver, T. (2017). The EU falling apart? Theoretical discussions of Brexit, Grexit and other exit scenarios. In A. Grimmel & S. Giang (Eds.), *Solidarity in the European Union*. Cham: Springer.

Piris, J. C. (2012). *The Future of Europe: Towards a Two-Speed EU?* Cambridge: Cambridge University Press.

Puetter, U. (2014). *The European Council and the Council: New Intergovernmentalism and Institutional Change*. Oxford: Oxford University Press.

Rosamond, B. (2016). Brexit and the problem of European disintegration. *Journal of Contemporary European Research, [S.l.], 12*(4).

Scharpf, F. (1999). *Governing in Europe: Effective and Democratic?* Oxford: Oxford University Press.

Schimmelfennig, F. (2015). What's the news in "new intergovernmentalism"? A critique of Bickerton, Hodson and Puetter. *Journal of Common Market Studies, 53*(4), 723–730.

Schimmelfennig, F., Leuffen, D., & Rittberger, B. (2015). The European Union as a system of differentiated integration: Interdependence, politicization and differentiation. *Journal of European Public Policy, 22*(6), 764–782.

Simão, L., & Piet, R. (2016). *Security in Shared Neighbourhoods. Foreign Policy of Russia, Turkey and the EU*. Basingstoke: Palgrave Macmillan.

Smith, M. E. (2015). The new intergovernmentalism and experiential learning in the common security and defence policy. In C. Bickerton, D. Hodson, & U. Puetter (Eds.), *The New Intergovernmentalism. States and Supranational Actors in the Post-Maastricht Era*. Oxford: Oxford University Press.

Smith, M., Keukeleire, S., & Vanhoonacker, S. (Eds.). (2015). *The Diplomatic System of the European Union: Evolution, Change and Challenges*. Abingdon and New York: Routledge.

Tocci, N. (2016). Interview with Nathalie Tocci on the global strategy for the European Union's foreign and security policy. *The International Spectator, 51*(3), 1–8.

Vanhercke, B., Natali, D., & Bouget, D. (Eds.). (2016). *Social Policy in the European Union: State of Play 2016*. Brussels: European Trade Union Institute and European Social Observatory.

Vanhoonacker, S., & Pomorska, K. (2015). EU diplomacy post-Lisbon: The legacy of the Ashton era. In M. Smith, S. Keukeleire, & S. Vanhoonacker (Eds.), *The Diplomatic System of the European Union: Evolution, Change and Challenges*. Abingdon and New York: Routledge.

Weiler, J. (1991). The transformation of Europe. *The Yale Law Journal, 100*(8), 2403–2483.

Weiss, M. (2013). Integrating the acquisition of leviathan's swords? The emerging regulation of defence procurement within the EU. In P. Genschel & M. Jachtenfuchs (Eds.), *Beyond the Regulatory Polity? The European Integration of Core State Powers*. Oxford: Oxford University Press.

Wendt, A. (1999). *Social Theory of International Politics*. Cambridge: Cambridge University Press.

Wilga, M., & Karolewski, I. P. (Eds.). (2014). *New Approaches to EU Foreign Policy*. Abingdon and New York: Routledge.

CHAPTER 2

EU Foreign Policy Integration: A New Model Beyond the Supranational-Intergovernmental Divide

1   Introduction

EU foreign and security policy includes the ensemble of supranational and intergovernmental policies generated by the EU policy-making system having an external impact (Hill 2003). By adopting this broad definition, this chapter presents an original model that intends to explain why EU member states and institutions engage in integrated efforts in this area, and under which conditions the High Representative (HR) can become a key figure in fostering integrated policies among them. Even though some valuable exceptions exist (see Cladi and Locatelli 2016; Haftendorn et al. 2004; Koenig-Archibugi 2004; Knodt and Princen 2003; McCalla 1996; Menon 2010; Wallander 2000; Wilga and Karolewki 2014), EU foreign and security policy is largely under-theorized as a field of study (Menon 2012). This scarcity of theoretical elaboration is mostly due to the assumption that cooperation in this sector is "more problematic" (Menon 2010, p. 85) than in other fields of EU activity (see Lipson 1984; Jervis 1982). By means of a strategic choice approach, this chapter aims at constructing a hybrid theoretical model, bringing together assumptions from the most recent literature on new intergovernmentalism; from Weiler's theory of *equilibrium*; from theories of EU integration that rely on incomplete contracts; and from theories on collective identity formation in the EU. Under the implicit assumption that theories are ensembles of models (see Salmon 1988;

da Costa and French 1990; Downes 1992; Giere 1984), the chapter will contribute to filling the void of theorization in EU foreign and security policy, and to setting the basis for further avenues of research.

The selected theoretical constructs are only a few of the ramifications dealing with EU studies. Nonetheless, they deserve special consideration. On the one hand, since these theories all share an interest for strategic interaction in politics and conceive actors as being purposive, they are compatible with a strategic choice approach. On the other hand, while they bear different understandings of the EU, of the integration process and—when they do so—of the EU role as a foreign policy actor, these frameworks also adopt different assumptions over the role of states and of institutions and over the origins of national preferences. Elaborating an original model through such a rich body of scholarly literature and of empirical findings, would increase the possibilities of "matching known facts" (Clarke and Primo 2007, p. 749) and of mapping the "abstract logical structure" of EU foreign policy integration (Fiorina 1975, p. 134).

The chapter begins with an overview of the reasons accounting for the adoption of a strategic-choice approach to build a model of EU foreign and security policy integration, with specific attention to its constitutive elements. Since the theoretical paradigms by means of which the model is created derive from different meta-international relations (IR) theories, the first sub-section examines whether these theories are compatible with a strategic-choice approach. This is done with attention to their explanatory value for examining EU foreign and security policy modes of governance. Having established that these macro-perspectives are compatible with the approach adopted in this book, the following subsection reviews the European studies theoretical frameworks selected to construct a synthetic analytical model. This is done by investigating which assumptions and which variables would be more appropriate to elaborate a model of integration in foreign and security policy. The third sub-section delineates such model, and lists the main assumptions on which the hybrid theoretical construct is based. Finally, the chapter derives the hypotheses on the occurrence of member states and institutions' engagement in integrated efforts in this area, with specific attention to the role of the HR.

2   A Strategic-Choice Approach to EU Foreign and Security Policy

The lack of a comprehensive theorization of EU foreign and security policy integration can be addressed through an analytically eclectic model, including causal factors and explanations originating from different theories by means of a strategic choice approach (Lake and Powell 1999). This approach allows the building of synthetic analytical constructs while organizing analyses of strategic interactions in IR in a logically consistent manner (Stein 1999). It posits that four primary independent variables can explain any isolated strategic interaction. Two independent variables, namely the actors' preferences over a certain outcome of the interaction and the actors' beliefs on the preferences of others over the same outcome, refer to the actors among which the strategic interaction occurs. The other two independent variables—that is to say the actions and the information structure available to the actors—compose the strategic environment in which the interaction takes place.[1] This specific analytical scheme is particularly suited for the elaboration of an original model of foreign policy integration for a series of reasons.

Firstly, the strategic choice approach is essentially pragmatic and stresses the building of theoretical constructs appropriate for the research questions under consideration (Lake and Powell 1999). In this regard, it has been argued that studies conducted through its lenses necessarily result in partial *equilibrium* analyses. It is important to highlight, in this respect, that while the hybrid model proposed in this book intends to incorporate the core elements of integrated institutional practices in EU foreign and security policy and of the HR's role in fostering them, it does not have the ambition to embrace all forms of interaction, and their effects in this area. Secondly, the flexibility of this approach allows to bridge the traditional separation between security studies and other political science fields, while offering the opportunity to go beyond the traditional high/low politics divide. Notably, such inclusiveness meshes neatly with the broad understanding of EU foreign and security policy under consideration. Thirdly, this approach is agnostic about the debate among traditional IR-theories over the "unit-of-analysis question" (Stein 1999, p. 201). Since its focus lays on strategic interactions among two or more actors, strategic choice can be applied to any actor, as opposed to most of the traditional macro IR theories and the theoretical traditions in European studies. Finally, adopting a strategic-choice approach calls for

a full understanding of micro-foundations, namely of the "connection between what actors want, the environment in which they strive to further their interests and the outcomes of this interaction" (Lake and Powell 1999, p. 20). A "built-up" focus examining how "micro-level rituals and negotiations aggregate over time" (Powell and Colyvas 2008, p. 6), complemented with attention to the macro level, can offer an all-encompassing assessment and deep account EU foreign and security policy every-day processes within the EU institutional context. Crucially, this may lead to the identification of institutional practices that have not yet been examined by the scholarly literature on foreign and security policy.

In principle, drawing features which derive from different theories together in a new model can generate an ontological and epistemological tension, running the risk of resulting in an inelegant, not generalizable set of assumptions and untestable hypotheses. To avoid this, two key essential features must be present in the theories that are integrated in a synthetic framework through a strategic choice approach. On the one hand, these theories should conceive strategic interactions as their main unit of analysis. On the other hand, they should assume that actors are purposive, but not omniscient (Lake and Powell 1999). In the next sub-sections, the meta-IR theories and the selected EU studies' theories will be examined along these two key dimensions. This will be done by assessing commonalities and differences among them, with attention to their theorization of the European integration and of the EU role in international politics. A *caveat* applies: providing a comprehensive review of these theoretical traditions is beyond the purpose of this chapter, which instead focuses only on the debates and fault lines that are deemed to be relevant to construct an original model of EU foreign and security policy integration.

3   Meta-international Relations Theories

3.1   Neo-realism

Neo-realism and its variants are consistent with a strategic-choice approach. On one side, strategic interactions are key aspects of neo-realist analyses, with states being the main actors of such interactions in the international system. On the other side, this theory assumes all actors to be rational and purposive. According to this macro-perspective,

national security has a primacy in the analysis of foreign policy and of international politics. In fact, national preferences derive from states' security concerns in the international arena, with military and power capabilities determining states' degree of opportunity in having their external preferences implemented (Telhami 2003). Through these theoretical lenses the EU had long been considered an international organization, although characterized by an unprecedented degree of institutionalization (Pollack 2012). The possibility of an autonomous foreign and security role for the EU was not in sight for the proponents of this approach. On the contrary, Western European nation states' integration was ascribed to the US security guarantee *vis-à-vis* the Soviet menace (Waltz 1979). In this respect, one has only to think that in Waltz's account the European Community was a consequence of the US[2]-Soviet bipolarity.

Not surprisingly, the two main approaches within the neo-realist paradigm share a similar view over the European integration process and over the EU role as a foreign policy actor. Conceiving states as "power maximisers" (Schmidt 2016, p. 211), offensive realism posits that, within an anarchic international arena (Mearsheimer 1995), international institutions can—at best—reflect the false promises of cooperation. Following the demise of the Union of Soviet Socialist Republics (USSR) and considering the German re-unification, these scholars expected increased tensions among EU member states (Walt 1998–1999).[3] Under the assumption that states are "security maximisers" (Schmidt 2016, p. 211), defensive realism in turn, claims that international cooperation may occur as long as defence can be favoured over offence. While these authors predicted that defensive strategies would have prevailed in the EU,[4] when the EU institutional development was relaunched in the 1990s they argued that any cooperative arrangement would have included "effective voice opportunities" (Grieco 1995) for national governments.

Neo-realist theories are generally not well suited to examine and to explain EU foreign and security policy developments and the EU's functioning as a foreign policy actor in an exhaustive manner. Notwithstanding some scholars' declarations that "the grand expectation that the world had entered an era of convergence has proved wrong" (Kagan 2008, p. 40), fifty years of pacification in Western Europe have directly challenged neorealist expectations over anarchy[5] in international politics (Collard-Wexler 2006). At the same time, the primacy these

scholars attributed to states and to national security in the international system cannot fully explain the institutionalization of the common foreign and security policy (CFSP) with the 1993 Maastricht Treaty. Considering the international balance of power (Morgenthau 1985), neo-realism ascribes the increase of intra-European security cooperation in the early 1990s to the changing structure of the international system, namely to American unipolarity (Jones 2017). Yet, to the dismay of neo-realist scholarship, EU member states and institutions' engagement to integrated efforts in this field have gone well beyond the traditional forms of foreign and security policy cooperation they had predicted (Wong and Hill 2011). A clear reflection of this is that, despite the capability-expectation gap (Hill 1993), EU common security and defence policy (CSDP) missions and operations are, as a matter of fact, deployed across three continents (Dijkstra 2013).

In this context, the neo-realist conceptualization of preferences hinders a thoughtful examination and understanding of the agents' behaviour. An understanding that is crucial if one wishes to fully assess the sources of the institutional *equilibria* resulting from a given strategic interaction (Hurd 2008). Thus, member states and institutions may decide not to integrate efforts in foreign and security policy because of diverging preferences on a specific policy case, which might not necessarily derive from security concerns. In addition to this, the lack of theorization of supranational actors as drivers of integration and of their role in international politics (Collard-Wexler 2006, p. 398) raises an important theoretical challenge for neo-realism. Given the empirically demonstrated relevance of supranational agency in several foreign policy dossiers (Krause 2003; Mayer 2008), such a lack risks to result in an oversimplification of reality. Finally, while this theoretical strand generally understands military power as the most important factor in foreign policy analysis (Schmidt 2016), the pre-eminent focus of neo-realism on military threats finds no justification in historical and current observations of the EU activities in international arena. In fact, what has repeatedly been found in empirical studies so far is that the EU's role in international politics largely results from non-military aspects, including non-coercive (Manners 2002, 2006) and normative means (Tocci 2008). EU enlargement and the use of conditionality, perhaps more than other EU policies, epitomises the inadequacy of such conceptualization (see Buzan and Hansen 2009).

3.2 *Neo-functionalism*

Unlike neo-realism, neo-functionalism offers an encompassing examination and explanation of the European integration process (Sandholtz and Stone Sweet 2012). By doing do, this scholarship too shares a concern with strategic interactions. As opposed to neo-realism however, states are not understood as the primary actors within such interactions. Instead, the focus of the proponents of this theory (Haas 1958; Lindberg 1963) lays on key interests' groups, transnational flows and supranational agents. The latter are considered the main engines of the integration process (Pollack 2012) and of supranational governance into the EU. In this regard, actors pursue interests in the framework of a utilitarian logic, which is consistent with a strategic-choice approach.[6] Contrary to neo-realism, however, preferences are not "fixed". In fact, neo-functionalists stress that these cannot be predicted *ex ante* and acknowledge the influence of interactions in shaping them, through an endogenization process (Rosamond 2006). According to the proponents of this approach, supranational institutions do encourage the formation of social actors and of groups bearing transnational objectives and interests. In what can be understood as a feedback-cycle, while supranational institutions provide "coordinative solutions", national agents increasingly try to influence these institutions and the policies they promote, moving some of their means and endeavours to the supranational sphere (Sandholtz and Stone Sweet 2012). In principle, the focus on these actors could be incompatible with the adoption of a strategic choice approach. Indeed, the latter posits "states prior to any international interaction" and assumes that interactions between sub-state actors and similar actors "do not shape the underlying preferences of the state" (Lake and Powell 1999, p. 14). Nonetheless, it is important to note that the promoters of such approach expressively acknowledge that, when transnational interactions are crucial in determining a certain interaction, they should be considered in the examination that is being conducted.

At the meta-theoretical level, neo-functionalism uncovers causal mechanisms accounting for the initial development of the European Coal and Steel Community (Haas 1958). However, this theory bears scarce explanatory value in relationship to foreign and security policy integration in Western Europe, essentially neglecting regional security cooperation processes such as the 1970s and 1980s European Political Cooperation (EPC) (Krotz and Maher 2011). This lack of explanatory

value comes as no surprise if one takes into consideration the constituent elements of the neo-functionalist theory.

A core feature of this theoretical tradition is the existence of supranational institutions entitled to settle disputes and create rules. As opposed to the realist anarchic conceptualization of the international scenario, in this account, it is "the rule system (or normative structure) that defines the polity" (Sandholtz and Stone Sweet 2012, p. 20). Certainly, EU foreign and security policy has been witnessing an increase of legalization (Krotz and Maher 2011; see Goldstein et al. 2001). Nevertheless, such legalization has occurred only within the supranational side of EU foreign policy, where the Court of Justice of the European Union (CJEU) plays a crucial role, but not in the intergovernmental side of it, where the CJEU's prerogatives are excluded with limited exceptions (see Sari 2012).

This theoretical framework also claims that three types of spillovers may occur (Tranholm-Mikkelsen 1991; Bergmann and Niemann 2015), as result of "feedback-effects" (Sandholtz and Stone Sweet 2012). Functional spillovers may derive from the interdependence of policy areas (Linberg 1963). Spillovers may also be political when, acknowledging the fact that specific issues cannot be solved domestically, national leaders decide to pursue further political integration at the supranational level (Bergmann and Niemann 2015). Lastly, cultivated spillover may derive from the supranational institutions' strive to increase their power (Bergmann and Niemann 2015). As the years went by, the neo-functionalist concept of spillover was further developed to specifically examine the external dimension of EU policies (Schmitter 1969; Niemann 2012), and its relevance for the study of the foreign policy sector has expressively been recognized (Keukeleire and MacNaughtan 2008). Still, while neo-functionalists acknowledge the existence of integrated institutional practices among member states in international economic institutions, these scholars consider cooperation in military and defence unlikely (Haas 1958, 1961, 1975).

Furthermore, neo-functionalism generally disregards the impact of external factors on the development and consolidation of integration (Hoffmann 1966; Hansen 1969). A disregard that becomes even more important if one wishes to use neo-functionalist theories to conduct studies on foreign and security policy. Thus, providing a careful delineation of the strategic setting in which the interactions among different actors occur and of its modifications is just as important as specifying the attribute of the actors in this policy domain. To conclude, it is worth

considering that the Euro crisis and the refugee and terrorist crises have triggered a "process of disintegration" (Fabbrini 2016), exemplified by BREXIT (Lekofridi and Schmitter 2014), that has substantially contradicted the neo-functionalist assumption that the progression from "a politically inspired common market to an economic union, and finally to a political union" would have been "automatic" (Haas 1967, p. 327).

3.3 Intergovernmentalism and Liberal Intergovernmentalism

Intergovernmentalism and liberal intergovernmentalism share with neo-realism and neo-functionalism the interest for strategic interactions. In these accounts, such interactions take the form of international cooperation among states, which, in line with a strategic-choice approach, behave as rational, purposive actors (Moravcsik 1998; Moravsick and Schimmelfennig 2009). In consonance with neo-realism, classic intergovernmentalism (Hoffman 1966, 1982; Millward 1992; Taylor 1983) assumes that states' preferences derive from national governments' security concerns in the international system. According to this theory, institutions may serve the purpose of increasing the credibility of member states reciprocal commitments through monitoring and compliance mechanisms, although their establishment does not entail a transfer of sovereign power to the EU as neo-functionalism posited (Pollack 2001). However, while cooperation can occur among member states if their national interests converge, it is very unlikely that integrated efforts will take place in policy sectors conceived as "high politics" (Hoffman 1966). Hence, the latter work according to a "logic of diversity" (Bergmann and Niemann 2015). It should not come as a surprise then that existing literature on EU foreign and security policy characterized by an intergovernmentalist understanding of EU governance either conceptualizes negotiations in these areas as zero-sum, competitive bargaining (Jupille 1999; Scharpf 1988; Meunier 2000), or claims that member states can reach agreements "logrolling across proposals" (König and Junge 2009, p. 520) (see McKibben 2010; Thomas and Tonra 2011).

When the 1990s re-launch of the integration process brought policy areas pertaining to "high politics" within the EU institutional framework, although under the premises of an intergovernmental decision-making process, Hoffman attributed the increase of cooperation in Western Europe after the USSR's dissolution to a particular convergence

of British, German and French foreign policy preferences (Hoffmann 2000). Nonetheless, this claim could not dissimulate the lack of explanatory power of the intergovernmentalist framework regarding preferences for further integration in areas corresponding to core state powers. It is against this backdrop that Moravsick elaborated a revision of classic intergovernmentalism. Dubbing themselves as "liberal intergovernmentalists", the proponents of this new theoretical approach put forth an analytical framework that aimed at remaining profoundly state-centric, while drawing on liberal theories and on international political economy to emphasize member states' preferences (Pollack 2001), and on Putnam's "two-level games" approach to explain the subsequent intergovernmental bargaining (Putnam 1998). In this account, national actors can play a crucial role in shaping states' interests and in influencing states' positions in the international system (Moravcsik 1993; Milner 1997, 1998; Freund and Rittberger 2001; Panke and Risse 2007). In fact, as opposed to neo-realism, liberal intergovernmentalism claims that preferences are generated and aggregated at a domestic level. Yet, contrarily to neo-functionalism, these scholars stress that preferences are not influenced by "participation in the EU" (Pollack 2012). From this follows that integrated efforts might develop during the EU intergovernmental bargaining insofar as the strongest member states believe that cooperation would serve their national interests (Bergmann and Niemann 2015; Panke and Risse 2007).

While in the liberal intergovernmentalists' first elaborations national preferences essentially concerned economic issues, this theory was further developed to embrace foreign and security policy areas as well. According to these further elaborations, as states devolve their sovereign powers "to international institutions […] to enhance the credibility of commitments" (Moravcisk and Nicolaidis 1999, p. 82), factors such as "identities, values, and cultural attitudes of domestic social groups" might explain national preferences concerning foreign and security policy cooperation (Koenig-Archibugi 2004, p. 145). Despite these refinements, liberal intergovernmentalism is also unable to explain cooperation and integration in foreign and security policy in an all-encompassing way. Liberal intergovernmentalists examined enlargement policy with attention to the British accession in the EU (Moravcsik 1998); to its Eastern dimension (Moravcsik and Vachudova 2002); and to EU's external commercial and associated policies (Collinson 1999). However, none of these studies offered an exhaustive analysis of both the

intergovernmental and the supranational sides of EU foreign and security policy. At the same time, similarly to neo-functionalist studies, these scholarly efforts did not devote enough consideration to the strategic settings where interactions occur, and to geopolitical factors (Pollack 2012).

Finally, notwithstanding the focus on domestic politics, it should be acknowledged that liberal intergovernmentalism largely underestimates the influence of domestic structures over states' behaviour (Panke and Risse 2007). Since domestic institutions' influence on state leaders may be just as crucial in determining member states' preferences over foreign and security policy integration, and in shaping the different actions available to national leaders (Lake and Powell 1999), such underestimation should be addressed. In fact, actions may subsequently aggregate into different member state preferences as well (Russett 1993).

3.4   *Rational Choice Institutionalism*

Strategic interactions are the main unit of analysis of rational choice institutionalism. This theoretical construct, which originally derives from economic scholarly literature, has increasingly been employed in EU studies to explain delegation, discretion, and control relations between legislative and executive branches of governments (see Scharpf 1988). Thus, rational choice institutionalism provides a theoretical understanding of the micro-foundations behind day-to-day strategic interactions among member states' governments and institutions, and among different EU institutional actors, beyond high-salient, historical intergovernmental bargaining. As opposed to neo-functionalist theories, this theoretical framework considers preferences to be "exogenous to interaction" and "formally predictable" (Rosamond 2006, p. 242). Nonetheless, in line with a strategic choice approach, EU member states and organizations are understood as utility-maximizing agents through a "transactions-cost or principal-agent view of the European bureaucracy" (Dowding 2000, p. 127).

While rational choice institutionalists share the neo-realist and liberal intergovernmentalist statist assumptions, they call into question the marginality of supranational organizations in EU decision-making processes posited by these theoretical paradigms. According to the proponents of this approach, national governments have maintained a central role in EU governance. Yet, member states have also created

supranational organizations (Pollack 2003), which may bear preferences different from theirs. In the long run, such organizations may even "produce unintended and path-dependent consequences" (Pollack 2012, p. 12). And yet, member states may decide to delegate powers to them for different reasons. Delegation may happen when national governments believe that supranational institutions may be more efficient in implementing certain policies (Pollack 2012). It might also be convenient to reduce the amount of work, to face technically complex matters (Franchino 2002), or for "blame shifting" reasons (Fiorina 1982; Epstein and O'Halloran 1999a, b). Furthermore, when national governments consider monitoring and compliance mechanism necessary, institutions may be instrumental for "delivering positive sum bargains" (Rosamond 2006, p. 242) and may serve as "the rules of the game" (North 1990, p. 26).

While rational choice institutionalism has succeeded in casting light over power relationships within EU institutions and among EU institutions and member states, its assumptions would not be sufficient to provide an exhaustive examination of EU foreign and security policy governance. Indeed, several scholars have engaged in the effort to examine EU foreign and security through these theoretical lenses. Some have speculated over rational choice institutionalist premises in CFSP distinguishing between "sovereignty pooling" within intergovernmental forums and "sovereignty delegation" to supranational agencies (see Koenig-Archibugi 2004, p. 140). Others have adopted a principal-agent view of the EU common security and defence policy-making (see Delreux and Adriaensen 2017; Dijkstra 2013, 2017). Hybrid combinations of institutional approaches have also been employed to study these policy domains (see Smith 2004). Nevertheless, this theoretical tradition usually focuses on specific institutions or on single policy areas, while generally being "agnostic about the future of integration" (Bickerton et al. 2014, p. 5). This sectorial approach and this agnosticism become even more relevant if one wishes to investigate integrated efforts in EU foreign and security policy understood in a broader sense. Furthermore, it deserves to be noted that, despite the focus on EU supranational institutions, the role of the HR in her/his capacity of Vice President (VP) of the European Commission has been the object of some speculations (Helwig 2017) but has remained largely unexplored by rational institutionalist scholars so far.

3.5   Constructivism

Most of the existing scholarly literature conceives cognitive and constructivist approaches to IR (Adler 2002; Wendt 1999) as the main opponents of the strategic choice approach. Indeed, a substantial divide exists between the ontologies behind the constructivist and rational understanding of international actors and patterns (Wight 2006). After all, constructivism refuses to understand states as "strictly rational and self-interested actors" (Aydyn-Düzgit 2015, p. 137) and points out to the need to achieve a deep understanding of "social ontologies" of these interactions (Christiansen et al. 2001a, p. 1) through a focus on "ideas and discourses" (Schimmelfennig 2012, p. 35). Nonetheless, it is now widely recognized that constructivist theories do acknowledge the strategic nature of politics (Hurd 2008) and that they admit that actors can display purposive behavior while they interact. Therefore, it is reasonable to argue that these theories are compatible with the strategic orientation adopted in this book as well (Fearon and Wendt 2002).

As for the actors among which the interaction occurs, constructivist theories are agnostic about the traditional unit-of-analysis and level-of-analysis debate in the study of IR. Nonetheless, unlike the theoretical traditions examined so far, these theories stress that actors are socially constructed and that "their behavior cannot be understood apart from that process of construction" (Hurd 2008, p. 310). A process that is generally driven by factors such as "mutual recognition" (Wendt 1999, p. 208); "imitation" and "prestige" (Wendt 1999, p. 208); and by socialization and internalization (Hurd 1999). For instance, in this framework, it has been claimed that foreign policy may be influenced by "pre-existing dominant ideas" and by "their relationship to experienced events" (Legro 2005, p. 4).

All this considered, one may argue that the only substantial incompatibility between the approach adopted in this book and constructivist theories is the strategic choice's assumption over the separation between actors and environment. Certainly, the approach adopted in this book makes the methodological bet that "the processes of socialization remain constant over a single round of interaction" (Lake and Powell 1999, p. 33). This stands in contrast with constructivism, which posits the reciprocal constitution of structures and agents (Risse 2009). However, under certain conditions strategic choice may intertwine with constructivism (Gourevitch 1999). On one side, when governance disputes involve

situations of ambiguity ideas can address uncertainty and temper the absence of information. On the other side, as processes of interaction unfold, preferences may mutually interrelate with strategies and governance structure in the long run (Gourevitch 1999). Simplifying only slightly, in situations of ambiguity and when long-term interactions are under consideration, the strategic choice approach considers the "social construction of actors, institutions, and events" (Hurd 2008, p. 312) just as important as a rationalist understanding of actors' preferences. Crucially, this methodological aspect makes it possible to devote enough consideration to both the logic of consequences and the logic of appropriateness (March and Olsen 1999) in the same model, and to include both material and ideational factors among the ones explaining outcomes of strategic interactions.

EU foreign and security policy has been extensively examined and interpreted through the lenses of constructivist theories, particularly regarding EU actorness and its main characteristics (see Aydyn-Düzgit 2015). Yet, rather than adopting a broad understanding of EU external activities most of the constructivist studies of EU foreign policy focus on specific policy sectors, such as enlargement policy (Christiansen et al. 2001b; Schimmelfennig 2001; Sedelmeier 2003, 2005; Sjursen 2002, 2006; Fierke and Wiener 1999) or CFSP and CSDP (Tonra 2001, 2003; Aggestam 2004; Howorth 2004; Mérand 2006), or have generally analysed specific institutional actors or settings (see Juncos and Pomorska 2006, 2007, 2014). In this context, several scholars have employed constructivist theories to study foreign and security policy cooperation in the EU. Existing literature devotes specific attention to the potential development of a European strategic culture and to the influence that this may exert on member states (Edwards 2006; Meyer 2006); to the different dimensions of the Europeanization of national foreign policies (Major 2005; Major and Pomorska 2005); to processes of "Brussellization" (Allen 1999; Checkel 2005; de Schoutheete 1986; Howorth 2001; Nuttal 1992); and of collective identity formation (Cross 2011; Marks and Hooghe 2003; Hermann et al. 2004; Risse and Grabosky 2008; Wendt 1994). Nevertheless, while some of these studies have been sharply criticized for being under theorized and for employing concepts that are not necessarily exclusive of constructivist theories (see Krotz and Maher 2011), analyses of the institutional dimension of EU foreign and security policy cooperation have generally adopted

mono-causal arguments for casting light over the drivers of EU member states and institutions' engagement in integrated efforts in foreign policy.

4   Selected Theoretical Frameworks in EU Studies

4.1   *New Intergovernmentalism and the Intergovernmental Union*

The proponents of the "new intergovernmentalist" approach (Bickerton et al. 2014; Puetter 2014) and of the "intergovernmental union" (Fabbrini 2015) have elaborated a theoretical construct of EU governance practices in key areas of EU activity (Bickerton et al. 2015b). These areas generally correspond to traditional core state powers (Genschel and Jachtenfuchs 2014) and inevitably include foreign and security policy. New intergovernmentalists analyse strategic interactions among intergovernmental forums, the member states reunited within them and other institutional agents taking part to the EU policy-making processes. Such interactions occur between purposive actors. In fact, the focus of these scholars lies on the increasing pre-eminence of the European Council and its President, with attention to the power relations and control dynamics between these and other EU institutions, such as the Foreign Affairs Council (FAC) and the Commission (Puetter 2014).

By positing the diffusion of deliberation practices and the extensive use of coordinated policies rather than centralized solutions in the post-Maastricht era, new intergovernmentalists claim that under certain circumstances deeper integration can be achieved in new areas of EU activity without greater supranationalisation (Dehousse 2011). For this reason, these policy fields are seen to be marked by an "integration paradox" (Bickerton et al. 2014, p. 3). It is argued that such integration is supported or driven by relevant intergovernmental forums for policy coordination and joint decision-making. The underlying logic is that, in situations in which member states believe that a collective EU action is required, national governments are likely to show higher degree of commitment to *consensus*-seeking processes, as well as a propensity to voluntary cooperation. When this "ideational convergence" (Bickerton et al. 2014, p. 7) is in place, such commitment can lead to an integrated effort of different member states, coordinated and endorsed by the European Council and the FAC. On these occasions, the President of the European Council and the HR can become key figures in ensuring

consistency by bilateral diplomacy in relation to governments of other countries and EU member states, and in fostering integrated policies among EU institutions.

Indeed, new intergovernmentalists provide a focus on areas of activity that have generally been neglected by theories of European integration, including EU foreign and security policy (Menon 2012). Still, this theoretical construct would need to be further elaborated if one were to adopt it to assess integrated modes of governance in this policy sector and the role of the HR in fostering them. Thus, studies conducted through the lenses of these theories have led to contradictory results concerning the explanatory variables involved in determining institutional practices in the EU intergovernmental domains (see Bickerton et al. 2015a; Schimmelfennig 2015). To be sure, new intergovernmentalist assumptions on the diffusion of deliberation practices and the extensive use of coordinated policies rather than centralized solutions find empirical evidence in the studies provided by the proponents of this approach (Puetter 2014; Fabbrini 2015). Yet, the lack of an explicit comparison with previous phases of EU integration makes the new intergovernmentalists overestimate the association between their speculations and the specific phase of EU integration they focus on (Schimmelfennig 2015).[7] In this framework, whilst the institutional modifications envisaged by the Lisbon Treaty (LT) in foreign and security policy—including the reshape of the HR's post—have been the object of some speculations (see Fabbrini 2014, 2015; Menon 2013; Mérand and Angers 2013; Smith 2015; Weiss 2013), an empirical validation of such speculations is generally missing. On the one hand, while these scholars refer to inter-institutional conflicts at EU level several times in their studies, they have not considered them to be fundamental elements of their approach so far (Schimmelfennig 2015). On the other hand, whilst new intergovernmentalism does not intend to limit its understanding of institutional changes to highly salient processes (e.g. intergovernmental conferences), not enough consideration is dedicated to every-day institutional modifications taking place between the large-scale treaty revisions in the foreign and security policy area.[8] For instance, even though explanations have been advanced on the emergence of new modes of governance, such as the creation of the Normandy format (Balfour 2015), it is not yet clear in this literature what are the origins and the consequences in terms of effectiveness and legitimacy of this institutional practice for the EU foreign and security policy.

The new intergovernmentalists have also been criticized for deliberately limiting supranationalism to the Commission and the CJEU while excluding the European Parliament (Schimmelfennig 2015, p. 724).[9] Whilst these authors do speculate on the function of the HR as chair of the FAC, not enough attention is dedicated to the authority of this institutional post as VP of the European Commission. One may as well argue that the new intergovernmentalists' conceptualization of the European External Action Service (EEAS) as a *de novo* body originates from this lack of theoretical elaboration. According to these scholars, since *de novo* bodies enjoy considerable autonomy by way of executive and legislative power and have a degree of control over their resources (Bickerton et al. 2015a), member states should be keener on delegating discretionary power to them rather than to traditional supranational actors. Nevertheless, the fact that such bodies may be characterized by several supranational features (Schimmelfennig 2015) is something which deserves to be considered. For example, most of the external activities to which the EEAS takes part consist of Commission's policy instruments (Rehrl and Weisserth 2013). Furthermore, while the HR coordinates the EEAS' activities with the ones of the Commission, the EEAS' structure relies on financial sources coming from the EU CFSP budget (Rehrl and Weisserth 2013). Given that it is the Commission that, under the authority of the HR as VP of this institution, manages such budget, this could be understood as a supranational budgetary regime as opposed to intergovernmental budgetary managements, such as the one under which the Athena mechanism functions (see Wilkinson et al. 2017).[10]

Finally, new intergovernmentalist scholars generally do not provide detailed and systematic examinations of micro-foundations in their studies. This absence is reflected by the lack of explicit analyses of member states and actors' preferences over possible outcomes of interactions. Moreover, while the new intergovernmentalists aim at shedding light on institutional practices deriving from exogenous factors, and on their effect on inter-institutional relations at EU level, this theoretical framework does not deserve enough consideration to geopolitical factors, similarly to liberal intergovernmentalism (Schimmelfennig 2015). Finally, unlike liberal intergovernmentalists the proponents of this approach move from domestic interest group politics to mass politics, but do not explain the causal mechanisms linking national politics to member states engagement to integrated efforts (Schimmelfennig 2015). An encompassing understanding of such mechanisms would be crucial. In fact,

they may involve factors such as domestic institutions, which may constrain national leaders and affect member states' preferences during the intergovernmental bargaining in Brussels.

4.2   Theories on the Impact of the Legal System on European Integration and the Equilibrium Thesis

The institutionalization of EU foreign and security policy has witnessed an increasing legalization through an evolution of "legal integration" designated as "constitutionalization" (Jupille and Caporaso 1999, p. 440). The latter can be mostly attributed to a process of judicial review (Cremona and De Witte 2008). In fact, the literature on the impact of the legal system on European integration (Burley and Matli 1993; Stone Sweet 1999, 2003, 2004; Mattli and Slaughter 1995, 1998) generally investigates variations in EU supranational governance (Sandholtz and Stone Sweet 1998) under the premises that courts are "major participants" in EU policy-making practices (Shapiro and Stone 1994, p. 399). Within this context, Weiler's studies on the impact of the legal system on European integration deserve special consideration (see de Bùrca and Weiler 2001; Weiler and Wind 2003; Weiler et al. 2003). In *The Transformation of Europe* (1991), perhaps the most prominent paper ever written on the role of the CJEU (Kelemen and Stone Sweet 2013), this scholar elaborates a theoretical construct based on the so-called "equilibrium thesis". By doing so, Weiler explains the European integration process through strategic interactions among member states and the CJEU. Within such interactions, along the lines of the strategic choice approach, actors pursue their aims to the best of their possibilities. In fact, according to Weiler's *Hard Law/Hard Law-Making theorem*, "the harder the law in terms of its binding effect both on and within states, the less willing states are to give up their prerogative to control the emergence of such law's opposability to them" (Weiler 1991, p. 2426).[11] Simplifying only slightly, while throughout time the establishment of several constitutional principles has reshaped EU juridical bases, member states have fought the shift towards supranationalism in legislative processes (Kelemen and Stone Sweet 2013).

Certainly, the logic of the paradox identified by Weiler is very similar to the one around which the integration paradox theorized by the new intergovernmentalists is structured. In principle, the increased

relevance of intergovernmental forums and the preeminent role of the European Council posited by new intergovernmentalism could be understood as a greater use of "mechanism[s] of intra-organizational correction and recuperation" (Weiler 1991, p. 2411) by member states. Nonetheless, Weiler's theory of *equilibrium* would not be sufficient to embrace both the intergovernmental and supranational aspects of EU foreign and security policy. This scholar focuses his analysis on the development of the European Economic Community before the coming into force of the Maastricht Treaty (1 November 1993) and of the institutionalization of the pillars' structure. In doing so, he takes into consideration only the supranational side of EU foreign policy. Consequently, Weiler's theoretical framework bears limited explanatory value for examining strategic interactions occurring in the intergovernmental side of EU foreign policy. In fact, while the supranational sides of EU external action were included into the first of the three pillars of the Maastricht Treaty—where integration proceeded through formal legal acts—the intergovernmental CFSP was formally institutionalized in a separate, second pillar—where integration advanced through voluntary cooperation (Fabbrini 2015). At the same time, the 1993 legal text excluded the jurisdiction of the CJEU from intergovernmental areas, with very limited exceptions. An exclusion substantially maintained by the following 2009 LT (TEU, Art. 24).

Moreover, it deserves to be considered that, as pointed out by Kelemen and Stone Sweet (2013, p. 5), Weiler's *equilibrium* theorem is characterized by "static, binary oppositions", namely the "Intergovernmental-Supranational" and the "Exit-Voice" divides. As in the case of new intergovernmentalism, the lack of dynamism in Weiler's analytical construct can be ascribed to the absence of an explicit examination of micro-foundations. On the one hand, while in Weiler's account national governments have accepted and pursued the strengthening of the Community because of the benefits the latter entailed, this scholar does not provide an analysis of member states' preferences, and of the different governance practices that they may derive from them. On the other hand, in consonance with the new intergovernmentalists, Weiler reads the concept of integration through the lenses of an intergovernmental—supranational dichotomy. In this way, he does not take into consideration the possible occurrence of other integrated modes of governance.

4.3   Rational Choice Theories That Rely on Incomplete Contracts

The principal-agent model has emerged as one of the most relevant paradigms of the functional theory of institutions (Héritier 2007; McCubbins and Schwartz 1984; Moe 1982, 1984; Lupia and McCubbins 2000). In general terms, scholars examining EU executive politics through this theoretical framework focus on strategic interactions between EU member states, as collective principal, and supranational institutions, as agents—especially the Commission (Pollack 2012). In this account, actors are also purposive. Even though their rationality is generally conceived as bounded, cost–benefit calculations underpin any interaction between principals and agents (Aghion and Tirole 1997), including the design of political institutions (Epstein and O'Halloran 1994, 1999a, b). Thus, the concept of contract entails interactions that should foster "mutually beneficial outcomes" (Héritier 2012, p. 338) for the actors involved in them.

It has been argued that the literature on rational theories of EU integration that rely on incomplete contracts holds "great promise for understanding the institutional complexities of the EU" (Kassim and Menon 2003, p. 121). The analysis on institutional change in Europe conducted by Héritier (2007) represents one the most relevant adoptions of this theory. A constitutive assumption of Héritier's model is the conceptualization of institutional changes as modifications of previously agreed contracts. In this context, while the dependent variable or *explanandum* is understood as the altered institutional rule at $t2$ as opposed to $t1$ (Héritier 2007), a series of ontological assumptions on cost–benefit calculations would explain the emergence of policy processes. In principle, delegation may reduce "the transaction costs of policy-making", through the provision of otherwise expensive, relevant information and by creating fertile ground for credible commitments among principals (Pollack 2003, p. 5). Nonetheless, when the principal engage in very high agency losses (Jensen and Meckling 1976; Furubotn and Richter 1997) and when changing the existing institutional rule is expected to produce larger aggregate benefits than the transaction costs involved in modifying the existing contract (Knight 1995), it is likely that institutional changes will occur.

More precisely, such changes may take place because of endogenous or exogenous reasons. Endogenous factors relate to the constitutive nature of preferences' alignment. Because of the asymmetry of

information between the principal and the agent, their preferences will systematically diverge. Exogenous factors consist of elements that may cause a modification of the strategic environment where a given interaction occurs. This change may influence both the principal's and the agent's cost-benefit calculations. Against this backdrop, agents might engage in slippage (Pollack 2003) and in shirking (Kassim and Menon 2003). In the EU context for instance, supranational organizations may act autonomously (Cram 1993) and "path dependence and lock-in" may limit "the capacities of national governments to control the course of integration" (Pierson 1998, p. 27). Therefore, while a principal would be keener on delegating to agents that are ideologically close to them, it is less likely that acts of delegation would take place when the agent is not inside the "boss' delegation set" (Bendor et al. 2001, p. 243). Furthermore, when principals are multiple the need for coordination among them may render the cost of monitoring higher (Kassim and Menon 2003). In these situations, if principals bear diverging preferences they may agree on holding on tight to the control over the agent to limit the possibility that it may act differently from their predilections (Hammond and Knott 1996).

While foreign and security policy has been largely unexplored by the proponents of these theories, the role of the HR as chair of the FAC and as supranational agent in her/his authority as a VP has never been taken into consideration by rational choice institutional accounts focusing on executive politics. In light of the above and given that agency autonomy is "likely to vary across issue areas" (Pollack 2012, p. 13), it would be reasonable to assume that if risk-adverse (Bawn 1995) member states acting as collective agents would rather not delegate discretionary powers to supranational actors in sensitive policy areas (Ross 1973) such as foreign and security policy. Still, adopting this theory as it stands would not allow a robust and encompassing assessment of the development and consolidation of integrated modes of governance in foreign and security policy broadly defined. On one side, as suggested by the new intergovernmentalists, the concept of incomplete contracts does not provide theoretically robust assumptions that could be turned into testable hypotheses on EU integration and its future (Bickerton et al. 2014). On the other side, similarly to the new intergovernmentalists and to Weiler's study on legal integration, these authors read EU governance practices through the lenses of the supranational-intergovernmental divide. Thus, by assuming that integration necessarily entails the empowerment

of supranational actors, the proponents of this approach underestimate the possible formation and consolidation of integrated modes of governance without an increase of supranationalization (see Cooley and Spruyt 2009; Karagiannis and Héritier 2013).

4.4   Theories on Collective Identity Formation in the EU

The collective identity[12] formation model revolves around a series of assumptions whereby the mutual relationship between preferences and structure explains the formation of a "European political space" on which EU policies are based (Thomas and Tonra 2011, p. 25). In this constructivist model while discursive practices set the basis for a collective EU identity to develop and consolidate, interests and institutions are endogenous. As individuals interrelate with each other, the environments within which their interactions occur influence their interests and preferences (Risse 2004). Because of these interrelations, the EU collective identity may vary, leading to the adoption of a "common narrative on Europe" (Thomas and Tonra 2011, p. 27). As discussed above, constructivist theories are compatible with the strategic choice approach. On the one hand, these theories too recognize the strategic nature of politics (Hurd 2008) and acknowledge that agents can display purposive behavior while they interact. On the other hand, the strategic choice approach claims that social factors may be particularly relevant in governance disputes and in determining the results of long-term interactions. Hence, as Checkel (1999, p. 545) puts it, "constructing European institutions is a multi-faceted process, with both rationalist and sociological toolkits needed to unpack and understand it".

For sure, the process of collective identity formation in the EU is crucial if one wishes to understand member states and institutions' engagement to integrated efforts in an all-encompassing manner. After all, the EU is a "prominent case of collective identity formation" (Sedelmeier 2004, p. 123). The creation of new identities in the EU has been part of the efforts of some actors to "get the EU going" and to continue with such process (Laffan 2004, p. 75). Existing scholarship has extensively investigated EU foreign and security policy through the lenses of these theoretical constructs. Constructivist scholars devoted specific attention to the history of the EPC (Glarbo 2001), to the enlargement process and the delineation of EU borders (Christiansen et al. 2001b), to EU identity as a civilian power (Risse and Grabowski 2008) and to the

Union's concept of membership (Kux and Sverdrup 2000). Others, dedicated their efforts to examining the role of institutions in building and consolidating EU identities (Egeberg 1999; Lewis 2000; Trondal 2001). In principle, the focus on institutions is particularly relevant for the construction of the synthetic model proposed in this chapter. Because of socialization processes, those that regularly participate in the EU decision-making (Beyers 2010) should share a "sense of common destiny" and the policy devised by the EU would be consistent with the "pan-European narrative" (Thomas and Tonra 2011, p. 25), which emerged from such socialization. Existing literature has also demonstrated that different institutional settings and diverse social contexts may generate and shape diverse identities (Laffan 2004; Lewis 2003; Wodak 2004). Yet, not enough consideration has been devoted to the effects of different institutions on member states and institutions' engagement to integrated modes of governance in foreign and security policy.

Among the studies conducted through this theoretical approach, Laffan's analysis (2004) on the role of EU institutions in identity formation and change deserves special consideration. This scholar does not specifically centre her examination on EU foreign and security policy, nor does she explicitly assess whether and to which extent specific institutions matter in the EU integration process. At the same time, the analysis conducted by Laffan dates to the pre-Lisbon era. Nevertheless, the analytical assumptions she adopts over the different roles of institutions in identity formation may be particularly suitable to investigate the HR's role in promoting collective efforts among the member states. According to Laffan, the EU is not just constructed through "regulative processes", but also shaped by "normative and cognitive systems" (Laffan 2004, p. 78). In her work, this scholar examines the impact of diverse institutions on collective identity formation in the EU in an exhaustive manner, distinguishing different identity-building processes according to the different types of institutions under consideration. The underlying logic is that institutional actors may create and influence common identities at EU level in different ways. While the "functional principle" prevails in the supranational institutions, such as the Commission, the territorial one is preeminent in representative institutions, such as the European Council and the Council (Laffan 2004, p. 84). In particular, Laffan claims that institutions' capacities to act as identity builders may depend on a series of factors, such as: the institution's position in the EU institutional construction; the role attributed to the institutional actor under

consideration; the pro-active policies aimed at constructing identity that specific institutions chose to adopt; and the attitude of the social actors that occupy the institutional post (Laffan 2004). Through the lenses of this theory one may argue that while in her/his capacity as chair of the FAC the HR may influence member states' foreign ministers to agree on specific, collective directions of policy action, under certain conditions, this institutional actor may also be able to bring a broader European identity into this largely intergovernmental setting by preserving and enforcing the role of the Commission in foreign and security policy broadly defined.

5   A Model of EU Foreign and Security Policy Integration

After having demonstrated that the selected theories do satisfy the necessary conditions for some of their assumptions to be integrated by means of a strategic choice approach, it is possible to elaborate a synthetic model of integration in EU foreign and security policy. This eclectic model would be based on four main analytical assumptions: firstly, that since social systems aggregate orderly EU member states and institutions can be conceived as unitary actors; secondly, that EU member states and institutions are purposive and behave as utility-maximizing actors; and third, that while preferences are fixed in each interaction, they can change in long-term interactions as they inter-relate with strategies and governance structure. While the actors taken into consideration by the proposed model are EU member states and institutions—with specific attention to the role of the HR—, the strategic setting within which the interactions under examination occur is the post-Lisbon EU institutional framework. The model employs the notion of institutional rule adopted by rational choice theories that rely incomplete contracts, namely as "equilibria of more fundamental strategic interaction" (Shepsle 2008, p. 1032). In doing so, the model assumes that whilst the LT provisions can be understood as the formal EU foreign and security institutional construction—or the existing *status quo*-, modes of governance can be conceived as the informal institutional rule governing the nature and development of integration in the policy sector under analysis. Based on these common analytical assumptions, specific analytical assumptions which derive from the theoretical ramifications discussed above can be drawn together through a strategic choice approach.

First of all, the hybrid theoretical construction addresses the lack of contextualization of new intergovernmentalist theories within the whole EU integration process through Weiler's *equilibrium* thesis. The latter is adopted to examine the historical development of the EU integration in the foreign and security policy sector. It is also adopted to complement the new intergovernmentalist expectations over institutional practices occurring in the intergovernmental side of the EU, with assumptions on the supranational side of this policy area.

Second of all, the model does not recognize the primacy of one actor over another in driving integrated modes of governance in EU foreign and security policy. In line with rational choice institutional theories, the proposed theoretical framework acknowledges the role of supranational actors as drivers of integration. At the same time, in consonance with new intergovernmentalist assumptions, it claims that integration does not necessarily result from delegation to supranational actors, but can also originate in intergovernmental forums, which can be catalysts of integration without supranationalization.

Third of all, while the model considers actors' preferences fixed during strategic interactions, it previously explicitly derives them from existing theoretical assumptions (Frieden 1999, p. 42). More precisely, to offer an encompassing analysis of cost–benefit calculations originating from EU member states and institutions' preferences, the proposed model adopts assumptions of European integration theories that rely on incomplete contracts. In this way, the model intends to explain member states' preferences over pooling or delegating sovereignty in foreign and security policy.

Fourth of all, the hybrid construct employs the distinction made by the new intergovernmentalists between the alignment of EU member states and institutions' preferences and the existence of ideational convergences among these actors on the strategies to pursue specific objectives. In principle, an alignment of member states and institutions' preferences is a pre-condition for integrated efforts to be developed and consolidated in EU foreign and security policy. Nonetheless, it is important to acknowledge that cooperation among EU member states and institutions may fail when preferences converge but an agreement over the strategies to adopt is missing. Adopting the concept of ideational convergence serves the purpose of keeping preferences and strategies separate in each interaction under analysis. Such a distinction responds to the need to provide exhaustive accounts of the causal mechanisms connecting the

actors and the strategic setting to the effects deriving from these variables (Lake and Powell 1999).

Fifth, in line with the theories on collective identity formation, the model assumes that under certain conditions the HR might be a crucial actor in fostering an ideational convergence. S/he might be able to do so by means of her/his agenda-setting and decision-shaping power, coordinating her/his role as chair of the FAC with her/his activities as VP of the European Commission and relying on the EEAS to ensure a consistent representation of the EU foreign policy identity.

Finally, in line with theories of EU integration relying on the principal-agent model, the original analytical construct described herein assumes that exogenous factors might alter the strategic environment and therefore the actors' information structure. In the long term, actors may change their preferences and the strategies adopted to attain their preferred outcome because of the emergence of such factors. On these occasions, the probability of a change of the existing contract and the development of new institutional rules increases. The advantages of employing this assumption are twofold. On one side, by doing so it would be possible to conduct a thoughtful examination of the impact of geopolitical factors over the activities of key EU actors in foreign and security policy. On the other side, examining how external constraints might alter cost–benefits calculations could offer the opportunity to take domestic institutions into due consideration, and avoid the identification of mass public opinion with national preferences. In fact, the functional pressure exerted by such institutions over national executives may alter the set of actions available to them, potentially influencing their preferences over the result of the intergovernmental bargaining in Brussels.

6   Explaining Integration in Foreign and Security Policy

A series of hypotheses representing the theoretical expectations of this model can be developed before the empirical analysis is conducted. The first hypothesis refers to the origin and development of EU member states and institutions' engagement to integrated efforts in foreign and security policy ever since the initial phase of the European integration process. The following ones speculate as to the role of the HR in fostering such engagement. The hypotheses and the multiple empirical observations that can be derived from them are the following.

First hypothesis: The current EU foreign and security policy institutional framework results from the interaction between the decrease of the mechanisms of organizational abandonment in the face of unsatisfactory outcomes and the creation of mechanisms of intra-organizational correction and recuperation.

When Western European states' preferences are aligned and ideational convergences emerge among European political *élites* on the strategies to adopt towards different policy questions, national governments may believe that a collective EU action is required. On these occasions they may show higher degree of commitment to *consensus*-seeking processes, as well as willingness to voluntary cooperation. Under certain conditions, this may lead to the creation of common institutional frameworks for foreign and security policies. This may be the case when exogenous and endogenous factors provide functional pressure on national governments and institutions' preferences and set the conditions for institutional changes to occur. Nonetheless, when states establish or modify institutional framework and processes to act collectively in foreign and security policy, it is likely that they will seek to maintain control over such decision-making procedures. For instance, national governments may agree on the institutionalization of the EU foreign and security policy regime only if each of them retains a veto over policy areas close to their core state powers through the unanimity rule.

Second hypothesis: In her/his capacity as chair of the FAC, the HR is likely to promote integrated modes of governance fostering *consensus* among member states' foreign ministers on specific directions of policy action.

Member states' representatives are expected to seek to overcome differences regarding their existing policy approaches, and attempt to create an institutional framework for policy coordination through direct face-to-face dialogue within the European Council and in the Council. In this context, the role of the HR as chair of the intergovernmental setting reuniting foreign ministers might be crucial as far as s/he is an active promoter of policy *consensus* and facilitates agreement through bilateral discussions and agenda setting. While participating in the European Council meetings when foreign policy issues are on the agenda, the HR is also expected to promote a *consensus* among the Heads, thus bridging the two intergovernmental forums. However, while it is assumed that in foreign and security policy integration is promoted through voluntary

policy coordination between national leaders and ministers, given the European Council's preeminence, the FAC is no longer the ultimate decision-maker on crucial issues in this policy sector. Therefore, the HR may be able to exercise a *consensus*-seeking role within the FAC, and to foster EU engagement to integrated modes of governance only within the strategic guidelines provided by the intergovernmental forum reuniting the Heads.

Third hypothesis: In her/his capacity as VP of the European Commission the HR is likely to foster the role of this institution in EU foreign and security policy broadly defined.

Member states are more likely to engage in integrated modes of governance when their preferences on a certain policy question are aligned and an ideational convergence on the strategies to adopt towards such a question has emerged within this alignment. In principle, this convergence can set the basis for patterns of intergovernmental cooperation rather than delegation to supranational actors. Nonetheless, this may also be a starting point for the HR to foster more integrated policies and an increased role of the Commission in EU foreign and security policy broadly defined. Thus, national governments may prefer delegating to supranational actors when opportunity costs of not doing so would be higher. This may happen when a policy would need resources national governments would not be able to bear individually; because of the scarcity of technical expertise; or because of a lack of international legitimation to act independently. In these situations, it may also be possible for the HR to stimulate more integrated policies through her/his double-hat. Combining her/his authority as VP of the European Commission with that of FAC chair, she may be able to bring the European perspective into the largely intergovernmental areas by connecting the interests of national governments with the broader European approach.

Fourth hypothesis: The HR is likely to ensure the unity, consistency and effectiveness of EU foreign and security policy implementation, and to ensure a unique and consistent representation of the EU views and interests in the international arena, when a propensity towards voluntary cooperation among national governments on the policy to be implemented is in place.

The HR may encourage and ensure integrated efforts in EU foreign and security policy by making full use of the Commission directorates,

services and agencies working under her/his authority and by means of the EEAS. Nonetheless, the resources the LT attributed to the HR to do so are mostly ideational. In fact, the EU foreign and security policies' implementation relies on the coordination of member states' decentralized resources and capabilities. This means that the HR is more likely to be able to ensure the unity, consistency and effectiveness of the implementation of EU foreign and security policies when member states' preferences on a certain policy question are aligned and an ideational convergence on the strategies to adopt towards has emerged within this alignment. In these situations, national governments are expected to show a higher degree of commitment to *consensus*-seeking processes and willingness towards voluntary cooperation. On these occasions, it is also more likely that the HR will be able to ensure the representation of the EU views in international politics, although she has to share this prerogative with the President of the European Council. *Ex adverso*, when member states within the European Council do not reach a *consensus* on a specific policy issue s/he should "remain silent as a matter of legal principle" (Thym 2011, p. 456).

7 Conclusions

Existing approaches in IR theories and in EU studies tend to entangle the analysis of integration in foreign and security policy into a paradigmatic supranational-intergovernmental dichotomy. Consequently, they generally fail to grasp the complexity of governance practices that may develop and consolidate within the EU foreign and security policy institutional framework. This general trend originates from the infancy—and underdevelopment—of the theoretical debate on EU foreign and security policy integration. Therefore, this chapter elaborated an original theoretical framework for the analysis of the nature and development of EU foreign and security policy. By doing so, it presented an analytical construct that can be adopted to examine the development of integrated modes of governance in foreign and security policy throughout the European integration process and to assess under which conditions the HR can become a key figure in fostering integrated policies among EU member states and institutions.

Initially, the chapter provided an overview of the reasons accounting for the adoption of the strategic choice approach to construct a hybrid model of integration in EU foreign and security policy. It then reviewed

the main IR meta-theoretical frameworks from which the selected theories in European studies originate, and demonstrated that a model of EU foreign policy integration can be created drawing together a number of claims deriving from these theories through the strategic approach. While the model delineated through said approach is based on rationalist assumptions, the hybrid construct elaborated in this chapter claims that constructivist views of EU member states and institutions' engagement to integrated modes of governance are also crucial to broaden the understanding of EU integration. The validity of the first hypothesis derived from the hybrid construct will be assessed through an examination of the EU foreign and security policy's institutionalization from the Rome Treaty (1 January 1958) to the LT (1 December 2009) in the following chapter. The remaining hypotheses will be tested by means of an empirical account of the HR's role on EU foreign and security policy on Kosovo and on Ukraine.

Notes

1. While actions are the set of possible alternatives in which the interaction between actors can develop, the information structure consists of "what the actors can know for sure and what they have to infer, if possible from the behaviour of others" (Lake and Powell 1999, p. 9).
2. United States of America.
3. According to this line of reasoning, restraining a reunified Germany through EU institutions could reduce the risk of a "regional security dilemma" (Krotz and Maher 2011, p. 570).
4. Factors such as technology, geography and military doctrine may foster cooperation among states and render it more solid.
5. Anarchy is conceived as an absence of central authority to ensure peace and order in the international system, with war being always a "distinct possibility" (Schmidt 2016).
6. In one of his last works on the study of European integration, Haas himself described the neo-functionalist ontology as being a "soft rational choice" with social actors "seeking to realize their value-derived interests" essentially choosing "whatever means are made available by the prevailing democratic order" (Haas 2004: xv cited in Rosamond 2006).
7. An analysis of the European Council's working methods may demonstrate that the widespread employment of deliberation and the diffusion of coordinated policy solutions is not a qualifying characteristic of the post-Maastricht era. Thus, even though the European Council was

institutionalized only with the coming into force of the LT, this intergovernmental forum has been providing valuable input to the EU integration process ever since its first meetings in the 1970s, with the Heads of states and government working on the basis of *consensus* when such gatherings were taking place (Wessels 2015).

8. This lack is partially addressed by Smith's contribution to the new intergovernmentalist approach (Smith 2015), where an encompassing analysis of the expansion of cooperation in the CSDP is provided. Yet, there is still a strong need for more theoretical elaboration and subsequent empirical validation of the foreign and security policy's development.

9. It is worth mentioning that these scholars have investigated the role of the EP at a later stage of their theoretical elaboration in detail (Pollack and Slominski 2015).

10. The Athena mechanism follows an intergovernmental logic, as its main function is to distribute common costs related to military missions (e.g. headquarters and operation headquarters), among EU member states. Such cost sharing is conducted in accordance with the gross national product scale.

11. The theorem is formulated by means of an application to the European Community of two of the categories identified by Hirshman in *Exit, Voice and Loyalty* (1970) and, in particular, of the interplay of two of the three notions proposed by Hirshman, namely *Exit* and *Voice*.

12. While the notion of social identity refers to "the psychological link between individuals and the social groups or communities to which they belong" (Hermann et al. 2004, p. 5), the analytical model constructed in this chapter would take into consideration social identities that have political consequences. The latter can be understood as "identities that lead people to imagine that a group deserves to enjoy substantial sovereignty, that is, ultimate decision-making authority" (Hermann et al. 2004, p. 6).

REFERENCES

Adler, E. (2002). Constructivism and international relations. In W. Carlsnaes, T. Risse, & B. A. Simmons (Eds.), *Handbook of International Relations.* London: Sage.

Aggestam, L. (2004). Role identity and the Europeanization of foreign policy. In B. Tonra & T. Christiansen (Eds.), *Rethinking European Union Foreign Policy.* Manchester: Manchester University Press.

Aghion, P., & Tirole, J. (1997). Formal and real authority in organizations. *Journal of Political Economy, 105*(1), 1–29.

Allen, D. (1999). Who speaks for Europe? The search for an effective and coherent external policy. In J. Peterson & H. Sjursen (Eds.), *A Common Foreign Policy for Europe? Competing Visions of the CFSP*. London: Routledge.

Aydyn-Düzgit, S. (2015). Social constructivists and discursive approaches to European foreign policy. In Å. K. Aarstad, K. E. Jørgensen, E. Drieskens, K. V. Laatikainen, & B. Tonra (Eds.), *The Sage Handbook of European Foreign Policy*. London: Sage.

Balfour, R. (2015, July). Europe's patchwork foreign policy needs more than a few new stitches. *German Marshall Fund of the United States Policy Brief, 2*(6).

Bawn, K. (1995). Political control versus expertise: Congressional choices about administrative procedures. *American Political Science Review, 9,* 62–73.

Bendor, J., Glazer, A., & Hammonf, T. (2001). Theories of delegation. *Annual Review of Political Science, 4,* 235–269.

Bergmann, J., & Niemann, A. (2015). Theories of European integration. In Å. K. Aarstad, K. E. Jørgensen, E. Drieskens, K. V. Laatikainen, & B. Tonra (Eds.), *The Sage Handbook of European Foreign Policy*. London: Sage.

Beyers, J. (2010). Conceptual and methodological challenges in the study of European socialization. *Journal of European Public Policy, 17*(6), 909–920.

Bickerton, C., Hodson, D., & Puetter, U. (2014, September 30). The new intergovernmentalism: European integration in the post-Maastricht era. *Journal of Common Market Studies, 53*(4), 1–20.

———. (2015a). Something new: A rejoinder to Frank Schimmelfennig on the new intergovernmentalism. *Journal of Common Market Studies, 53*(4), 731–736.

———. (Eds.). (2015b). *The New Intergovernmentalism. States and Supranational Actors in the Post-Maastricht Era*. Oxford: Oxford University Press.

Burley, A. M., & Mattli, W. (1993). Europe before the court: A political theory of legal integration. *International Organization, 47*(1), 41–76.

Buzan, B., & Hansen, L. (2009). *The Evolution of International Security Studies*. Cambridge: Cambridge University Press.

Checkel, J. T. (1999). Social construction and integration. *Journal of European Public Policy, 6*(4), 545–560.

———. (Ed.). (2005). *International Institutions and Socialization in Europe*. Cambridge: Cambridge University Press.

Christiansen, T., Jørgensen, K. E., & Wiener, A. (Eds.). (2001a). *The Social Construction of Europe*. London: Sage.

Christiansen, T., Petito, F., & Tonra, B. (2001b). Fuzzy politics around fuzzy borders: The European Union's near abroad. *Cooperation and Conflict, 5*(34), 389–415.

Cladi, L., & Locatelli, A. (Eds.). (2016). *International Relations Theory and European Security*. Abingdon: Routledge.

Clarke, K., & Primo, D. (2007). Modernizing political science: A model-based approach. *Perspectives on Politics, 5*(4), 741–753.

Collard-Wexler, S. (2006). Integration under anarchy: Neo-realism and the European Union. *European Journal of International Relations, 12*(3), 397–432.

Collinson, S. (1999). "Issue systems", "multi-level games" and the analysis of the EU's external commercial and associated policies: A research agenda. *Journal of European Public Policy, 6*(2), 206–224.

Cooley, A., & Spruyt, H. (2009). *Contracting States: Sovereign Transfers in International Relations*. Princeton: Princeton University Press.

Cram, L. (1993). Calling the tune without paying the piper? Social policy regulation: The role of the commission in European community social policy. *Policy and Politics, 21*(2), 135–146.

Cremona, M., & De Witte, B. (2008). *EU Foreign Relations Law: Constitutional Fundamentals*. Portland: Hart Publishing.

Cross, M. K. D. (2011). *Security Integration in Europe. How Knowledge-Based Networks Are Transforming the European Union*. Ann Arbor: University of Michigan Press.

da Costa, N. C. A., & French, S. (1990). The model-theoretic approach in the philosophy of science. *Philosophy of Science, 57*(2), 248–265.

De Bùrca, G., & Weiler, J. H. H. (2001). *The European Court of Justice*. Oxford: Oxford University Press.

Dehousse, R. (Ed.). (2011). *The 'Community Method': Obstinate or Obsolete?* New York: Palgrave Macmillan.

Delreux, T., & Adriaensen, J. (Eds.). (2017). *The Principal Agent Model and the European Union*. Basingstoke: Palgrave Macmillan.

De Schoutheete, P. (1986). *La Coopération Politique Européenne*. Brussels: Labor.

Dijkstra, A. (2017). Non-exclusive delegation to the European External Action Service. In T. Delreux & J. Adriaensen (Eds.), *The Principal Agent Model and the European Union*. Basingstoke: Palgrave Macmillan.

———. (2013). *Policy-Making in EU Security and Defense. An Institutional Perspective*. London: Palgrave Macmillan.

Downding, K. (2000). Institutionalist research on the European Union. A critical review. *European Union Politics, 1*(1), 125–144.

Downes, S. M. (1992). The importance of models in theorizing: A deflationary semantic view. *PSA1992: Proceedings of the Biennial Meeting of the Philosophy of Science Association, 1*, 142–153.

Edwards, G. (2006). Is there a security culture in the enlarged European Union? *The International Spectator, 3*, 7–23.

Egeberg, M. (1999). Transcending intergovernmentalism? Identity and role perceptions of national officials in EU decision-making. *Journal of European Public Policy, 6*(3), 456–474.

Epstein, D., & O'Halloran, S. (1994). Administrative procedures, information, and agency discretion. *American Journal of Political Science, 38*, 697–722.

———. (1999a). *Delegating Powers: A Transaction Cost Politics Approach to Policy Making Under Separate Powers.* New York: Cambridge University Press.

———. (1999b). Asymmetric information, delegation, and the structure of policy-making. *Journal of Theoretical Politics 11*, 37–56.

Fabbrini, S. (2014). The European Union and the Libyan crisis. *International Politics, 51*(2), 177–195.

Fabbrini, S. (2015). *Which European Union? Europe After the Euro Crisis.* Cambridge: Cambridge University Press.

Fabbrini, S. (2016). Beyond disintegration: Political and institutional prospects of the European Union. In B. Vanhercke, D. Natali, & D. Bouget (Eds.), *Social Policy in the European Union: State of Play 2016.* Brussels: European Trade Union Institute (ETUI) and European Social Observatory (OSE).

Fearon, J., & Wendt, A. (2002). Rationalism v. constructivism: A skeptical view. In W. Carlsnaes, T. Risse, & B. A. Simmons (Eds.), *Handbook of International Relations.* London: Sage.

Fierke, K. M., & Wiener, A. (1999). Constructing institutional interests: EU and NATO enlargement. *Journal of European Public Policy, 6*(5), 721–742.

Fiorina, M. P. (1975). Formal models in political science. *American Journal of Political Science, 19*(1), 133–159.

———. (1982). Legislative choice of regulatory forms: Legal process or administrative process? *Public Choice, 39*(1), 33–66.

Franchino, F. (2002). Efficiency or credibility? Testing the two logics of delegation to the European Commission. *Journal of European Public Policy, 9*(5), 677–694.

Freund, C., & Rittberger, V. (2001). Utilitarian-liberal foreign policy theory. In V. Ritterberge (Ed.), *German Foreign Policy Since Unification: Theories and Case Studies.* Manchester: Manchester University Press.

Frieden, J. A. (1999). Actors and Preferences in International Relations. In D. Lake & R. Powell (Eds.), *Strategic Choice and International Relations.* Princeton: Princeton University Press.

Furubotn, E. G., & Richter, R. (1997). *Institutions and Economic Theory: The Contribution of the New Institutional Economics.* Ann Arbor: University of Michigan Press.

Genschel, P., & Jachtenfuchs, M. (Eds.). (2014). *Beyond the Regulatory Polity? The European Integration of Core State Powers.* Oxford: Oxford University Press.

Giere, R. N. (1984). *Understanding Scientific Reasoning.* New York: Holt, Rinehart, and Winston.

Glarbo, K. (2001). Reconstructing a common European foreign policy. In T. Christiansen, K. E. Jørgensen, & A. Wiener (Eds.), *The Social Construction of Europe.* London: Sage.

Goldstein, J. L., Kahler, M., Keohane, R. O., & Slaughter, A. (Eds.). (2001). *Legalization and World Politics*. Cambridge: MIT Press.

Gourevitch, P. A. (1999). The governance problem in international relations. In D. Lake & R. Powell (Eds.), *Strategic Choice and International Relations*. Princeton: Princeton University Press.

Grieco, J. M. (1995). States interest and institutional rule trajectories: A neorealist reinterpretation of the Maastricht Treaty and European Economic and Monetary Union. In B. Frankel (Ed.), *Realism: Restatements and Renewal* (pp. 262–305, at pp. 288–289). London: Frank Cass.

Haas, E. B. (1958). *The Uniting of Europe*. Stanford: Stanford University Press.

Haas, E. B. (1961). International integration: The European and the universal process. *International Organization, 15*(3), 366–392.

Haas, E. B. (1967). The "uniting of Europe" and the uniting of Latin America. *Journal of Common Market Studies, 5*(4), 315–343.

Haas, E. B. (1975). *The Obsolescence of Regional Integration Theory*. Berkeley: Institute of International Studies.

Haftendorn, H., Keohane, R. O., & Wallander, C. A. (2004). *Imperfect Unions: Security Institutions Over Time and Space*. Oxford: Oxford University Press.

Hammond, T. H., & Knott, J. H. (1996). Who controls the bureaucracy? Presidential power, congressional dominance, legal constraints, and bureaucratic autonomy in a model of multi-institutional policy-making. *Journal of Law Economics and Organization, 12*(1), 121–168.

Hansen, R. D. (1969). Regional integration: Reflections on a decade of theoretical efforts. *World Politics, 21*(2), 242–271.

Helwig, N. (2017). Agent interaction as a source of discretion for the EU high representative. In T. Delreux & J. Adriaensen (Eds.), *The Principal Agent Model and the European Union*. Basingstoke: Palgrave Macmillan.

Héritier, A. (2007). *Explaining Institutional Change in Europe*. Oxford: Oxford University Press.

Héritier, A. (2012). Formal and informal institutions in the EU's legislative process. In T. Christiansen & C. Neuhold (Eds.), *International Handbook on Informal Governance*. Cheltenham: Edward Elgar Publishing.

Hermann, R. K., Risse, T., & Brewer, M. B. (Eds.). (2004). *Transnational Identities. Becoming European in the EU*. Lanham: Rowman & Littlefield.

Hill, C. (1993). The capability-expectations gap, or conceptualizing Europe's international role. *Journal of Common Market Studies, 31*(3), 305–328.

———. (2003). *The Changing Politics of Foreign Policy*. Basingstoke: Palgrave Macmillan.

Hirschman, A. (1970). *Exit, Voice and Loyalty. Responses to Decline in Firms, Organizations and States*. Cambridge: Harvard University Press.

Hoffmann, S. (1966). Obstinate or obsolete? The fate of the nation-state and the case of Western Europe. *Daedalus, 95*(3), 862–915.

Hoffmann, S. (1982). Reflections on the nation state in Western Europe today. *Journal of Common Market Studies, 21*(1), 21–38.

Hoffmann, S. (2000). Towards a common European foreign and security policy? *Journal of Common Market Studies, 38*(2), 189–198.

Howorth, J. (2001). European defence and the changing politics of the European Union: Hanging together or hanging separately? *Journal of Common Market Studies, 39*(4), 765–789.

Howorth, J. (2004). Discourse, ideas and epistemic communities in European security and defense policy. *West European Politics, 27*(2), 211–234.

Hurd, I. (1999). Legitimacy and authority in international politics. *International Organization, 53,* 379–408.

———. (2008). Constructivism. In C. Reus-Smit & D. Snida (Eds.), *The Oxford Handbook of International Relations.* Oxford: Oxford University Press.

Jensen, M. C., & Meckling, W. (1976). Theory of the firm: Managerial behavior, agency costs, and ownership structure. *Journal of Financial Economics, 3*(4), 305–360.

Jervis, R. (1982). Security regimes. *International Organization, 36*(2), 357–378.

Jones, S. G. (2017). *The Rise of European Security Cooperation.* Cambridge: Cambridge University Press.

Juncos, A. E., & Pomorska, K. (2006). Playing the Brussels game: Strategic socialization in the CFSP Council Working Groups. *European Integration Online Papers, 10.* Available from http://eiop.or.at/.

———. (2007). The deadlock that never happened: The impact of enlargement on the Common Foreign and Security Policy Council Working Groups. *European Political Economy Review,* 6, 4–30.

———. (2014). Manufacturing *Esprit de Corps*: The case of the European external action service. *Journal of Common Market Studies, 52*(2), 3012–3319.

Jupille, J. (1999). The European Union and international outcomes. *International Organization, 53*(2), 409–425.

Jupille, J., & Caporaso, J. A. (1999). Institutionalism and the European Union: Beyond international relations and comparative politics. *Annual Review of Political Science, 2,* 429–444.

Kagan, R. (2008, April 23). The end of the end of history: Why the 21st century will look like the 19th. *The New Republic, 238*(7), 40–47.

Karagiannis, Y., & Héritier, A. (2013). Interstitial institutional change in Europe: Implications of the financial and fiscal crisis. In B. De Witte, A. Héritier, & A. Treschel (Eds.), *The Euro Crisis and the State of Democracy.* Florence: European University Institute/Robert Schuman Centre for Advanced Studies.

Kassim, H., & Menon, A. (2003). The principal agent approach and the study of the European Union: Promise unfulfilled? *Journal of European Public Policy, 10*(1), 121–139.

Kelemen, D. R., & Stone Sweet, A. S. (2013). Assessing the transformation of Europe: A view from political science. *Yale Law School Faculty Scholarship Series* (Paper No. 4623).

Keukeleire, S., & MacNaughtan, J. (2008). *The Foreign Policy of the European Union*. Basingstoke: Palgrave Macmillan.

Knight, J. (1995). Models, interpretations, and theories: Constructing explanations of institutional emergence and change. In J. Knight & I. Sened (Eds.), *Explaining Social Institutions*. Ann Arbor: University of Michigan Press.

Knodt, M., & Princen, S. (2003). Introduction: Puzzles and prospects in theorising the EU's external relations. In M. Knodt & S. Princen (Eds.), *Understanding the EU's External Relations*. London: Routledge.

Koenig-Archibugi, M. (2004). Explaining government preferences for institutional change in EU foreign and security policy. *International Organization, 58*(1), 137–174.

König, T., & Junge, D. (2009). Why don't veto players use their power? *European Union Politics, 10*(4), 507–534.

Krause, A. (2003). The European Union's Africa policy: The Commission as policy entrepreneur in the CFSP. *European Foreign Affairs Review, 8*(3), 221–237.

Krotz, U., & Maher, R. (2011). International relations theory and the rise of European foreign and security policy. *World Politics, 63*(3), 548–579.

Kux, S., & Sverdrup, U. (2000). Fuzzy borders and adaptive outsiders: Norway, Switzerland and the EU. *Journal of European Integration, 22*(4), 237–270.

Laffan, B. (2004). The European Union and its institutions as "Identity Builders". In R. K. Hermann, T. Risse, & M. B. Brewer (Eds.), *Transnational Identities. Becoming European in the EU*. Lanham: Rowman & Littlefield Publishers.

Lake, D., & Powell, R. (1999). *Strategic Choice and International Relations*. Princeton: Princeton University Press.

Lefkofridi, Z., & Schmitter, P. (2014). Transcending or descending? European integration in times of crisis. *European Political Science Review, 7*(1), 3–22.

Legro, J. (2005). *Rethinking the World: Great Power Strategies and International Order*. Ithaca, NY: Cornell University Press.

Lewis, J. (2000). The method of community in EU decision-making and administrative rivalry in the council's infrastructure. *Journal of European Public Policy, 7*(2), 261–289.

———. (2003). Institutional environments and everyday EU decision making. Rationalist or constructivist? *Comparative Political Studies, 36*(½), 97–124.

Lindberg, L. N. (1963). *The Political Dynamics of European Economic Integration*. Stanford: Stanford University Press.

Lipson, C. (1984). International co-operation in economic and security affairs. *World Politics, 37*(1), 1–23.

Lupia, A., & McCubbins, M. D. (2000). Representation or abdication? How citizens use institutions to help delegation succeed. *European Journal of Political Research, 37,* 291–307.

Major, C. (2005). Europeanization and foreign and security policy: Undermining or rescuing the national state? *Politics, 35,* 175–190.

Major, C., & Pomorska, K. (2005). Europeanization: Framework or fashion? *CFSP Forum, 3*(5).

Manners, I. (2002). Normative power Europe: A contradiction in terms? *Journal of Common Market Studies, 20*(2), 235–258.

Manners, I. (2006). The European Union as a normative power: A response to Thomas Diez. *Millennium, 35*(2), 167–180.

March, J., & Olsen P. J. (1999). The institutional dynamics of international political orders. In P. J. Katzenstein, R. O. Keohane, & S. D. Krasner (Eds.), *Exploration and Contestation in the Study of World Politics.* Cambridge, MA: The MIT Press.

Marks, L., & Hooghe, G. (2003). Unraveling the central state, but how? Types of multi-level governance. *The American Political Science Review, 97*(2), 233–243.

Mattli, W., & Slaughter, A. M. (1995). Law and politics in the EU: A reply to Garret. *International Organization, 49*(1), 183–190.

———. (1998). Revisiting the European Court of justice. *International Organization, 51*(1), 177–210.

Mayer, S. (2008). Path dependence and commission activism in the evolution of the European Union's external energy policy. *Journal of International Relations and Development, 11,* 251–278.

McCalla, R. B. (1996). Nato's persistence after the Cold War. *International Organization, 50*(3), 445–475.

McCubbins, M. D., & Schwartz, T. (1984). Congressional oversight overlooked: Police patrols versus fire alarms. *American Journal of Political Science, 28*(1), 165–179.

McKibben, H. E. (2010). Issue characteristics, issue linkage, and states' choice of bargaining strategies in the European Union. *Journal of European Public Policy, 17*(5), 696–709.

Mearsheimer, J. J. (1995). The false promise of international institutions. *International Security, 19*(3), 5–49.

Menon, A. (2010). Power, institutions and the CSDP. *Journal of Common Market Studies, 49*(1), 83–100.

———. (2012). Defence policy. In E. Jones, A. Menon, & S. Weatherill (Eds.), *The Oxford Handbook of the European Union.* Oxford: Oxford University Press.

———. (2013). Defence policy and the logic of "high politics". In P. Genschel & M. Jachtenfuchs (Eds.), *Beyond the Regulatory Polity? The European Integration of Core State Powers.* Oxford: Oxford University Press.

Mérand, F. (2006). Social representations in the European security and defence policy. *Cooperation and Conflict, 41*(2), 131–152.

Mérand, F., & Angers, K. (2013). Military integration in Europe. In P. Genschel & M. Jachtenfuchs (Eds.), *Beyond the Regulatory Polity? The European Integration of Core State Powers*. Oxford: Oxford University Press.

Meunier, S. (2000). What single voice? European institutions and the EU-US trade negotiations. *International Organization, 54*(1), 103–135.

Meyer, C. (2006). *The Quest for a European Strategic Culture: Changing Norms on Security and Defence in the European Union*. London: Palgrave Macmillan.

Milner, H. E. (1997). *Interests, Institutions, and Information: Domestic Politics and International Relations*. Princeton: Princeton University Press.

Milner, H. E. (1998). Rationalizing politics: The emerging synthesis of international, American, and comparative politics. *International Organization, 52*(4), 759–786.

Milward, A. (1992). *The European Rescue of the Nation-State*. London: Routlegde.

Moe, T. (1982). Regulatory performance and presidential administration. *American Journal of Political Science, 26*(2), 197–224.

———. (1984). The new economics of organization. *American Journal of Political Science*, *28*(4), 739–777.

Moravcsik, A. (1993). Preferences and power in the European Community: A liberal intergovernmentalist approach. *Journal of Common Market Studies, 31*(4), 473–524.

———. (1998). *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*. Ithaca: Cornell University Press.

Moravcsik, A., & Nicolaidis, K. (1999). Explaining the treaty of Amsterdam: interests, influence, institutions. *Journal of Common Market Studies, 37*(1), 59–85.

Moravcsik, A., & Schimmelfennig, F. (2009). Liberal intergovernmentalism. In A. Wiener & T. Diez (Eds.), *European Integration Theory*. Oxford: Oxford University Press.

Moravcsik, A., & Vachudova, M. A. (2002). National interests, state power, and EU enlargement. Harvard University, Minda de Gunzburg Center for European Studies.

Morgenthau, H. J. (1985). *Politics Among Nations: The Struggle for Power and Peace*. New York: Knopf.

Niemann, A. (2012). The common commercial policy: From Nice to Lisbon. In F. Laursen (Ed.), *The EU's Lisbon Treaty: Institutional Choices and Implementation*. Aldershot: Ashgate.

North, D. C. (1990). *Institutions, Institutional Change and Economic Performance*. New York: Cambridge University Press.

Nuttal, S. J. (1992). *European Political Cooperation*. Oxford: Clarendon Press.

Panke, D., & T. Risse. (2007). Liberalism. In T. Dunne, M. Kurki, & S. Smith (Eds.), *International Relations Theories. Discipline and Diversity*. Oxford: Oxford University Press.

Pierson, P. (1998). The path to European integration: A historical institutionalist analysis. In W. Sandholtz & A. Stone Sweet (Eds.), *European Integration and Supranational Governance*. Oxford: Oxford University Press.

Pollack, M. A. (2001). International relations theory and European integration. *JCMS: Journal of Common Market Studies, 39*(2), 221–244.

———. (2003). *The Engines of European Integration: Delegation, Agency, and Agenda Setting in the EU*. Oxford: Oxford University Press.

———. (2012). Realist, intergovernmentalist, and institutionalist approaches. In E. Jones, A. Menon, & S. Weatherill (Eds.), *The Oxford Handbook of the European Union*. Oxford: Oxford University Press.

Pollack, J., & Slominski, P. (2015). The European Parliament: Adversary or accomplice of the new intergovernmentalism? In C. Bickerton, D. Hodson, & U. Puetter (Eds.), *The New Intergovernmentalism. States and Supranational Actors in the Post-Maastricht Era*. Oxford: Oxford University Press.

Powell, W., & Colyvas, J. (2008). Microfoundations of Institutional Theory. In R. Greenwood, C. Olver, R. Suddaby, & K. Sahlin (Eds.), *The Sage Handbook of Organizational Institutionalism*. London: Sage.

Puetter, U. (2014). *The European Council and the Council: New Intergovernmentalism and Institutional Change*. Oxford: Oxford University Press.

Putnam, R. (1998). Diplomacy and domestic politics: The logic of two level games. *International Organization, 42*(3), 427–460.

Rehrl, J., & Weisserth, B. (Eds.). (2013). *Handbook on CSDP. The Common Security and Defence Policy of the European Union*. Vienna: Directorate for Security Policy of the Federal Ministry of Defence and Sports of the Republic of Austria. Armed Forces Printing Centre.

Risse, T. (2004). European institutions and identity change: What have we learned? In R. K. Hermann, T. Risse, & M. B. Brewer (Eds.), *Transnational Identities. Becoming European in the EU*. Lanham: Rowman & Littlefield.

———. (2009). Social constructivism and European integration. In A. Wiener & T. Diez (Eds.), *European Integration Theory*. Oxford: Oxford University Press.

Risse, T., & Grabosky, J. K. (2008). *European identity formation in the public sphere and in foreign policy* (RECON Online Working Paper No. 4). Available from http://www.polsoz.fuberlin.de/polwiss/forschung/international/atasp/publikationen/4_artikel_papiere/2009_paper_TR_european_identity_formation/RECON_wp_0804.pdf.

Rosamond, B. (2006). The uniting of Europe and the foundation of EU studies: Revisiting the neofunctionalism of Ernst B. Haas. *Journal of European Public Policy, 12*(2), 237–254.

Ross, S. A. (1973). The economic theory of agency: The principal's problem. *The American Economic Review, 63*(2), 134–139.

Russet, B. (1993). *Grasping the Democratic Peace. Principles for a Post-Cold War World*. Princeton: Princeton University Press.

Salmon, W. C. (1988). Introduction. In A. Grunbaum & W. C. Salmon (Eds.), *The Limitations of Deductivism*. Berkeley: University of California Press.

Sandholtz, W., & Stone Sweet, A. (Eds.). (1998). *European Integration and Supranational Governance*. Oxford: Oxford University Press.

Sandholtz, W., & Stone Sweet, A. (2012). Neo-functionalism and supranational governance. In E. Jones, A. Menon, & S. Weatherill (Eds.), *The Oxford Handbook of the European Union*. Oxford: Oxford University Press.

Sari, A. (2012). Between legislation and organizational development: Explaining the evolution of EU competence in the field of foreign policy. In P. J. Cardwell (Ed.), *EU External Relations Law and Policy in the Post-Lisbon Era*. The Hague: Asser Press.

Scharpf, F. (1988). The joint-decision trap: Lessons from German federalism and European integration. *Public Administration, 66*(3), 239–278.

Schimmelfennig, F. (2001). The community trap: Liberal norms, rhetorical action, and the eastern enlargement of the European Union. *International Organization, 55*(1), 47–80.

Schimmelfennig, F. (2012). Constructivist perspectives. In E. Jones, A. Menon, & S. Weatherill (Eds.), *The Oxford Handbook of the European Union*. Oxford: Oxford University Press.

Schimmelfennig, F. (2015). What's the news in "new intergovernmentalism"? A critique of Bickerton, Hodson and Puetter. *JCMS: Journal of Common Market Studies, 53*(4), 723–730.

Schmidt, B. C. (2016). The primacy of national security. In S. Smith, A. Hadfield, & T. Dunne (Eds.), *Foreign Policy: Theories, Actors, Cases*. Oxford: Oxford University Press.

Schmitter, P. C. (1969). Three neo-functional hypotheses about international integration. *International Organization, 23*(1), 161–166.

Sedelmeier, U. (2003). *EU enlargement, identity and the analysis of European foreign policy: Identity formation through practice* (EUI RSCAS Working Papers No. 13). Available from http://cadmus.eui.eu/handle/1814/1855.

———. (2004). Collective identity. In W. Carlsnaes, H. Sjursen, & B. White (Eds.), *Contemporary European Foreign Policy*. London: Sage.

———. (2005). *Constructing the Path to Eastern Enlargement. The Uneven Policy Impact of EU Identity*. Manchester: Manchester University Press.

Shapiro, M., & Stone, A. (1994). The new constitutional politics. *Comparative Political Studies, 26*, 397–420.

Shepsle, K. A. (2008). Old questions and new answers about institutions: The Riker objection revisited. In D. A Wittman & B. R. Weingast (Eds.), *The Oxford Handbook of Political Economy*. Oxford: Oxford University Press.

Sjursen, H. (2002). Why expand? The question of legitimacy and justification in the EU's enlargement policy. *Journal of Common Market Studies, 40*(3), 491–513.

———. 2006. *Questioning EU Enlargement: Europe in Search of Identity.* London: Routledge.

Smith, M. E. (2004). *Europe's Foreign and Security Policy: The Institutionalization of Cooperation.* Cambridge: Cambridge University Press.

Smith, M. E. (2015). The new intergovernmentalism and experiential learning in the common security and defence policy. In C. Bickerton, D. Hodson, & U. Puetter (Eds.), *The New Intergovernmentalism. States and Supranational Actors in the Post-Maastricht Era.* Oxford: Oxford University Press.

Stein, A. A. (1999). The limits of strategic choice: Constrained rationality and incomplete explanation. In D. Lake & R. Powell (Eds.), *Strategic Choice and International Relations.* Princeton: Princeton University Press.

Stone Sweet, A. (1999). Judicialization and the construction of governance. *Comparative Political Studies, 32*(2), 147–184.

———. (2003). European integration and the legal system. In T. A. Börzel & A. Cichowski (Eds.), *The State of the European Union, 6: Law, Politics, and Society.* Oxford: Oxford University Press.

———. (2004). *The Judicial Construction of Europe.* Oxford: Oxford University Press.

Taylor, P. (1983). *The Limits of European Integration.* New York: Columbia University Press.

Telhami, S. (2003). An essay on neo-realism and foreign policy. In A. K. Hanami (Ed.), *Perspectives on Structural Realism.* Basingstoke: Palgrave Macmillan.

Thomas, D., & Tonra, B. (2011). To what ends EU foreign policy? Contending approaches to the union's diplomatic objectives and representation. *The Hague Journal of Diplomacy, 7,* 11–29.

Thym, D. (2011). The intergovernmental constitution of the EU's foreign, security and defence executive. *European Constitutional Law Review, 7*(3), 453–480.

Tocci, N. (Ed.). (2008). *Who Is a Normative Foreign Policy Actor? The European Union and Its Global Partners.* Brussels: Centre for European Policy Studies.

Tonra, B. (2001). *The Europeanisation of National Foreign Policy: Dutch, Danish and Irish Foreign Policy in the European Union.* Aldershot: Ashgate.

Tonra, B. (2003). Constructing the CFSP: The utility of a cognitive approach. *Journal of Common Market Studies, 41*(4), 731–756.

Tranholm-Mikkelsen, J. (1991). Neo-functionalism: Obstinate or obsolete? A reappraisal in the light of the new dynamism of the EC. *Millennium: Journal of International Studies, 20*(2), 1–22.

Trondal, J. (2001). Is there any social constructivist-institutionalist divide? Unpacking social mechanisms affecting representational roles among EU decision-makers. *Journal of European Public Policy, 8*(1), 1–23.

Wallander, C. A. (2000). Institutional assets and adaptability: Nato after the Cold War. *International Organization, 54*(4), 705–735.

Walt, S. (1998–1999). The ties that fray: Why Europe and America are drifting apart. *The National Interest, 54*, 3–11.

Waltz, K. (1979). *Theory of International Politics*. New York: McGraw-Hill.

Weiler, J. H. H. (1991). The transformation of Europe. *The Yale Law Journal, 100*(8), 2403–2483.

Weiler, J. H. H., & Wind, M. (Eds.). (2003). *European Constitutionalism Beyond the State*. Cambridge: Cambridge University Press.

Weiler, J. H. H., Begg, I., & Peterson, J. (Eds.). (2003). *Integration in an Expanding European Union: Reassessing the Fundamentals*. Oxford: Blackwell.

Weiss, M. (2013). Integrating the acquisition of Leviathan's Swords? The emerging regulation of defence procurement within the EU. In P. Genschel & M. Jachtenfuchs (Eds.), *Beyond the Regulatory Polity? The European Integration of Core State Powers*. Oxford: Oxford University Press.

Wendt, A. (1994). Collective identity formation and the international state. *American Political Science Review, 88*(2), 384–396.

Wendt, A. (1999). *Social Theory of International Politics*. Cambridge: Cambridge University Press.

Wessels, W. (2015). *The European Council*. Basingstoke: Palgrave Macmillan.

Wight, C. (2006). *Agents, Structures and International Relations: Politics as Ontology*. Cambridge: Cambridge University Press.

Wilga, M., & Karolewski, I. P. (Eds.). (2014). *New Approaches to EU Foreign Policy*. Abingdon and New York: Routledge.

Wilkinson, B. Amadio, Viceré, M. G., & Montague, E. (2017). Navigating the unknown: Barriers to evidence-based defence and security policy in the European Union. *The International Spectator, 52*(1), 88–99.

Wodak, R. (2004). National and transnational identities: European and other identities constructed in interviews with EU officials. In R. K. Hermann, T. Risse, & M. B. Brewer (Eds.), *Transnational Identities. Becoming European in the EU*. Lanham: Rowman & Littlefield.

Wong, R., & Hill, C. (Eds.). (2011). *National and European Foreign Policies: Towards Europeanization*. London and New York: Routledge.

The Governance of EU Foreign and Security Policy

1   INTRODUCTION

Before conducting an empirical analysis of the causes and consequences of integrated policies among EU member states and institutions by examining the High Representative's (HR) role in the cases of Kosovo and Ukraine, it is crucial to place EU foreign and security policy processes taking place under the Lisbon Treaty (LT) in their institutional context. Why have national governments decided to establish common institutional frameworks to act collectively in foreign and security policy? Has the institutionalization process in such a sensitive field depended on endogenous or on exogenous causal factors? This chapter reconstructs the process of institutionalization of the current EU foreign and security policy's institutional rules showing its multidimensional development and highlighting the dynamics characterizing their emergence. This is done with specific attention to the role of the HR.

The analysis indicates that in the institutionalization of EU foreign and security policy exogenous and endogenous causal factors have fueled mechanisms of "organizational abandonment in the face of unsatisfactory performance" and mechanisms of "intra-organizational correction and recuperation" (Weiler 1991, p. 2411). While these factors have influenced member states' preferences over such institutionalization, these mechanisms have led to the establishment of a system of government characterized by multiple separations of power (Fabbrini 2015).

The existence of an intergovernmental side and the lack of an effective principle for organizing these multiple separations epitomize the compromises reached by the member states in the creation and consolidation of the EU institutional system. Within this institutional framework the HR finds herself/himself at the crossroad between the supranational and the intergovernmental side of EU foreign and security policies. Still, while a study of the HR's role can cast light on institutional practices taking place in this policy sector without restricting the analysis to either the intergovernmental or the supranational aspects of EU foreign and security policy, the current legal provisions do not provide enough indication on whether to conceptualize this institutional post as an autonomous political actor—part of the political executive of the EU—or as an implementing branch of the European Council and of the member states reunited within this intergovernmental forum.

Bearing all this in mind, this chapter is organized as follows. First of all, it discusses EU foreign and security policy institutionalization process taking into consideration the engagement of Western European states to integrated modes of governance in this area from the first phases of the EU integration until the coming into force of the Lisbon Treaty (2009). This process is divided into two historical phases: the period in which foreign and security policy understood in a broad manner was not included into a single institutional framework, namely from the Rome Treaty (1958) until the Maastricht Treaty (1993); and the period in which it was, namely from the coming into force of the Maastricht Treaty until the current legal regime. The chapter then provides an assessment of the institutional logical functioning of the intergovernmental and of the supranational policies having an external dimension under the LT with specific attention to the role of the HR. This is done taking into consideration: the legislative power, the executive power, the relationship between the center and the territorial units, and the role of the judiciary. Finally, the chapter draws conclusions on the contradictory features assumed by the EU system of government in this area.

2   The Institutionalization of EU Foreign and Security Policy

2.1   *From the Rome Treaty to the Maastricht Treaty*

While initial attempts to integrate the security and defense of Western European states are to be found in the Dunckirk Treaty (1947) and in

the Brussels Treaty (1948)[1] (Howorth 2014), EU foreign and security policy's first seeds can be traced back in the founding declaration of the EU integration process. On 9 May 1950 the foreign minister of France, Robert Schuman, made his famous declaration in the *Salon de l'Horloge* at the *Quai d'Orsay* in Paris. At the time, the European continent was in desperate need of stabilizing the relationship between Germany and France. According to Schuman, "the pooling of coal and production" would have "change[d] the destinies of those regions which have[d] long been devoted to manufacture of munitions of wars, of which they have been most constant victims" (Schuman Declaration 1970, p. 1). Not long afterwards, the Paris Treaty (1951), considered this security dimension a fundamental feature of the European Coal and Steel Community (ECSC) (Howorth 2013). In this context, intergovernmental cooperation in foreign policy matters in Europe began with Western European foreign affairs ministers meeting informally and on an *ad hoc* basis to discuss foreign policy issues (Koutrakos 2013).

The initial phases of EU foreign and security policy integration were mainly driven by the United States (US) insistence for Western Europeans to play an autonomous role in countering a potential invasion of the Union of Soviet Socialist Republics (USSR). While the American external influence often provided the functional pressure for these states' preferences to align, this causal factor frequently intertwined and was often counterbalanced by an endogenous one: the German question. In principle, all major Western European states and the US agreed on the necessity to rearm Germany. However, managing such rearmament had proven to be extremely controversial and had faced severe opposition by several Western European governments, among which France and the Benelux countries.[2] To be sure, European capitals had to confront a fundamental trade-off. Germany had to be secured. Yet, its resources needed to be mobilized for the Western Alliance (Patel 2011).

The break of the war between the communist North Korea and the US-supported South Korea and the ensuing fear of a Communist invasion of Western Europe provided further functional pressure for a convergence of Western European national governments' preferences to occur (Fry et al. 2002). Within this context, France responded to the American insistence on the rearmament of Western Germany proposing the creation of a European Defense Community (EDC) (Calvocoressi 2014). René Pleven, the then-French prime minister, put forth the proposal on the EDC in October 1950. Remarkably, the formulation of the EDC Treaty demonstrated a "profoundly supranational character" (Koutrakos 2013, p. 8).

Not only the proposed organization would have integrated member states' security and created a European army, but it would have also included a "mutual defense clause". While all member states[3] signed the EDC Treaty, the French National Assembly rejected it on 30 August 1954 (Sutton 2007), mainly because of French "overseas commitments – not least the war in Indo – China" and due to "the strength of national sentiment over the French army" (Fursdon 1980, p. 208).

All this notwithstanding, Washington's demand for an autonomous EU foreign and security policy persisted. Therefore, the United Kingdom (UK) proposed to transform the 1948 Brussels Treaty into the Western European Union (WEU). This transformation took place in October 1954, when the WEU was also joined by Italy and by West Germany.[4] Crucially, from that moment onwards, the WEU would have served as a consultation forum between the then-member states and London until UK's accession into the European Economic Community (EEC)[5] (Smith 2013). Given the EDC's debacle the Treaty of Rome, which established the EEC in 1958, did not expressively envisage a foreign policy role or foreign policy objectives for the EEC (Bindi 2010). Nevertheless, the legal text enshrined provisions for its engagement with third countries, at the time largely consisting of former European colonies.[6] Between 1950s and 1960s, member states also began to coordinate their positions in international trade negotiations (Meunier 2005). Remarkably, however, a strict separation between the policy matters discussed by member states' foreign ministers during their informal gatherings and those related to EEC activity was carefully maintained (Koutrakos 2013).

On other occasions, the *impetus* for promoting the institutionalization of an EU foreign and security policy came from oppositions to American administrations' approach on specific international issues. At the beginning of the 1960s, the French President, Charles de Gaulle, aimed at rendering Europe an independent power in international relations, free from external conditioning. In the eyes of the French general, keeping foreign and security policy out of the European agenda could have been extremely dangerous at a time in which London's relevance on the international arena coupled with the revamped political discussions on a potential British accession in the EEC (Hill and Smith 2000). To inject new dynamism in the development of an integrated foreign and defense policy in Europe, he proposed the *Fouchet Plan* (1962). The latter envisaged the creation of a "Union of states" to "reconcile, coordinate and unify the policy of Member States in spheres of common interest: foreign

policy, economics, cultural affairs and defense" (Fouchet Plan—Second Draft, Art. 2). This was a coordination that did not necessarily have to coincide with supranationalization and that could serve as an alternative to it (Timmermans 1996). Interestingly, Konrad Adenauer and Jean Monnet considered the proposal of the French General an opportunity to be seized. To the understanding of the two EU founding fathers, one day "de Gaulle's plan for a 'confederation' might have led to a 'federation'" (Willis 1965, p. 310). Nonetheless, EU member states and institutions reserved an agonizing existence to the French proposal, which was soon to be left aside in 1962. While some national governments feared the impact that a political union would have had on community competences and procedures (Timmermans 1996), others judged the intergovernmental features of the plan as "misplaced and retrograde" as opposed to the ECSC and the EEC constructions already in place (Koutrakos 2013, p. 10). In addition to this, Belgium and the Netherlands saw General de Gaulle's attitude and political design as a menace to the stability of Western Europe (Teadale and Bainbridge 2012). Against this already tense background, it was a widespread opinion that the absence of the UK—one of the major military powers in Western Europe at the time— from an initiative on cooperation in foreign and defense policy would have been a major weakness of the political union the plan envisaged.

Eventually, the French quest for a stronger European role in the international arena, was coupled with West Germany's need for an acceptable cover for its firmer policy towards East Germany and its Eastern neighbors (Smith 2013). The interplay of these causal factors provided fertile ground for member states' preferences to align, and for an institutionalization process to emerge. Between 1970s and 1980s, the informal arrangements regulating the ministers of foreign affairs' meetings were formalized and merged into three reports, which would have become the founding documents of the European Political Cooperation (EPC). On 27 October 1970, upon a proposal of the member states' ministers of foreign affairs, EU heads of state and government adopted the Luxembourg Report. In the same year, a framework for the cooperation, the coordination and collective action in EU foreign and security policy was created and the EPC was established. Intended as a separate entity from the EEC, the EPC was conceived as an intergovernmental organization based on the principle of unanimity and structured around a coordinating logic. Indeed, regular consultations could lead to common actions. Yet, the EPC's activity was generally limited to joint declarations.

Not long afterwards, the Copenhagen Report (23 July 1973) reaffirmed the EPC's objectives and improved its consultation mechanisms. It is important to acknowledge that while this report emphasized the distinction between EPC's foreign policy activities from those of the EEC, which were "based on the juridical commitments undertaken by the Member States in the Treaty of Rome" (Copenhagen Report, Art. 10), it did also expressively recognize the linkages between such activities (Koutrakos 2013). By doing so, the Copenhagen Report put the spotlight on the difficulty for the EU to maintain a clear-cut separation between the area of high politics and the economic and social policies.

The American policy on the 1973 Arab–Israeli war caused major disillusionment among Western Europeans over Washington's role in international politics (Giegerich and Wallace 2010). This sense of dismay, together with the European national governments failure to coordinate their positions on the 1979 Soviet invasion of Afghanistan and on the 1980 Iranian hostage crisis, prompted a renewed *impetus* for cooperation in foreign and security matters on the old continent (Hill and Smith 2000). Simplifying only slightly, the EPC had proved to be a "mix of collective and national diplomacy" (Pijpers et al. 1988, p. 259). Under the British lead, the last founding document of the EPC, the London Report, was adopted on 13 October 1981. According to the latter, member states should "play a role in the world appropriate to their combined influence"; they should "seek to shape events and not merely react to them"; and they should be able to "speak with one voice in international affairs" (London Report 1981, p. 2). Crucially, national governments also expressly agreed on the EPC's entitlement to discuss "the political aspects of security" (London Report 1981, p. 2). To be sure, the EPC could not discuss defense matters. Still, this reference was extremely innovative, especially if one considers NATO's[7] preeminent role in Western Europe's security architecture at the time (Sloan 2010). One may argue that national governments' commitment to integrated efforts in foreign and security policy is also reflected by the institutional innovations that were made on the same occasion. Thus, with the London Report, member states introduced the troika principle to support the presidency's international role, agreed on a connection between the Commission and EPC activities, and established a crisis consultations mechanism as well as a small secretariat. Ever since the introduction of these institutional modifications, even though the EPC and the EEC remained parallel organizations, their activities began to be intertwined.

Thus, in the years that followed, the Council's presidency, often in the troika composition, managed the EPC and even presented the outcome of discussions made within this institutional setting at international gatherings. At the same time, the EEC's economic resources frequently sustained the EPC, as reflected by the frequent adoption of economic sanctions in support of its decisions (Holland 1991).

The increasing US unilateralism promoted by the Reagan administration and Gorbachev's initiation of the *détente* process served as an external causal factor on member states' preferences (Howorth 2013). Such factors coupled with an endogenous one, which were namely the prospects for new accessions in the EU and the ensuing necessity of "social and economic cohesion among the member states" (Fry et al. 2002, p. 82) facilitated by an "economic upturn" started in the mid-1980s (Siovaag 1998, p. 22). All this set the basis for an alignment of member states' preferences over an acceleration and further development of the European institutionalization process, including in foreign and security policy. Eventually, an intense and prolonged bargaining among Western European states took place between 1981 and 1984. While France proposed the creation of a political secretariat to be put under the authority of the European Council, Germany, Italy and the Benelux states, supported by the European Parliament (EP), favored more supranational arrangements. It took the establishment Dooge Committee by the Fontainebleau European Council (25–26 June 1984), a series of proposals of this committee, several French–German counter drafts, and the decrease of the Greek and Danish reticence, for an inter-governmental conference to be convened (Hill and Smith 2000). An agreement on the new treaty's provisions was finally reached in December 1985 and the Single European Act (SEA) came into force on 1 July 1987.

The 1987 Treaty brought the EEC and the EPC under a single legal framework (Nelsen and Stubb 1994). Institutional modifications were introduced to enhance the relationship between the two of them. The Commission and the EP were expressively associated with the latter. At the same time, SEA, Art. 30.3.a stated that the Council of the EEC could serve as forum for discussion on EPC-related issues among member states. Nevertheless, the SEA's provisions did not modify the EPC's inter-governmental character, or its distinctive nature from the EEC (Siovaag 1998). Thus, on one side, the European Court of Justice's (ECJ) jurisdiction remained excluded from EPC (SEA, Art. 31). On the other side, the SEA' provisions on the EPC were concluded by the European national

governments as high contracting parties, rather than in their capacity as members of the EEC (Sari 2012). In this regard it has been argued that the organizational criteria between EPC and EEC envisaged in SEA, Art. 30 set the basis for the "trajectory of specificity of EU foreign and security policy" (Sari 2012, p. 74) within the EU institutional framework (Nuttall 1985). In the meantime, the international dimension of the EEC supra-national policies developed in parallel. In fact, at the Rhodes European Council (2–3 December 1988), EU leaders released a statement in which they expressively committed to strengthening and expanding "the role of the European Community and its member states on the international political and economic stage" (European Council 1988, p. 17).

2.2   *From the Maastricht Treaty to the Lisbon Treaty*

As in the previous phases of EU integration process a dynamic inter-play between endogenous and exogenous factors led member states to negotiate and sign the Maastricht Treaty (7 February 1992). Whilst the end of the Cold War had considerably lowered the strategic and mili-tary relevance of Europe for the US (Howorth 2014), the fall of the Berlin Wall had brought back into the spotlight the delicate question of Germany's role in the Western European continent (Kühnhardt 2009). The military conflicts triggered by the crises in the Western Balkans made an institutional reshape of the EU institutional framework in line with such new world order even more urgent. Whereas endogenous fac-tors, including the completion of the single European market and the necessity to create a solid and competitive European defense industry and technology (Rutten 2001), provided further functional pressure to develop and enhance existing mechanisms of collective action for the EU. Within this context, in April 1990 France and Germany jointly pro-posed the formulation of a common foreign and security policy (CFSP) to be discussed at the intergovernmental conference that was to take place shortly afterwards (Miskimmon 2007). While the CFSP was for Berlin "a useful mechanism to assert German foreign policy interests in a convenient multilateral setting", for France it represented a means for "bridling German power" (Ginsberg 2001, p. 28). Even though the necessity for a common institutional framework for collective action in foreign and security policy was widely acknowledged among Western European capitals, member states held divergent positions on the mat-ter. These positions mostly originated from long-lasting cleavages that

had remained latent throughout the European integration process, but had powerfully regained the scene when the "constitutionalization" of core state powers (Genshel and Jachtenfuchs 2014) came at stake. Thus, national governments divided themselves between those who supported an autonomous security role for the EU—Belgium; France; Italy; and, to some degree Spain—and those that wanted to maintain the old continent under NATO's security umbrella—UK; the Netherlands; Portugal; and, to some degree, Germany. Another cleavage separated those that opposed a transfer of national sovereignty to supranational institutions—Britain; Denmark; and France—from those that favored it—Belgium; Western Germany; Italy; and Luxembourg (Giegerich and Wallace 2010). Lastly, a clear opposition existed between Europe's major military powers—UK and France—and states that until then, they had played a minor role in the international arena because of their historical legacy—Germany—or because of a more general lack of military capabilities or resources (Gnesotto 1990).

Eventually, these divergent national stances were tempered through multiple compromises (Fabbrini 2015) and the Maastricht Treaty came into force on 1 November 1993. Through this new treaty member states created institutional processes to act collectively in foreign and security policy. This treaty established three pillars: the community pillar; the CFSP pillar and the Justice and Home Affairs (JHA) one. In essence, the community pillar included supranational policies that were initially enshrined into the Rome Treaty. The system of government created to manage such policies comprised the Council of Ministers (Council, from now onwards), the Commission and the EP. The European Council did not have a decision-making role in the first pillar. Nonetheless, it is in this intergovernmental forum that final decisions were essentially taken and in which disputes were settled (Kreppel 2006; Puetter 2014; Wessels 2015). Conversely, while the Council officially operated as main decision-making body, acting on the basis of qualified majority voting (QMV), the European Commission's role was extensive, for this organization was entitled to propose legislation, to negotiate international agreements and to administer the EEC's aid programs. With the Maastricht Treaty, the EP acquired the power to amend, block or reject proposed legislation—through cooperation and co-decision procedures; to approve some type of international agreements; and gained influence in the financing of external activities through the right of approving the community budget (Smith 2013).

One may argue that member states agreed on the institutionalization of this EU foreign and security policy regime because they retained a veto over policy areas close to their core state powers. The CFSP, which replaced the EPC, consisted of the intergovernmental pillar and was to function around the principle of unanimity (Nuttall 2000). In this second pillar, the European Council was entitled to provide general guidelines. The intergovernmental forum reuniting the heads of state or government could do so through common strategies (TEU[8]-Maastricht, Art. J.8), which established EU objectives, defined their duration and chose the means to achieve them (TEU-Maastricht, Art. J.8). While the Council was tasked to implement these guidelines by means of joint actions and common positions (TEU-Maastricht, Art. J.3),[9] the six-month rotating presidency and the troika system were to represent the CFSP externally. *Ex adverso*, supranational institutions played a limited role in this pillar. As in the case of EPC, the European Commission was "fully associated" to the CFSP matters (TEU-Maastricht, Art. J.9), but the ECJ's jurisdiction was excluded from the intergovernmental side of EU foreign and security policy. At the same time, while the EP was informed of CSFP issues and could make recommendations, its views did not have to be included into CFSP decisions (TEU-Maastricht, Art. J.7).

Unlike the EPC, CFSP covered defense matters (Wessel 2007). The fusion of WEU and CFSP had been at the center of a Franco–German joint initiative during the negotiations of the Maastricht Treaty. Interestingly, the British conservative government led by Sir John Major was reported to have opposed the proposal under the assumption that the fusion of the two organizations would have "put trans-Atlantic solidarity and the functioning of NATO at risk" (de Schoutheete de Tervarent 1997, p. 50; see Hoffman 2013). Ultimately, an apparent compromise was reached. While TEU-Maastricht, Art. J.4.2 stated that the WEU could "elaborate and implement decisions and actions of the Union which have defense implications", material and institutional constraints limited the potential transformation of the WEU into the EU's defense branch. On one side, WEU was lacking the capabilities to implement such decisions. On the other, European nation states held different memberships in EU, WEU and NATO.

As in the case of the EPC with the CFSP, the Trevi[10] network became part of the JHA pillar. Under the Maastricht Treaty the third pillar (TEU-Maastricht, Title VI) included legal provisions on the free movement of persons; on checks at external borders; on asylum, immigration,

and protection of the rights of national of non-member countries; and on judicial cooperation in criminal matters (TEU-Maastricht, Art. K.1). In this case too, member states sought to maintain extensive control over decision-making processes. Whilst the Council reuniting justice and interior ministers could decide on these matters taking joint positions, joint actions and convention by unanimity voting, supranational institutions had a marginal role. On one side, the Commission's right of initiative was restricted to certain areas and was shared with the member states. On the other side, the EP had only to be regularly informed on JHA discussions and had just to be consulted on the measures adopted in this area. Furthermore, the ECJ's jurisdiction was limited for it was restricted to the interpretation of conventions' provisions and was subject to member states' acceptance (TEU-Maastricth, Art. K.3.2.c).

The compromises reached by the member states on the institutional system introduced by the Maastricht Treaty emerged soon. In its reaction to the Bosnian war, and to the genocides in the Western Balkans (Daalder 1998) and in Rwanda (Liechfield 2010), the EU had not stood out to the expectations on its role in the international arena. Against this background, it was a widespread opinion that the efforts to increase consistency through coordination from preceding and following presidencies, epitomized by the troika system, had not enhanced the continuity and effectiveness of EU foreign and security policies (Denza 2012). As everybody seemed to agree on the necessity to improve such mechanisms, a Reflection Group was established soon after the coming into force of the Maastricht Treaty to revise its provisions and to enhance EU stance in the internationational arena (European Council 1994; Teadale and Bainbridge 2012). In 1995 such group concluded that a higher representational profile was essential for a successful conduct of the EU in international politics (Reflection Group, Report 1995). Nevertheless, a division had emerged on whether a new autonomous institutional actor should had been created to manage these enhanced responsibilities or whether these responsibilities should had been assigned to the Secretary-General of the Council, with an increased support from the Council Secretariat (Reflection Group, Report 1995). Eventually, the Amsterdam Treaty (TEU-Amsterdam, 1 May 1999), embraced the second option. The TEU-Amsterdam, Art. 18.3 in particular, provided that "The Presidency shall be assisted by the Secretary-General of the Council, who shall exercise the function of High Representative for the Common Foreign and Security Policy", and by the Commission.

In this manner, the Council's presidency, the HR, and Commissioner for External Affairs, would have formed a "troika". To increase EU responsiveness to international crises and to support the work on the new HR, TEU-Amsterdam also envisaged the possibility of constructive abstention and the use of QMV when common strategies were adopted and created a Policy Planning and Early Warning Unit.[11]

Nevertheless, the HR was intended as a secretary-general of the Council, tasked with assisting the presidency, and had no significant independent powers. While at the European Council the HR's role could be limited by the national heads of states and government, the national foreign ministers reunited in the General Affairs and External Relations Council (GAERC) and the rotating Council's presidencies could exercise strong influence over this institutional actor. Furthermore, TEU-Amsterdam gave primary responsibility for representation of the Union to the Presidency (TEU-Amsterdam, Art. 18), with the assistance of the HR, and "if need be" of the next member state to hold the presidency. It should then not come as a surprise that the HR was not encouraged to express positions that had not been formally endorsed by the Council beforehand. One has only to remember that when in 1999 the first HR, Javier Solana, publicly supported the idea of the EU having a permanent seat on the United Nations Security Council (UNSC) in addition to those of the UK and France, Paris and London promptly clarified that the HR's remarks were not reflecting common EU visions (Verbeke 2006). Moreover, it is crucial to bear in mind that the existence of an external relations' commissioner represented an additional potential source of inconsistency (Cardwell 2012).

Member states' dismay with EU marginality in the Yugoslav crises also provided fertile ground for Prime Minister Tony Blair's and President Jacques Chirac's new stance on EU foreign and security policy. European governments' disappointment coupled with the British need to counter its marginalization both in Western Europe's security architecture and in the Economic and Monetary Union (EMU), and with the French will to maintain its international influence in the post-Cold War era (Shearer 2000). Eventually, on 4 December 1998 France and the UK signed the St. Malo Declaration (1998). The content of the Declaration was revolutionary. According to the two signatories, the EU needed "to be in a position to play its full role on the international stage" and "the capacity for autonomous action backed by credible military forces" (St. Malo Declaration 1998, p. 2). Despite the fact that several member states,

including the UK, had long considered European security and defense NATO's exclusive realm the initiative encountered widespread *consensus* among the vast majority of Western European national governments (Howorth 2014).

Within member states' alignment of preferences and ideational convergence on how to improve EU security institutions, the military capabilities of the EU were substantially upgraded. On 3–4 June 1999 the Cologne European Council established new institutions for foreign and security policy (European Council 1999a) to give CFSP "the necessary means and capabilities to assume its responsibilities". In Helsinki on 10–12 December of the same year the European Council launched "European Security and Defense Policy" and set the Union's military objectives through the Headline Goal (European Council 1999b). Not long afterwards, the Political and Security Committee (PSC) (Council of the EU 2001a), a military committee and a military staff were created within the Council (Council of the EU 2001b). While the first "European Security Strategy" issued on 12 December 2003 under the title "A secure Europe in a better world" (Council of the EU 2003) reflected this militarization process (Sjursen 2007), in 2004 London and Paris even came up with the idea of small EU collective reaction forces to be kept on standby for six months on a rotating basis: the Battlegroups. Nonetheless, it is important to notice that "the institutionalization of ESDP[12] further reinforced the technical control of the Member States over this policy area" (Wessels 2001, p. 77) and on foreign policy in general. Such control is reflected in the frequent and detailed instructions provided by EU leaders during that period in foreign and security policy. Between 1999 and 2000 the European Council issued three common strategies: on Russia (European Council 1999a); on Ukraine (European Council 1999b); and on the Mediterranean region (European Council 2000). Moreover, at around the same time, this intergovernmental forum expressively turned enlargement into a foreign policy tool to foster stability and democracy promotion in the Union's Eastern neighborhood (Cini and Perez-Solorzano Borragan 2016, p. 233), and laid the first basis for the creation of the European Neighborhood Policy (ENP) (Smith 2011).

The following legal text, namely the 2001 Nice Treaty, recognized the Charter of Fundamental Rights of the EU, but did not envisage new institutions or collective action mechanisms for EU foreign and security policy. Eventually, on 15 December 2001 the Laeken European Council convened a constitutional convention to be held in Brussels

(European Council 2001). Between February 2002 and June 2003, a Convention on the Future of Europe took place with the aim of preparing a draft treaty establishing a Constitution for Europe. After having reached a *consensus* on a common draft in 2003, member states agreed on a Treaty establishing a Constitution for Europe (TCE) in June 2004. In an attempt to solve the institutional inconsistencies linked to the role of the HR at the time, the 2004 treaty contained the merging of the posts of HR and of the Commissioner for External Relations into a single institutional post, namely the "Union Minister for Foreign Affairs" (TCE, Art. I. 28). Yet, national referenda in France and the Netherlands rejected the treaty elaborated by the Brussels' convention on 29 May 2005 and on 1 June 2005, mostly for reasons related to domestic economic conditions, and to immigration (Beehner 2005; Sciolino 2005).

Following the failed attempt to introduce a Constitution for Europe in 2005, member states swiftly put forth another institutional project. The German Presidency of the EU in the first half of 2007 proved to be crucial in this regard by playing a "referendum avoidance game" (Laursen 2014, p. 27). By October 2007 the new treaty's final draft had been agreed upon by all member states (BBC 2011). The Lisbon Treaty was born as a much lighter version of the constitutional treaty. Major changes were applied to the text of the Constitution for Europe. Symbolic words and concepts, such as the transformation of the HR into a minister, the introduction of a common flag and hymn disappeared. The new legal text would have been a much shorter agreement, intended to modify and subsequently merge all the existing ones in the Treaty on the European Union (TEU) and the Treaty on the functioning of the European Union (TFEU). Ultimately, while the LT was signed in December 2007, its ratification process was completed on 1 December 2009. Since the current institutional system reflects the institutional *equilibrium* reached with the coming into force of these legal provisions, the next section offers a detailed examination of EU foreign policy's institutional context with specific attention to the role of the HR.

3   Foreign and Security Policy Under the Lisbon Treaty

The LT has set up a system of government (Easton 1971) to manage EU foreign and security policy, which is characterized by multiple separations of power at both horizontal and at vertical level (Fabbrini 2015). At

the horizontal level, the LT maintains a division of the decision-making power between the European Council, the Council, the Commission and the EP. At the vertical one, the decision-making power is shared between member states and the EU. With the LT the three pillars were only formally abolished. Thus, EU foreign and security policy understood in a broad manner still consists of both supranational and intergovernmental policies, reflecting the presence of different material constitutions (Fabbrini 2015).

The LT differentiates CFSP from other areas of EU external policy. While the TEU enshrines a new Title V on "General Provisions on the Union's External Action and Specific Provisions on the Common Foreign and Security Policy", the remaining parts of the EU's external action find a legal basis in Part V of TFEU, "The Union's External Action". In principle, a series of provisions may provide favorable ground for linking different EU foreign and security policies in a coherent manner. While the TEU, Art. 47 confers legal personality to the EU, TEU, Art. 1.3 explicitly states that the TEU and the TFEU "have the same legal value". Common values should also underpin EU external policies understood in a broad manner (TEU, Art. 2). In EU "relations with the wider world", such values should be promoted together with peace and with the protection of European citizens (TEU, Art. 3.5). In addition to this, TEU, Art. 21 sets eight specific targets to be followed in the development and implementation of the different areas of EU policies having an external impact. In light of these provisions for instance, the common commercial policy (CCP) should not only pursue trade-related purposes (TFEU, Art. 207), but also take into account and contribute to human rights' protection and sustainable development.

In analyzing the integration of CFSP and the common security and defense policy (CSDP) with other strands of EU external action, the principle of coherence, as enshrined in TEU, Art. 21.3 should be taken into account. Coherence encompasses both the absence of contradictions in external activity in different areas of foreign policy and the establishment of synergies between these aspects (Gauttier 2004). In this respect it has been argued that "by acting unitarily and with a common purpose, the EU' should become ipso facto, more efficient and effective" (Missiroli 2001, p. 182). Notably, it is up to the Council and the Commission, assisted by the HR to ensure the consistency "between the different areas of EU external action and between these and other policies" (TEU, Art. 21.3). At the same time, the Council and the HR shall

"ensure the unity, consistency and effectiveness of action by the Union" in CFSP (TEU, Art. 26). In this context, the following sections provide an overview of the institutional logical functioning of the EU foreign and security policy at the intergovernmental and at the supranational level. This is done by taking into consideration: the legislative power; the executive power; the relationship between the center and the territorial units; and the role of the judiciary (Fabbrini 2015).

3.1   *The Intergovernmental Side of Foreign Policy*

The CFSP still represents the intergovernmental side of EU foreign and security policy in the current legal construction. With the coming into force of the LT, the WEU was effectively incorporated into the EU. Under the 2009 legal text the European Security and Defense Policy (ESDP) becomes the Common Security and Defence Policy (CSDP), and is considered "an integral part" of the CFSP (TEU, Title V, Chapter 2, Section 2). According to TEU, Art. 42 the CSDP "will lead to a common defense when the European Council, acting unanimously, so decides". Nonetheless, the CFSP and CSDP are still regulated by specific provisions. The community method for decision-making applies to all areas of the EU activities with the exclusion of the domains (TEU, Art. 24 para. 1), which are subject to intergovernmental rules. Thus, while the EU now conducts its foreign and security policy by defining general guidelines, by adopting decisions and by strengthening systematic policy cooperation (TEU, Art. 25), the principle of unanimity still applies without exception to decisions adopted by the Council in CFSP and CSDP (TEU, Art. 31.4). The LT also adopts the distinction between legislative acts and implementing, or delegated, acts and confirms that those adopted in these areas cannot be of legislative nature (TEU, Art. 31). Consequently, in the intergovernmental side of EU foreign and security policy, integration proceeds through voluntary coordination (Fabbrini 2015).

To manage these policies, the LT has set up a specific set of government. Under the current legal regime, the new HR, whose title was symbolically changed into "High Representative of the Union for Foreign Affairs and Security Policy", is now the vice-president (VP) of the Commission in charge of coordinating the external relations' relevant portfolios and the chair of the Foreign Affairs Council (FAC).[13] The HR's dual position is also reflected in this post's appointment process.

The European Council initiates proceedings by making a nomination—
by QMV if necessary—with the agreement of the President—designate
of the Commission. Since s/he is also a commissioner, the nomination
is only confirmed when the whole college is approved by the EP. This
can only happen after all the indicated commissioners, including the HR,
have given satisfactory responses before EP's committee hearings (TEU,
Art. 18). According to TEU, Art. 18, the HR's mandate may be ter-
minated by the European Council through a decision taken by QMV,
provided that the European Commission's President agrees. Moreover,
if the EP votes on a motion of censure and such motion is approved, the
HR should then resign from her/his duties in the Commission together
with the other commissioners (Kaddous 2008).

The HR is expected to take care of the CFSP. The post-holder does
so by submitting proposals to the Council in the CFSP area (TEU, Art.
22.2) and by ensuring the "implementation of the decisions adopted by
the European Council and by the Council" (TEU, Art. 27.1). Under the
chairmanship of the HR, the FAC "shall elaborate the Union's external
action on the basis of strategic guidelines laid down by the European
Council and shall ensure that the Union's action is consistent" (TEU,
Art. 16.6). As chair of the FAC, the HR enjoys "extensive agenda-
setting" and "decision-shaping" powers (Thym 2011, p. 458). The HR—
or the HR with the Commission's support—"may refer any question
relating to CFSP to the Council and may submit to it, respectively, initi-
atives or proposals" (TEU, Art. 30.1). The *consensus*-seeking role of the
HR in these domains emerges clearly from the LT provisions. According
to TEU, Art. 31.2, a member state may oppose the adoption of a deci-
sion for vital and stated reasons of national policy. On these occasions,
the HR shall search for an acceptable solution in close consultation with
the member state involved. If s/he does not succeed in the mediation,
the Council, acting by QMV, may request to refer the matter to the
European Council for a decision to be taken by unanimity. In addition
to this, when taking part in the gatherings of the heads of state and gov-
ernment when foreign policy issues are discussed (TEU, Art. 15.2), the
HR is expected to promote a *consensus* among the EU leaders as well,
thus bridging the two intergovernmental institutions (Amadio Viceré
and Fabbrini 2017). Finally, under the authority of the Council and with
the assistance of the PSC, the HR is also responsible for implement-
ing the CSDP and for coordinating the civilian and military aspects of
the "Petersberg tasks" (TEU, Art. 43.2). At the same time, in her/his

capacity of VP of the European Commission (TEU, Art. 17.4; 17.5) the HR shall "ensure the consistency of the Union's external action" and is in charge "within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action" (TEU, Art. 18.4). This may be the case, for instance, when restrictive measures may be adopted to interrupt or reduce economic or financial relations with one or more third states (TFEU, Art. 215). In these situations, the Council acts by QMV upon a joint proposal of the HR and of the Commission, which share the right of proposal in these matters. In all her/his activities the HR is supported by the European External Action Service (EEAS), which assists her/him in fulfilling both her/his representative and her/his internal functions in the different domains of EU external action. The EEAS is an autonomous body, whose contribution to the functioning of the EU foreign and security policy-making processes lies in its "specificity as common bureaucratic machinery" (Gebhard 2011, p. 31). Hence, the LT states that this organization should be set "to work in cooperation with the diplomatic services of the member states", and should "comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the member states" (TEU, Art. 27.3).[14] Notably, upon a proposal of the HR, the Council may also appoint Special Representatives with specific mandates to be carried out under her/his authority (TEU, Art. 33).

Under the LT, EU intergovernmental foreign and security policies are formulated through a legislative system characterized by imperfect bicameralism (Fabbrini 2015). On the one hand, the Council, which enjoys both legislative and executive functions in CFSP and CSDP, can be understood as the "high chamber" of the EU. On the other hand, the EP, which is excluded from the decision-making processes, can be conceptualized as the "low chamber" (Fabbrini 2015). The Council is a single institution composed of ministers from national governments working in various configurations. The relevant minister holding the six-month rotating presidency chairs the majority of the Council's configurations, including the General Affairs Council (GAC). The latter ensures the consistency of the work of the other Council's formations within the framework of a multi-annual program. It prepares and carries out the follow-up of the work of the European Council, in coordination with the Commission and with the President of the European Council. In turn, the FAC, which deals with matters related to the intergovernmental side

of the EU foreign and security policy, is chaired by the HR throughout the entire duration of her/his mandate. One may argue that this could favor more continuity in the activity of this intergovernmental forum. Nonetheless, it is important to note that it is the rotating presidency that presides the Committee of Permanent Representatives (COREPER; TFEU, 240) and the supporting working groups within the Council. This institutional set up limits the extent to which the HR can undertake a pro-active role in shaping the decisions made by foreign affairs ministers. Thus, before a decision reaches the FAC, it may have been already strongly influenced by contingent national positions (Vanhoonacker 2011). As anticipated, because of its authority to decide "actions" and "positions", the operational instruments of the EU foreign and security policy, the FAC can be conceived not only a legislative, but also an executive institution (Fabbrini 2015). While the FAC "frame[s] the common foreign and security policy and take[s] the decisions necessary for defining and implementing it", together with the HR, it also "ensure the unity, consistency and effectiveness of action by the Union" (TEU, 26.2). In doing so, the Council and the HR shall guarantee the compliance of the CFSP with the spirit of loyalty and mutual solidarity in this field (TEU, Art. 24.3). Yet, it is crucial to consider that the FAC is not the ultimate decision-maker on foreign policy issues, because of the preeminent role of the European Council in setting the policy guidelines in this area (TEU, Art. 26.1). The role of the lower chamber, namely the EP, is marginal in the decision-making processes within the intergovernmental side of EU foreign and security policy. Nevertheless, a series of legal provisions partially temper such marginality. On one side, the LT envisages that the HR should regularly consult the EP on the main aspects of EU foreign and security policy, inform the members of the EP (MEPs) on how those policies are evolving and that s/he should ensure that the views of the EP are duly taken into consideration (TEU, Art. 36.1). On the other side, the MEPs may ask questions to the Council or make recommendations to it and to the HR. In this framework, a debate on progress in the CFSP and CSDP implementation shall be held twice a year in the EP (TEU, Art. 36.2). Lastly, the EP may exert political control over the intergovernmental side of EU foreign and security policy through its budgetary authority (TEU, Art. 14.1), although this can happen only when CFSP actions are financed through the EU budget.

One may claim that the governmental authority in EU foreign and security policy is shared between the European Council, the Council

and by the HR (Thym 2011). On the one hand, the European Council "provide[s] the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof" (TEU, Art. 15) and identifies "the strategic interests and objectives of the Union" that "relate to the common foreign and security policy" (TEU, Art. 22). On the other hand, as anticipated, the FAC enjoys also executive functions CFSP and CSDP (Fabbrini 2015). Nevertheless, the current legal provisions do not provide enough indication on whether to conceptualize the HR as an autonomous political actor, part of the political executive of the EU, or as an implementing branch of the European Council and of the Council. In particular, an alignment of preferences among the member states' representatives reunited within these intergovernmental forums seems to be a necessary, although not sufficient, condition for the HR to be able to be part of the EU executive power in the intergovernmental side of EU foreign and security policy. For instance, the HR ensures the implementation of the CFSP decisions adopted by the European Council and by the Council (TEU, Art. 27.1). At the same time, this institutional actor safeguards the coordination of the civilian and military aspects of the CSDP missions (TEU, Art. 43.2). However, s/he can do so only based on strategic guidelines provided by the European Council beforehand (TEU, Art. 16.6; TEU, Art. 27.1), acting under the authority of the Council and "in close and constant contact" with the PSC (TEU, Art. 38; TEU, Art. 43).

Furthermore, joint external representation is in place in the intergovernmental side of EU foreign and security policy. The LT gives the HR the responsibility to represent the EU in international organizations for CFSP-related matters (TEU, Art. 27.2). In this framework, when international agreements relate exclusively or principally to CFSP, the HR may submit recommendations for them to the Council. The latter can adopt the decision authorizing the opening of the negotiations and nominate the EU's negotiator or the head of the EU's negotiating team (TEU, Art. 218.3). In the same way, it is based on a proposal of the HR or of the Commission, that the Council adopts a decision suspending the application of an agreement and establishing the positions to be adopted on behalf of the EU in a body established by an agreement (TFEU, Art. 218.9). Still, the treaty's provisions also envisage that the President of the European Council shall, "at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy". Indeed, s/he has to do so "without

prejudice to the powers" of the HR (TEU, Art. 15.6.2). In this respect, it has been argued that the President of the European Council is entitled to represent the EU in CFSP and CSDP summits, in which the heads of third states participate, while the HR should represent the EU in meetings taking place at a lower hierarchical level (Kaddous 2008). Nevertheless, it is important to note that when member states do not reach an agreement on a given policy issue, the HR must "remain silent as a matter of legal principle" (Thym 2011, p. 456).

The vertical separation of power in the intergovernmental side of EU foreign and security policy is reflected in the arrangements between the EU and member states in this policy sector. While CFSP is mentioned separately from the other categories of the Union's competencies, listed in TFEU, Art. 2, it is still not clear what competence CFSP should belong to under the LT. Some scholars argue that CFSP constitutes a kind of *sui generis* competence, and that its special nature is supported by the intergovernmental decision-making process of this policy sector (Wessel and den Hertog 2012). In this respect, one has only to think that member states have expressed their will to keep conducting independent foreign policy and to maintain separate diplomatic representations abroad and in international organizations. As a matter of fact, Declaration 13 concerning CFSP and CSDP, annexed to the LT states that: "[…] the provisions in the TEU covering the Common Foreign and Security Policy, including the creation of the office of the High Representative of the Union for Foreign Affairs and Security Policy and the establishment of an External Action Service, do not affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy nor of their national representation in third countries and international organizations". According to Declaration 14, in turn, the new provisions on CFSP, CSDP and the EEAS: "will not affect the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organizations, including a member state's membership of the Security Council of the United Nations". It is reasonable to argue that these declarations do reflect member states' political will to prevent a "communitarisation" of CFSP and CSDP governance (Blanke and Mangiameli 2012, p. 472). Admittedly, the risk would lay in the attribution of the authority of VP of the Commission to the HR. Such interpretation seems to be validated by

Declaration 14 annexed to the LT, which specifies that "the provisions governing the Common Security and Defense Policy do not give new power to the Commission to initiate decisions".

Indeed, the LT envisages several arrangements for those member states willing to strengthen cooperation in the defense sector to do so within the EU framework. In all these arrangements, the HR is attributed a key role. First of all, under the 2009 legal provisions, enhanced cooperation between member states can take place in CFSP and CSDP matters (TEU, Art. 20). It is important to note that this arrangement is expressively set to "reinforce" the Union's integration process (TEU, Art. 20.1). On these occasions, member states shall: forward their request to the HR, who "shall give an opinion on whether the enhanced cooperation proposed is consistent with the Union's common foreign and security policy"; to the Commission which "shall give its opinion in particular on whether the enhanced cooperation proposed is consistent with other Union policies"; and shall inform the EP (TFEU, Art. 329.2). Secondly, "the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability" to do so in CSDP (TEU, Art. 44.1). Participating member states, "in association" with the HR, should "agree among themselves on the management of the task" (TEU, Art. 44.1). Thirdly, "those member states whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation" (TEU, Art. 42.6). National governments that are willing to do so, should "notify their intention" to the Council and to the HR. Crucially, in these circumstances, the Council adopts decisions acting by QMV, rather than unanimously, "after consulting" the HR (TEU, Art. 46.2). Finally, a "mutual defense clause" and a "solidarity clause" are introduced. According to TEU, Art. 42.7 "if a member state is the victim of an armed aggression on its territory, the other member states shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter". This provision is supplemented by the "solidarity clause", which provides that "the Union and its member states shall act jointly in a spirit of solidarity if a member state is the object of a terrorist attack or the victim of a natural or man-made disaster" (TFEU, Art. 222). The Council decides arrangements to implement such clause, on a joint proposal of the HR and the Commission (TFEU, Art. 222.3),

acting unanimously when these have defense implications (TEU, Art. 31.1). Indeed, this set of specific rules may provide fertile ground for integrated practices in the intergovernmental side of foreign and security policy. Yet, these arrangements constitute a series of special provisions and do not represent the daily institutional functioning of EU foreign and security policy.

In general terms, CFSP largely depends on national governments' willingness to commit personnel, capabilities and resources. The necessary corollary of this is that coordination among EU member states and institutions is crucial for the functioning of the intergovernmental side of EU foreign and security policy. This underlying logic emerges clearly from the LT's provisions on these aspects. The LT contains a legal basis for the already-existing European Defense Agency (EDA; TEU, Art. 42.3). EDA, which is headed by the HR, is open to the participation of all member states and is responsible for improving the defense capabilities of the EU in crisis management and in enhancing the EU's industrial and technological armament capacities (TEU, Art. 45). However, this is mostly done through voluntary cooperation among national governments and pooling decentralized resources among member states in armaments matters. Cooperation is also crucial in the financial and budgetary aspects of CFSP. EU foreign and security policy can be implemented by the HR and by the member states, using national and Union resources (TEU, Art. 26.3; TEU, 42.4). No differentiation is made between administrative costs with military and defense implications and other administrative costs in the CFSP area under the LT. Consequently, administrative expenditures arising from the implementation of CFSP are financed out of the Union's budget.[15] On the contrary, TEU, 41.2 states that operating expenditures "arising from operations having military and defense implications" cannot be financed out of Union's budget. On these occasions and in cases when the Council decides differently, expenditures are "charged to the Member States in accordance with the gross national product scale" (TEU, 41.2).[16] Consequently, under the "Athena mechanism" common operating costs stemming from military operations—e.g. headquarters—are shared among national governments according to an intergovernmental logic. As for the financing of rapid deployment of CSDP military and civilian missions, TEU, Art. 41.3 states that the Council can "adopt a decision establishing procedure for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of common foreign

and security policy". The same article envisages the establishment of a start-up fund for the financing of those activities that are necessary for preparing the deployment of CSDP missions.[17] In this respect, it is important to acknowledge that decisions establishing the procedures for creating and constituting such fund, for administering it and for its the financial control are adopted by the Council by QMV on a proposal from the HR (TEU, Art. 41.3).[18]

Member states' coordination is also crucial within diplomatic settings. This is all the more so in international organizations where the EU is not represented. Thus, "before undertaking any action on the international scene or entering into any commitment that may affect the Union's interests, each Member State shall consult the others within the European Council or the Council" (TEU, Art. 32). Once "the European Council or the Council has defined the Union's common approach" on "matters of foreign and security policy of general interest", the HR and the ministers of foreign affairs should "coordinate their activities within the Council" on such matters (TEU, Art. 32). Moreover, according to TEU, Art. 34.1, national governments "shall coordinate their actions in international gatherings" and should "uphold the Union's positions in such forums". In principle, it is the HR that holds the reins of such coordination. In particular, member states represented in international organizations or international conferences where not all the member states participate shall inform other member states and the HR of any subject of common interest (TEU, Art. 34.2). In this framework, member states that are also members of the UNSC should keep other member states and the HR fully informed. They should defend the positions and interests of the EU, without prejudice to their responsibilities under the provisions of the UN Charter (TEU, Art. 34.2). At the same time, when the EU defines a position on a subject which is on the UN Security Council Agenda, member states represented in the Security Council could request that the HR shall be invited to present the EU's position (TEU, Art. 34.2). The LT also envisages cooperation between the diplomatic and consular missions of the member states, and the Union's delegations in third countries (TEU, Art. 32). Hence, according to TFEU, Art. 221 EU delegations, which are placed under the authority of the HR, act in close cooperation with member states' diplomatic and consular missions.

As regards the role of the judiciary, the Court of Justice of the European Union (CJEU) has no jurisdiction over CFSP and CSDP provisions (TEU, Art. 24), nor "with respect to acts adopted on the basis

of those provisions" (TFEU, Art. 275.1). Nonetheless, the CJEU may ensure that the implementation of CFSP does not affect the application of the procedures and the extent of powers of the institutions laid down by the treaties for the exercise of the EU competencies referred to in TFEU, Art. 3 and in TFEU, Art. 6 (see ECJ 1998a, b). In addition to this, if "any member of the Commission", including the HR, "no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct" the CJEU "may on application by the Council acting by a simple majority or the Commission, compulsorily retire him" (TFEU, Art. 247).

3.2   The Supranational Side of Foreign Policy

In general terms, EU supranational policies with external dimensions consist of the CCP, of the development cooperation and of the humanitarian aid area under the LT. Integration proceeds through legal acts in the supranational area of the EU. With respect to the legislative level, EU supranational foreign policies are formulated through a system characterised by perfect bicameralism (Fabbrini 2015), with the Council of the EU exercising the legislative functions together with the EP. In fact, with the coming into force of the LT, the co-decision procedure has become the "ordinary one" and the EP has turned into a co-legislator with the Council in these policy areas (TFEU, Art. 294). In addition to this, an increased number of agreements are now subject to the consent of the MEPs (TFEU, Art. 192), before being decided by the Council by QMV (TFEU, Art. 207.4) with only limited exceptions (TFEU, Art. 212). In particular, under the LT the ordinary legislative procedure also applies to trade agreements concluded with developing countries, while the EP has the power to give or decline its consent on Association Agreements (AAs) (TFFEU, Art. 218).

The 2009 legal text has considerably strengthened the role of the EP in the CCP (TFEU, Art. 207). As for the second legislative chamber, namely the Council of the EU, it should be noted that formally there is no "Council of Trade Ministers". Such ministers can attend the FAC when trade-related subjects are on the agenda. On these occasions, the HR shall ask the rotating Presidency to chair the FAC's session (Council of the EU 2009). This arrangement may set the basis for more integrated practices within the Council. In fact, we should note that it is the rotating presidency that chairs both COREPER II[19] and the special

trade committee, namely the forum that prepares the trade *dossiers* for the FAC.

Concerning the development policy, the FAC deals with matters related to this policy sector under the chairmanship of the HR. On the one hand, this arrangement could provide fertile ground for the HR to foster more integrated practices between the supranational EU development area and the agenda of the intergovernmental side of EU foreign and security policy. On the other hand, in the development area decisions are prepared by COREPER I[20] and by the working groups. Notably, these are both presided by the rotating presidency. As opposed to the influent role played by the MEPs in the CCP, the one of the EP and of its development committee is marginal in development policies. In fact, the EP's budgetary prerogatives are limited to the aid that is funded from the EU budget. Since the implementation of the European Development Fund, which provides aid to the African, Caribbean and Pacific Group of States (ACP), consists of national contributions, the EP cannot exert its supervision on its functioning. For the first time, humanitarian aid finds an expressed legal basis in the LT (Van Elsuwege and Orbie 2014). According to TFEU, 214.1 the Union's operations in this field should "provide ad hoc assistance and relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs resulting from these different situations". It is the FAC, under the chairmanship of the HR, and the EP that, "acting in accordance with the ordinary legislative procedure" decide by QMV upon the "measures defining the framework within which the Union's humanitarian aid operations shall be implemented" (TFEU, Art. 214.3).

In the supranational side of EU foreign policies, the executive power is exercised by a double-headed structure, namely by the European Council and its President, and by the European Commission and its President. On one side, the European Council shall "provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof" (TEU, Art. 15), including in foreign policy. On the other side, the European Commission can influence the EU strategies as well. This institution bears the right of legislative initiative, is expected to set the legislative agenda for each coming year and can deliver its opinions on any matter (Kaczyński et al. 2010). At the same time, the Commission proposes the opening of negotiations for agreements with third countries or international organizations

(TFEU, Art. 207.3) and can submit recommendations to the Council in this respect (TFEU, Art. 218.8).

The European Commission has the right of initiative in CCP (TFEU, Art. 207). Within this specific area, the Commissioner for trade can play a crucial role in fostering integrated institutional practices. While s/he leads the Directorate General for Trade (DG Trade), s/he also works in close cooperation with other DGs such as DG Development, Agriculture, and Environment. With the LT the Commissioner for Trade and his staff also should coordinate with the HR and with the EEAS. The European Commission plays also an important role in development policy, as it negotiates cooperation and AAs with third countries, manages the EU aid budget and the European Development Fund, and can coordinate the policies of the EU with those of the member states (Vanhoonacker 2011). Notably however, the first three phases of the project cycle—programming, identification and formulation—have been attributed to the HR and the EEAS, leaving the European Commission with an implementing and more technical role in this policy sector (Vanhoonacker 2011). As a matter of fact, the Council Decision establishing the EEAS considered it essential that the political and strategic choices on development projects, including budgets, would be taken by the HR rather than by the Commission (Council of the EU 2010). The European Commission and, more specifically, the Humanitarian Aid Department of the Commission (ECHO), manages the funds provided by the EU within the humanitarian aid framework (TEU, Art. 214). As opposed to the development and cooperation sector, the Commission is "responsible for the whole project cycle" in humanitarian aid. In this context, TFEU, Art. 214.6 states that the European Commission should "take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures" (Vanhoonacker 2011, p. 86). By doing so, it should implement EU humanitarian aid "within the framework of the principles and objectives of the external action of the Union" (TFEU, Art. 214.1), while respecting "international (humanitarian) law and the principles of impartiality, neutrality and non-discrimination" (TFEU, Art. 214) (Van Elsuwege and Orbie 2014).

The role of the HR is defined more clearly in the LT provisions on the supranational side of the EU foreign and security policy. As anticipated, the HR's role as chair of the FAC intertwines with her/his

authority of the VP of the European Commission (TEU, Art. 17.4; TEU, Art. 17.5). In this capacity, the HR is supposed to coordinate policies among the different areas of the Union's external action. Thus, s/he chairs a Commissioners' Group on External Action to develop a joint approach, coordinate and supervise the work of the Commissioners for Neighborhood Policy and Enlargement Negotiations, for International Cooperation and Development, for Humanitarian Aid and Crisis Management, and for Trade (Blockmans and Russack 2015). As for the external representation of the EU, the LT attributes this prerogative to the President of the European Commission in the single market sector, in JHA, in environmental matters, in energy and in trade related areas. Nonetheless, it is important to acknowledge that the HR together with the President of the Commission is responsible for EU relations with international organizations, such as the UN and its specialized agencies, the Council of Europe (COE), the Organization of Security and Cooperation in Europe (OSCE) and the Organization for Economic Co-operation and Development (OECD) (TFEU, Art. 220.2).

As in the case of the intergovernmental side of EU foreign and security policy, the horizontal separation of power couples with the vertical separation of power. Under the current legal regime, the EU has an exclusive competence in the CCP, but not in the development cooperation and humanitarian aid sectors. While the LT states that EU prerogatives in development cooperation and in humanitarian aid shall not prevent the member states from exercising their own competencies (TFEU, Art. 4), the member states' bilateral aid programs continue to be the most relevant part of this policy domain (Vanhoonacker 2011). This notwithstanding, the 2009 expressively provides that EU development cooperation and member states' activity in this area should "complement and reinforce each other" (TFEU, Art. 208), by means of consultation and coordinating mechanisms (TFEU, Art. 210).

With respect to the judiciary, the CJEU has a central role in the supranational side of the EU, including in its foreign and security dimensions. In the EU supranational domain, the CJEU plays a supervisory activity that has turned into a constant "judicial review" over these policies (Fabbrini 2015, p. 276) via the preliminary reference mechanism. According to TFEU, Art. 263, the Court reviews the legality of legislative acts, of acts of the Council, of the Commission and of the European Central Bank, other than recommendations and opinions, and of acts of the EP and of the European Council intended to produce legal effects

on third parties. At the same time, any natural or legal person may institute proceedings against a regulatory act, which is of direct concern to them and does not entail implementing measures. This last possibility is particularly important in relation to cases of restrictive measures that may be adopted against natural or legal person on the basis of TFEU, Art. 215.2 (see CJEU 2005a, b, 2006).

4   Conclusions

This chapter has reconstructed the process of institutionalization of EU foreign and security policy, by showing its multidimensional development. It has done so placing the current institutional rules within their historical context and by highlighting the dynamics at the basis of their emergence. EU engagement to integrated practices did not always develop with a corresponding, linear increase of supranationalization of this policy area. As hypothesized in the previous chapter, the institutionalization of this policy-making system has originated from a constant interplay between "mechanism[s] of organizational abandonment in the face of unsatisfactory performance" and "mechanism[s] of intra-organizational correction and recuperation" (Weiler 1991, p. 2411). These are mechanisms that have been fueled by exogenous and endogenous factors. While the US policy on Western Europe and its role on specific international events have often served as external causal factors on national governments' preferences over the development of a common foreign and security policy, most frequently the role of Germany has represented the endogenous one.

On some occasions, the combination of these factors provided the functional pressure for alignments of Western European states' preferences to occur. Within such alignment ideational convergences emerged among European political *élites* on the strategies to adopt towards different policy questions, and national governments believed that a collective EU action was required. As a result of this, they engaged to integrated modes of governance and eventually, to an acceleration and consolidation of EU foreign and security policy institutionalization process. This is the case of the beginning of the 1990s, when the impact of the interplay of exogenous and endogenous factors over national governments' preferences resulted in the establishment of an institutional framework for both the supranational side and the intergovernmental side of EU foreign and security policies. Still, the chapter demonstrates that in the

post-Maastricht era member states have sought to maintain control over the new decision-making procedures through an increased preeminence of the European Council in foreign and security policy. The numerous regional strategies adopted, as well as the progressive framing of enlargement as a foreign policy tool, and the establishment of the ENP and of the Eastern Partnership (EaP), are a clear reflection of the influence of this intergovernmental forum in determining the EU foreign and security policy.

The institutional system which emerged from such constant interplay is characterized by multiple separations of power, which cause a dispersion of decision-making power both horizontally and vertically. The creation of an intergovernmental side and the lack of an effective principle for organizing such multiple separations particularly epitomize the compromises reached by the member states in the institutionalization of EU foreign and security policy. The examination also shows that that the role of the HR is not clearly defined in the LT. Because of its institutional features, the HR finds itself at a crossroad between EU supranational and the intergovernmental foreign policies (see Fig. 1). This implies that the HR may be able to foster EU engagement to integrated modes of governance. Yet, the current legal provisions do not provide enough indication on whether to conceptualize this institutional post as an autonomous political actor—part of the political executive of the EU—or as an implementing branch of the European Council. In fact,
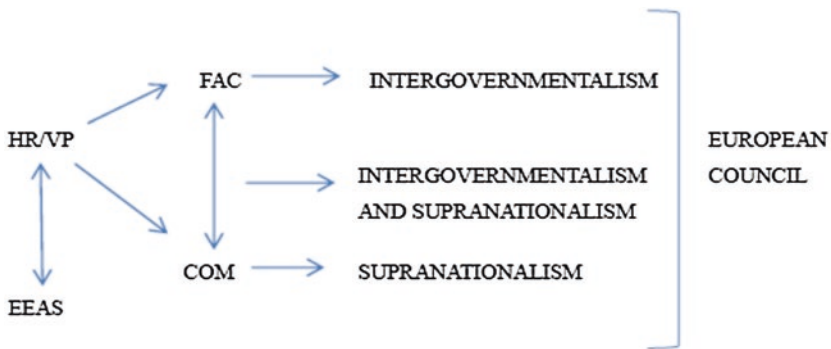

Fig. 1 The High Representative of the Union for Foreign Affairs and Security Policy: Structural and process perspectives

Table 1 EU foreign and security policy: Institutional structure

EU foreign and security policy	Supranational	Intergovernmental
Legislative power	Perfect bicameralism	Imperfect bicameralism
Executive power	Double-headed structure	Double/three-headed structure
Centre/territorial unit	Supranationalization EU centralized budget, with some exceptions	Cooperation (Declaration 13 and 14 annexed to the LT) Centre's financial dependence from the state
Judiciary	Judicial review by intermediation	CJEU's jurisdiction excluded from CFSP and CSDP with some exceptions

Source Fabbrini (2015, p. 235)

a convergence among member states' preferences and institutions seems to be a pre-condition for the HR to play a pro-active role, and to foster member states' to integrated efforts in EU foreign and security policy (see Table 1).

NOTES

1. On 4 March 1947 France and the UK signed a Mutual Assistance Treaty in Dunkirk. The treaty, which came into force on 8 September 1947. The treaty intended to be a defensive pact between the two countries against a German attack. On 17 March 1948, the Brussels Treaty signed and ratified by Belgium, France, Luxembourg and the Netherlands modified the Dunkirk Treaty. The Brussels Treaty established the Brussels Treaty Organization, namely the Western European Organization.
2. Belgium, the Netherlands, and Luxembourg.
3. Germany, France, Italy, Belgium, the Netherlands and Luxembourg.
4. The treaty on the WEU effectively came into force in January 1955.
5. The British decision to apply for EU membership was taken in 1961 by the conservative government lead by Harold MacMillan. The French president, Charles de Gaulle, voted against London's application for membership in 1963. Eventually, the UK signed the accession treaty to the EEC in 1973.
6. In particular, the legal arrangements referred to: the CCP; to the capacity to conclude AAs with third countries and groups of states; and to the cooperation with the United Nations, the Council of Europe, and the Organization of Economic Cooperation and Development.

7. North Atlantic Treaty Organization.
8. Treaty on the European Union.
9. While joint actions include operational actions, common positions intend to delineate the EU approach on a specific issue or geographical setting.
10. To counter the rise and spread of terrorism across Europe, on 1–2 December 1975 the European Council decided that the "Community Ministers for the Interior (or ministers with similar responsibilities) should meet to discuss matters coming within their competence, in particular with regard to law and order" (European Council 1975, p. 11). The informal intergovernmental body for cooperation that emerged was labelled the "Trevi Group". In June 1976 this group met in Luxembourg for the first time.
11. The Policy Planning and Early Warning unit was established within the Council Secretariat and consisted of member state and Commission's officials. Its main tasks included the monitoring of policy areas relevant to CFSP; the provision of early warning of crises; the production of policy papers; and the direction of a situation room tasked with the management of intelligence data provided by the member states. Yet, member states were to provide such data on a voluntary basis.
12. European Security and Defence Policy.
13. With the LT, the GAERC was divided into two formations: the GAC and the FAC.
14. The EEAS was formally established on 26 July 2010 (Council of the EU 2010).
15. The CFSP budget, included in the 19:03 Chapter of "Heading Four", titled "Global Europe", contains six budgetary lines: civilian crisis management; non-proliferation and disarmament; conflict resolution and other stabilization measures; emergency measures; preparatory and follow-up measures; European Union Special Representatives (EUSR).
16. Two flexibility clauses apply (TEU, Art. 41.2). The first clause allows the Council to finance expenditures arising from CSDP missions without military or defense implications from sources other than the EU budget. In the past, several civilian missions, such as the EU Monitoring Mission in Georgia in 2008 (EUMM), had to be initially financed through member states' contributions. This happened mainly due to the lack of efficient mechanisms for the rapid financing from CFSP resources. When expenditures are not charged to the Union budget, the second flexibility clause allows member states to share costs without referring to their gross national product scale (Rehrl and Weisserth 2013).
17. These provisions apply, in particular, to preparatory activities for peacekeeping missions, for conflict prevention and to strengthening international security (TEU, Art. 42.1; TEU, Art. 43).

18. These are member states that have constructively abstained from the relevant Council's decision from bearing costs with military or defense implications (TEU, Art. 31.1.2). The same exemption applies to Denmark on the basis of Protocol 20 to the TEU of 1997, which is also known as the Danish opt-out on the elaboration and implementation of decisions and actions of the Union having defense implications.

19. Coreper II, which consists of ambassadors, deals with items pertaining to the General Affairs, Foreign Affairs, Economic and Financial Affairs and Justice and Home Affairs formations of the Council.

20. Coreper I, which consists of member states' deputy permanent representatives, prepares the work of all other Council formations.

References

Amadio Viceré, M. G., & Fabbrini, S. (2017). Assessing the High Representative's role in Egypt during the Arab Spring. *The International Spectator, 52*(3), 64–82.

BBC. (2011, January 17). Q&A: The Lisbon Treaty. *BBC News*. Available from http://news.bbc.co.uk/2/hi/europe/6901353.stm.

Beehner, L. (2005, June 1). European Union: The French and Dutch referendums. *Council on Foreign Relations*. Available from http://www.cfr.org/france/european-union-french-dutch-referendums/p8148#p0.

Bickerton, C., Hodson, D., & Puetter, U. (2014). The new intergovernmentalism: European integration in the post-Maastricht era. *Journal of Common Market Studies, 53*(4), 703–722.

Bindi, F. (2010). European Union foreign policy: A historical overview. In F. Bindi (Ed.), *The Foreign Policy of the European Union: Assessing Europe's Role in the World*. Washington, DC: Brooking Institution Press.

Blanke, H. J., & Mangiameli, S. (Eds.). (2012). *The European Union After Lisbon. Constitutional Basis, Economic Order and External Action*. Heidelberg: Springer.

Blockmans, S., & Russack, S. (2015). *The commissioners' group on external action* (CEPS Special Rep. No. 125).

Calvocoressi, P. (2014). *Resilient Europe. A Study of the Years 1870–2000*. Abingdon: Routledge.

Cardwell, P. J. (Ed.). (2012). *EU External Relations Law and Policy in the Post-Lisbon Era*. The Hague: Asser Press.

Cini, M., & Perez-Solorzano Borragan, N. (2016). *European Union Politics*. Oxford: Oxford University Press.

Copenhagen Report on European Political Cooperation. (1973). Copenhagen, 23 July 1973. Available from https://www.cvce.eu/content/publication/1999/1/1/8b935ae1-0a38-42d4-a97e-088c63d54b6f/publishable_en.pdf.

Council of the European Union. (2001a). *Council decision of 22 January 2001 setting up the Political and Security Committee.* Available from http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32001D0078.

———. (2001b). *Council decision of 22 January 2001 setting up the military committee of the European Union.* Available from http://www.consilium.europa.eu/uedocs/cmsUpload/l_02720010130en00040006.pdf.

———. (2003). *A secure Europe in a better world.* Brussels, 12 December 2003. Available from http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf.

———. (2009). Council decision on 1 December 2009 adopting the Council's Rules of Procedure. (2009/937/EU). OJ L 325/35-61.

———. (2010). *Council decision of 26 July 2010 establishing the organization and functioning of the European External Action Service.* Brussels. Available from http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf.

Daalder, I. H. (1998). Decision to intervene: How the war in Bosnia ended. *Foreign Service Journal.* Brookings. Available from http://www.brookings.edu/research/articles/1998/12/balkans-daalder.

Denza, E. (2012). The role of the High Representative of the Union for Foreign Affairs and Security Policy. In H. J. Blanke & S. Magiameli (Eds.), *The European Union After Lisbon. Constitutional Basis, Economic Order and External Action.* Berlin and Heidelberg: Springer.

De Schoutheete de Tervarent, P. (1997). The creation of the Common Foreign and Security Policy. In E. Regelsberger, P. De Schoutheete de Tervarent, & W. Wessels (Eds.), *Foreign Policy and the European Union.* Boulder: L. Rienner Publishers.

Easton, D. (1971). *The Political System: An Inquiry into the State of Political Science* (2nd ed.). New York: Knopf.

European Council. (1975). *Summary of the conclusions of the meeting of the European Council held in Rome on 1–2 December 1975.* Rome. Available from http://webcache.googleusercontent.com/search?q=cache:SMs9NfV4ObkJ:www.consilium.europa.eu/en/european-council/conclusions/pdf-1992-1975/rome-european-council,-1-and-2-december-1975/+&cd=1&hl=it&ct=clnk&gl=it.

———. (1988). *Conclusions of the Presidency.* Rhodes, 2–3 December 1988. Available from http://www.europarl.europa.eu/summits/rhodes/default_en.htm?textMode=on.

———. (1994). *Presidency conclusions.* 24–25 June 1994. Available from https://www.consilium.europa.eu/uedocs/cmsUpload/EUROPEAN%20COUNCIL%20AT%20CORFU%20-%20Presidency%20conclusions.pdf.

———. (1999a). *Conclusions of the Presidency.* Cologne, 3–4 June 1999. Available from http://www.europarl.europa.eu/summits/kol1_en.htm.

———. (1999b). *Presidency conclusions.* Helsinky, 10–11 December 1999. Available from http://www.europarl.europa.eu/summits/hel1_en.htm.

———. (2000). *Common strategy for the Mediterranean.* 19 June 2000. Available from http://eur-lex.europa.eu/legal-content/IT/TXT/?uri=URISERV%3Ar15002.

———. (2001). *Presidency conclusions.* Laeken, 14–15 December 2001. Available from http://webcache.googleusercontent.com/search?q=cache:x4GQw-MZI-40J:www.consilium.europa.eu/en/european-council/conclusions/pdf-1993-2003/european-council-meeting-in-laeken–presidency-conclusions-14-15-december-2001/+&cd=1&hl=it&ct=clnk&gl=it.

European Court of Justice. (1998a). Case 176/03 *Commission v Council.* [2005] ECR I-7879.

———. (1998b). Case C-170/96 *Commission v Council.* [1998] ECR I-2763.

———. (2005a). Case T-228/02 *Organisation des Modjahedines du peuple d'Iran v Conseil.* [2006] ECR II-4665.

———. (2005b). Case T-306/01 *Yusuf.* [2005] ECR II-3533.

———. (2006). Case T-315/01 *Kadi.* [2005] ECR II-3649.

Fabbrini, S. (2015). *Which European Union? Europe After the Euro Crisis.* Cambridge: Cambridge University Press.

Fouchet Plan—Second Draft. (1962). Available from http://www.cvce.eu/obj/draft_treaty_fouchet_plan_ii_18_january_1962-en-c9930f55-7d69-4edc-8961-4f12cf7d7a5b.html.

Fry, M. G., Goldstein, E., & Langhorne, R. (Eds.). (2002). *Guide to International Relations and Diplomacy.* London: Continuum.

Fursdon, E. (1980). *European Defence Community: A History.* London: The Macmillan Press.

Gauttier, P. (2004). Horizontal coherence and the external competences of the European Union. *European Law Journal, 10*(1), 23–41.

Gebhard, C. (2011). Coherence. In C. Hill & M. Smith (Eds.), *International Relations and the European Union.* Oxford: Oxford University Press.

Genschel, P., & Jachtenfuchs, M. (Eds.). (2014). *Beyond the Regulatory Polity? The European Integration of Core State Powers.* Oxford: Oxford University Press.

Giegerich, B., & Wallace, W. (2010). Foreign and security policy. Civilian power Europe and American leadership. In H. Wallace, M. Pollack, & A. Young (Eds.), *Policy-Making in the European Union.* Oxford: Oxford University Press.

Ginsberg, R. H. (2001). *The European Union in International Politics. Baptism by Fire.* Lanham: Rowman & Littlefield.

Gnesotto, N. (1990). Défence européenne: pourquoi pas les douze? *Politique ètrangère, 55*(4), 881–883.

Hill, C., & Smith, K. (Eds.). (2000). *European Foreign Policy: Key Documents*. London: Routledge.

Hoffman. (2013). *European Security in NATO's Shadow. Party, Ideologies and Institution Building*. Cambridge: Cambridge University Press.

Holland, M. (1991). Sanctions as an EPC instrument. In M. Holland (Ed.), *The Future of European Political Cooperation: Essays on Theory and Practice*. New York: St. Martin's Press.

Howorth, J. (2013). European security institutions 1945–2010: The weaknesses and strengths of "Brussellization". In S. Biscop & R. G. Whitman (Eds.), *The Routledge Handbook of European Security*. Abingdon: Routledge.

———. (2014). *Security and Defence Policy in the European Union*. London: Palgrave Macmillan.

Kaczyński, P. M., Broin, P. ò., Dehousse, F., de Schoutheete, P., Heremans, T., Keller, J., et al. (2010). *The Treaty of Lisbon: A Second Look at the Institutional Innovations*. Brussels: CEPS, Egmont and EPC.

Kaddous, C. (2008). Role and position of the High Representative of the Union for Foreign Affairs and Security Policy under the Lisbon Treaty. In S. Griller & J. Ziller (Eds.), *The Lisbon Treaty. EU Constitutionalism Without a Constitutional Treaty?* Vienna: Springer.

Koutrakos, P. (2013). *The EU Common Security and Defence Policy*. Oxford: Oxford University Press.

Kreppel, A. (2006). Understanding the European parliament from a federalist perspective: The legislatures of the United States and the European Union compare. In A. Menon & M. Schain (Eds.), *Comparative Federalism: The European Union and the United States in Comparative Perspective*. Oxford: Oxford University Press.

Kühnhardt, L. (2009). The fall of the Berlin Wall and European integration. *Panorama—Insights into Asian and European Affairs*. Konrad Adenauer Stiftung. Available from http://www.kas.de/upload/Publikationen/Panorama/2009/1/kuehnhardt.pdf.

Laursen, F. (2014). The EU "external action" according to the Lisbon Treaty: Institutional choices and their explanations. In M. Wilga & I. P Karolewski (Eds.), *New Approaches to EU Foreign Policy*. Abingdon: Routledge.

Liechfield, J. (2010, February 26). Sarkozy admits France's role in Rwandan genocide. *Independent*. Available from http://www.independent.co.uk/news/world/europe/sarkozy-admits-frances-role-in-rwandan-genocide1911272.html.

London Report on European Political Cooperation. (1981). London, 13 October 1981. Available from http://www.cvce.eu/content/publication/2002/1/18/869a63a6-4c28-4e42-8c41-efd2415cd7dc/publishable_en.pdf.

Meunier, S. (2005). *Trading Voices: The European Union in International Commercial Negotiations*. Princeton: Princeton University Press.

Miskimmon, A. (2007). *Germany and the Common Foreign and Security Policy of the European Union*. Basingstoke: Palgrave Macmillan.

Missiroli, A. (2001). European Security Policy: The Challenge of Coherence. *European Foreign Affairs Review, 6*(2), 177–196.

Nelsen, B. F., & Stubb, A. C. G. (Eds.). (1994). *The European Union: Readings on the Theory and Practice of European Integration*. Basingstoke: Palgrave Macmillan.

Nuttall, S. J. (1985). European political cooperation and the single European Act. In *Yearbook of European Law* (Vol. 5). Oxford: Clarendon Press.

———. (2000). *European Foreign Policy*. Oxford: Oxford University Press.

Patel, K. K. (2011). Germany and European integration since 1945. In H. Walser Smith (Ed.), *The Oxford Handbook of Modern German History*. Oxford: Oxford University Press.

Pijpers, A., Regelsberger, E., & Wessels, W. (1988). A common foreign policy for Western Europe? In A. Pijpers, E. Regelsberger, & W. Wessels (Eds.), *European Political Cooperation in the 1980s. A Common Foreign Policy for Western Europe*. Dordrecht: Martinus Nijhoff Publishers.

Puetter, U. (2014). *The European Council and the Council: New Intergovernmentalism and Institutional Change*. Oxford: Oxford University Press.

Reflection Group, Report. (1995). Messina, 2 June 1995. Available from http://www.europarl.europa.eu/enlargement/cu/agreements/reflex2_en.htm.

Rehrl, J., & Weisserth, B. (Eds.). (2013). *Handbook on CSDP. The Common Security and Defence Policy of the European Union*. Vienna: Directorate for Security Policy of the Federal Ministry of Defence and Sports of the Republic of Austria. Armed Forces Printing Centre.

Rutten, M. (2001). *From Saint Malo to Nice. European defence: Core documents* (EU-ISS Chaillot Paper no. 47).

Sari, A. (2012). Between legislation and organizational development: Explaining the evolution of EU competence in the field of foreign policy. In P. J. Cardwell (Ed.), *EU External Relations Law and Policy in the Post-Lisbon Era*. The Hague: Asser Press.

Schuman Declaration. (1970). Paris, 9 May 1950. Available from http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm.

Sciolino, E. (2005, May 30). French voters soundly reject European Union constitution. *The New York Times*. Available from http://www.nytimes.com/2005/05/30/world/europe/french-voters-soundly-reject-europe-an-union-constitution.html.

Shearer, A. (2000). Britain, France and the Saint-Malo declaration: Tactical rapprochement or strategic entente? *Cambridge Review of International Affairs, 13*(2), 283–298.

Siovaag, M. (1998). The Single European Act. In K. A. Eliassen (Ed.), *Foreign and Security Policy in the European Union*. London: Sage.

Sjursen, H. (Ed.). (2007). *Civilian or Military Power? Foreign Policy in Perspective*. London: Routledge.

Sloan, S. R. (2010). *Permanent Alliance? Nato and the Transatlantic Bargain from Truman to Obama*. London: Bloomsbury Publishing.

Smith, K. (2011). Enlargement, the neighborhood, and European order. In C. Hill & M. Smith (Eds.), *International Relations and the European Union*. Oxford: Oxford University Press.

———. (2013). *European Union Foreign Policy in a Changing World*. London: Polity Press.

St. Malo Declaration. (1998). 4 December 1998. Available from http://www.cvce.eu/obj/franco_british_st_malo_declaration_4_december_1998-en-f3cd-16fb-fc37-4d52-936f-c8e9bc80f24f.html.

Sutton, M. (2007). *France and the Construction of Europe, 1944–2007: The Geopolitical Imperative*. New York: Berghahn Books.

Teadale, A., & Bainbridge, T. (2012). *The Penguin Companion to European Union*. Additional website entry. Available from http://penguincompanion-toeu.com/additional_entries,/reflection-group/.

Thym, D. (2011). The intergovernmental constitution of the EU's foreign, security and defence executive. *European Constitutional Law Review, 7*(3), 453–480.

Timmermans, C. (1996). The uneasy relationship between the communities and the second union pillar: Back to the "Plan Fouchet"? *Legal Issues of Economic Integration, 23*(1), 61–70.

Van Elsuwege, P., & Orbie, J. (2014). The EU's humanitarian aid policy after Lisbon: Implications of a new treaty basis. In I. Goavere & S. Poli (Eds.), *EU Management of Global Emergencies: Legal Framework for Combating Threats and Crises*. Leiden: Brill and Nijhoff.

Vanhoonacker, S. (2011). The institutional framework. In C. Hill & M. Smith (Eds.), *International Relations and the European Union*. Oxford: Oxford University Press.

Verbeke, J. (2006). EU coordination on UN Security Council matters. In J. Wouters, F. Hoffmeister, & T. Ruys (Eds.), *The United Nations and the European Union: An Ever Stronger Partnership*. The Hague: T.M.C. Asser Press.

Weiler, J. (1991). The transformation of Europe. *The Yale Law Journal, 100*(8), 2403–2483.

Wessel, R. A. (2007). The EU's foreign, security and defence policy fifteen years after Maastricht: A constitutional momentum? In H. G. Ehrhart, S. Jaberg, B. Rinke, & J. Waldmann (Eds.), *Die Europäische Union im 21. Jahrhundert*.

Theorie und Praxis europäischer Außen-, Sicherheits- und Friedenspolitik. Wiesbaden: VS Verlag für Sozialwissenschaften.

Wessel, R. A., & den Hertog, L. (2012). EU foreign, security and defence policy: A competence-responsibility gap? In M. Evans & P. Koutrakos (Eds.), *International Responsibility: EU and International Perspectives.* Oxford: Hart Publishing.

Wessels, W. (2001). The Amsterdam treaty in theoretical perspectives: Which dynamics at work? In J. Monar (Ed.), *The European Union After the Treaty of Amsterdam.* London: Continuum.

———. (2015). *The European Council.* Basingstoke: Palgrave Macmillan.

Willis, F. R. (1965). *France, Germany and the New Europe 1945–1963.* London: Oxford University Press.

CHAPTER 4

EU Foreign Policy on Kosovo
and Ukraine in Context

1 INTRODUCTION

A proper understanding of the actors among which the strategic interactions under study occur and of the environment in which such interactions take place is essential to provide an in-depth examination of the High Representative's (HR) role in Kosovo and Ukraine in Chapter 5 and in Chapter 6. EU-Kosovo and EU-Ukraine relations are marked by an apparent paradox. Whilst the EU was unable to prevent the outbreak of an armed conflict in Kosovo because of basic dilemmas of collective action among the member states at the time, the Union did prove capable of dealing with post-conflict reconstruction in this area in a truly integrated way. This was mainly done within the framework of the United Nations Interim Administration Mission in Kosovo (UNMIK) and through economic aid (Delgado 2012). At the same time, despite divergent preferences among member states and institutions on Russia's aspirations in the post-Soviet space (Light 2008), the EU has exerted its influence to pursue economic integration in the Eastern neighbourhood—particularly Ukraine—in an integrated manner. Why was that so? Providing a detailed account of micro-foundations is essential to assess the "connection between what actors want, the environment in which they strive to further their interests and the outcomes of this interaction" (Lake and Powell 1999, p. 20).

This chapter defines the actors and outlines the strategic environment (Lake and Powell 1999) constituting the case studies examined in this

book. It starts by offering a historical overview of EU-Kosovo relations. The chapter then provides an outline of EU member states and institutions' preferences over Kosovo, of their beliefs about the preferences of others, as well as of the actions and of the information structure (Lake and Powell 1999) composing this case study's strategic environment. The second section begins with an examination of the historical evolution of EU-Ukraine relations. It then continues with an outline of member states and institutions' preferences over Ukraine and of their beliefs about the preferences of others. Finally, the actions and information structure composing the Ukrainian case study's strategic environment are overviewed.

The analysis shows that a series of exogenous and endogenous causal factors impacted on member states' preferences over Kosovo and Ukraine. Eventually, this functional pressure triggered and shaped the causal pathways determining the rise and consolidation of an ideational convergence among EU political *élites* on the strategies to adopt towards them. This was a convergence that resulted in the formalization of the Western Balkans' enlargement in 2003 and in the launch of the Eastern Partnership (EaP) in 2009. As for the strategic environment, the chapter demonstrates that the institutional *equilibrium* reached within the EU on the creation of these regional policies guarantees to the member states an extensive control over their development and implementation. The next two chapters will assess under which conditions and with what implications on the governance of EU foreign and security policy member states would exert such control.

2   EU-Kosovo Relations

Kosovo has been described as the "black hole of Europe", a particularly troubled spot even by the standards of the Western Balkans, widely recognized as one of the most unstable regions in Europe's neighborhood (Sutton 2002). The reasons accounting for this definition as well as the first seeds of the Kosovar long-lasting dispute date back long before the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY) (Ramet 2009). During the first Balkan War (1912–1913) Serbian Montenegrin and Greek troops conquered Kosovo from the Ottoman Empire. Despite the Albanian majority's claims over this territory, under the mediation of the Great European Powers, the results of the London

Peace Conference envisaged the inclusion of Kosovo into Serbia with the 1913 London Treaty[1] (Metz 2014).

Following the First World War, Kosovo's Albanian majority had hoped for a unification of the Albanian population into an autonomous state (Demaj 2003). However, the geopolitical rearrangements prompted by the dissolution of the Austro-Hungarian, German, Ottoman and the Russian empires resulted in the establishment of the Kingdom of Serbs, of Croats and of Slovenes on 1 December 1918. Under the ruling of the then-Serbian Prince, Alexander Karađorđević, Kosovo became an integral part of Serbia. Between the 1920s and the 1930s, Belgrade's authorities confiscated Albanians' land and fostered the settlement of Serbians in the area to increase the Serbian population in Kosovo (Malcolm 1998). With the break of the Second World War most of those Serbian settlers were forced out of the region. While the area became part of the Italian tutelage during the first part of the conflict, ethnic Albanians persecuted the Serbian population (Judah 1997). In the aftermath of the second world conflict, Kosovo was assigned once again to Serbia within the new Federal Yugoslavia, but with an autonomous status (Gulyás and Csüllög 2015).[2] Later on, Aleksandar Ranković, Yugoslavia's minister of the interior between 1946 and 1953, reintroduced anti-Albanian policies, which forced thousands of ethnic Albanians to emigrate, mostly to Turkey (Meier 1999).

After the end of the Second World War, Kosovo enjoyed some degree of independence (MacShane 2012). As the then-President of Yugoslavia, Josip Broz Tito, wanted to prevent Serbia's preeminence within the federation, this region became the "Socialist Autonomous Province of Kosovo" (Rogel 1998). Following the 1968 uprisings of Kosovo Albanians, Belgrade granted to the area a more autonomous status through a new liberal statute. An autonomy that was further enhanced in 1974 with the adoption of a new Serbian constitution, which envisaged the attribution of almost all the rights enjoyed by SFRY federated states to autonomous provinces (Weller 2009). On that occasion, Kosovo was given the right to have its own constitution and to enjoy self-administration prerogatives locally. Furthermore, ethnic Albanians' self-administration was effectively established and guaranteed at the federal level, where the province enjoyed equal representation with the republics in federal organs. These constitutional modifications spread resentment over the nationalist fringes of the Serbian population. When Tito died in 1980 Kosovo's Albanians lost their main protector (Baracani 2014). By the end of the 1980s the

public *consensus* over the withdrawal of Kosovo's autonomy and the "unification" of the Serbian republic had gotten strong enough to reach Belgrade's corridors of power.

It is a widespread opinion that the breaking up of SFRY began precisely when Slobodan Milošević, the then-President of the Federal Republic of Yugoslavia, forced the revocation of Kosovo's autonomy (Glenny 1993). Milošević aimed at outliving the collapse of communism, while maintaining control over Serbia and, possibly, over Yugoslavia (Baracani 2014). Indeed, nationalism responded to the Serbian leader's needs (Pesic 1999). In autumn 1988 what became known as the "anti-bureaucratic revolution" (Grdešić 2016) started and Belgrade began the replacement of Kosovo's provincial leadership (Serbian Academy of Arts and Science 1986). The first expulsions of Kosovo's Albanians from the police, the judiciary, the schools and the cultural institutions, as well as from the industrial factories began soon afterwards. On 24 February 1989 the Serbian parliament abolished Kosovo's federal status as a province. Shortly afterwards, the new 1990 Serbian constitution essentially sanctioned Pristina's subordination to Belgrade (Weller 2009). These events essentially initiated the SFRY's dissolution (Mertus 1999). Croatia and Slovenia respectively declared their independence on 25–26 June 1991. As the armed fighting broke out in both countries during the summer of 1991, the Assembly of the Republic of Kosovo in exile stated that this region would also have been transformed into an independent state (Bugajski 1995). Ultimately, when targeted ethnic violence erupted in the Yugoslav republics calling for independence, Bosnia and Herzegovina included, Belgrade further strengthened its grip on the Albanian population adopting laws on ethnic distinction in Kosovo (Štiks 2006).

The dynamics of the Yugoslav downfall and its descent into violence were quite well understood by the EU. Brussels realized soon that the SFRY's dissolution could not come to a halt after the declaration of independence of Slovenia and Croatia (Glaurdic 2011). At first, EU member states were at the forefront of the international community's reaction (Weller 2009). Nonetheless, it took a decisive intervention of United States' (US) diplomats, in particular of the Assistant Secretary of State Richard Holbrooke, to bring an end to the war in Bosnia and Herzegovina, through a peace deal signed at Dayton (Ohio 21 November 1995). The Agreement, made between the presidents of Bosnia, Serbia and Croatia, envisaged the preservation of Bosnia as a single state, consisting of the Bosnian-Croat Federation and the Bosnian-Serb

Republic.[3] While the deal "was widely expected to herald the end of the collapse of Yugoslavia" and to bring a "new more peaceful era of reconciliation and reconstruction in the Western Balkans" (Ker-Lindsay 2009, p. 2), it failed to address the complex situation in Kosovo, where the ethnic Albanian majority was still being oppressed by Serbia. As the region was entrapped in an escalating spiral of violence, the situation in Kosovo soon turned into a new crisis. Claiming that there was an urgent need to stop the ethnic cleansing of Serbs from "Albanian Kosovar terrorists", Serbia presented a new eruption of violence in 1998 as a defensive reaction (Herring 2007). Not even a few weeks after the breaking of this new conflict more than half of the ethnic Albanian inhabitants had been moved out of Kosovo though a colossal and efficient ethnic cleansing campaign.

Both the US and the EU were quick in publicly condemning the massacre of civilian Albanians. In the initial phases of the crisis EU member states imposed sanctions on Serbia in coordination with the Contact group[4] (Bytyci 2015). Still, it was the latter that, in an attempt to stop the violence, initiated the dialogues for the *Rambouillet Accords* (February 1999). These dialogues should have envisaged an "Interim Agreement for Peace and Self-Government between Yugoslavia and Kosovo". Yet, because of Russia's opposition to other members' positions, European countries and the US continued to negotiate within the Quint without Moscow (Gegout 2010, p. 154). Consequently, the final agreement ended up being a "NATO[5] proposal" rather than a Contact Group plan (Herring 2007, p. 226). Yugoslavia's subsequent refusal to "allow a Nato-led force to guarantee peace" (BBC 2000) brought to NATO's military intervention in Kosovo (Weller 1999). Seventy-eight days of bombing followed, with some EU member states participating in the campaign as well.[6]

Meanwhile, on 30 March 1999 the EU nominated Wolfgang Petritsch EU Special Envoy for Kosovo (Council of the EU, GAERC 1999), and tasked the Finnish diplomat Martti Ahtisaari to broker a possible deal together with the Russian diplomat Viktor Chernomyrdin and the American diplomat Nelson Strobridge Talbott (Bartrop 2012). The negotiations with the Serbian President Milošević led to the Military Technical Agreement[7] (9 June 1999) between the International Security Force, the government of the Federal Republic of Yugoslavia and the Republic of Serbia. The deal envisaged the withdrawal of Serbian military and police from Kosovo, basically paving the way for the deployment

of the NATO-led mission "Kosovo force" (KFOR). On the same day that the UN Security Council Resolution 1244 authorized the entry of NATO troops into Kosovo (UNSC 1999, 10 June 1999) the bombing of the international coalition stopped. While NATO was preparing an intervention on the field, the ministry of the interior of Yugoslavia chose to retire its police forces from the region. This combination provided enough time for the Kosovo Liberation Army (UÇK; Vickers 1998) to carry out genocide against the Serbs. Murders, rapes and kidnapping perpetrated with the aim of selling human organs (Freedman 2000) exterminated a large majority of the Serbian population in the area. The ethnic cleansing of Albanians and the genocide of Serbian civilians, coupled with NATO's bombing had brought the population down to its knees. The 1998–1999 war had killed 10,000 people and produced over 800,000 refugees out of 1.7 million inhabitants (Human Rights Watch 2008). In spite of the widely praised institutional innovations in its foreign and security policy construction, the EU had essentially passively witnessed the unfolding of the tragic events in the Western of Balkans. The need of the US to act as "the world's policemen, even on Europe's own soil" (Valentino 2011) would have become the EU 1990s' greatest embarrassment.

2.1   *Historical Evolution*

2.1.1 *The Policies of Post-conflict Reconstruction*
Judging the EU's performance in the 1990s, it is only since the 1999 NATO intervention in Kosovo that the EU has played an increasingly important role as a regional pacifier and mediator of conflicts in the Western Balkans. Ever since the end of the conflicts deriving from the dissolution of Yugoslavia a number of exogenous and endogenous casual factors provided the pressure for an alignment of national governments' preferences over the stabilization of Kosovo to occur, essentially serving as sources of change in EU approach to the Western Balkan country. First of all, the US exerted considerable influence on member states' national governments and on EU institutions, by acting as an exogenous causal factor. Simplifying only slightly, Washington considered the Western Balkans and Kosovo a responsibility of the EU (Interviews A, C and E). In the words of a European External Action Service (EEAS) official: "The US had made it clear enough to the EU that it would have not been willing to play a leading role anymore in this area" (Interview E).

Pressure on EU member states and institutions came from Western Balkan countries as well, serving as an additional external causal factor. Indeed, the number of applicants for EU membership had considerably increased with the end of the Cold War. Endogenous causal factors also contributed to the elaboration of EU policy towards this region. The EU's failure to address the bloody dissolution of SFRY and the crisis in Kosovo contributed to the change in EU approach. After all, the EU could not afford another foreign policy failure in its backyard, not only for idealistic reasons but also for geopolitical and economic ones (Vachudova 2013). As pointed out by Hill (1993), the Union had prime responsibility to act as a "regional pacifier" and conflict mediator in the Western Balkans. Stabilizing Kosovo's powder keg was considered an essential mean to this end.

Within this alignment of preferences an ideational convergence emerged among European political *élites* on the strategies to adopt towards the Western Balkans, which soon became the only geopolitical area in which the EU has claimed a "political and operational lead in a dense international field" (Gross and Rotta 2011, p. 2). In fact, the Union did prove very capable of dealing with post-conflict economic reconstruction of this regional setting (Delgado 2012). From the 1998–1999 conflict until 2011 the EU has donated to Kosovo "roughly two-thirds of the sum provided by the international community" (Valentino 2011). Together with the economic assistance to the region, the EU expertise was crucial in supporting reforms and the initial institution building phases in the country. Besides halting the bombing, UNSCR Resolution 1244 had made this territory the first UN protectorate in history. According to such resolution, Kosovo would have been administered by the UN, under the technical sovereignty of Yugoslavia without any prejudice for its final status. UNMIK, headed by the Special Representative of the UN Secretary-General (SRSG) and comprised of four different components called "Pillars" (Karnitshing 2006), was tasked to act as a transitional administration. The Commission contributed extensively to the work of UNMIK, with the fourth UNMIK Pillar being symbolically referred to as the EU one. Although this pillar has never been an EU agent, it mostly worked with financial input and political support from the Union: a kind of support that went beyond financing. Thus, EU institutions and member states also provided experts to UNMIK and funded workers contracted locally (Karnistshing 2006).

In 1999 Kosovo became part of the Stabilization and Association Process (SAP),[8] a policy framework envisaging far-reaching reforms and EU membership as its final goal. The SAP's second component, which regarded EU autonomous trade measures (ATM), provided unlimited and duty-free access to the EU of nearly all products originating in Kosovo (European Commission 2016), which was given the opportunity to enjoy export-led growth, and to stabilize its economy. Remarkably such ATMs considered it as a separate customs territory, conducting its own trade policy independently from Serbia (Karnitshning 2006). The EU also ensured Kosovo's inclusion into a network of bilateral free trade agreements in the framework of the Stability Pact for South Eastern Europe, therefore improving its export opportunities. All this was running in parallel with the Commission's reconstruction program (EUR-LEX 2016a). When a constitutional framework was agreed upon for Kosovo's provisional institutions of self-government in May 2001 and after the first election for the assembly was held in November 2001, EU member states and institutions' alignment of preferences and ideational convergence were still in place. Thus, as the role of the provisional institutions of self-government was becoming more incisive, EU reforms' objective shifted from "hard" reconstruction to institution building and to the improvement of the rule of law. Furthermore, the Commission established the Kosovo SAP Tracking Mechanism (STM) (Zagreb Summit 2000), which envisaged regular meetings bringing together EU, UNMIK and Kosovo's provisional institutions. Later on, in 2004 the EU also created a European Partnership for Kosovo (EUR-LEX 2016b): an initiative inspired by the accession partnership used for the candidate countries.

Eventually, within these alignment of preferences and ideational convergence an ideational convergence emerged among European political *élites* on the strategies to adopt towards the whole region. This is reflected in a new legal-political *equilibrium*, namely the use of enlargement as a foreign policy instrument towards the Western Balkans (Juncos and Pérez-Solòrzano Borragàn 2016). Indeed, the process had started already on 21–22 June 1993 with the delineation of a comprehensive list of accession requirements for countries of Central and Eastern Europe (CEE) by the Copenhagen European Council (European Council 1993). Yet, in the early 2000s, a *consensus* had emerged among EU member states and institutions over the formalization of the enlargement's prospect to this area as well. Consequently, the Thessaloniki European Council held on 19–20 June 2003 provided further *impetus* to

the "privileged relationship between the EU and the Western Balkans" (European Council 2003, p. 2). A few years later, on 14–15 December 2006 EU leaders declared that the future of the region laid into the EU (European Council 2006). From this moment, the prospect of EU enlargement would have been a key foreign policy tool of the Union in its policies on Kosovo. In this way, the EU hoped to replicate "the success in Central and Eastern Europe" (Noutcheva 2012, p. 1). One has only to think that in this regard the European commissioner responsible for enlargement, Olli Rehn, stated that it would have been "much more cheaper to keep these countries on track by offering them the accession process than to run international protectorates and military occupation in the region" (European Commission 2006).

2.1.2 Kosovo's Declaration of Independence

On 12 July 2006 in a joint report entitled "the future EU Role and Contribution in Kosovo" the HR, Javier Solana, and the Commissioner for Enlargement, Olli Rehn, called for the creation of an international civilian mission intended to implement the non-military aspects of the determination of Kosovo's status (High Representative and Commissioner for Enlargement 2006). Solana and Rehn also recommended the creation of a common security and defense (CSDP) mission to support the strengthening of Kosovo's rule of law. As this area was identified as the "weakest feature in the EU nation-building effort in Kosovo" (Interview H), member states and institutions' preferences aligned over the need to strengthen their efforts in this specific sector. A *consensus* was found soon over the proposal made by Solana and Rehn. Within this context, member states showed a propensity towards voluntary cooperation. On 14 December 2007 the European Council's final conclusions stressed "the EU's readiness to assist Kosovo in the path towards sustainable stability, including by a ESDP mission" (European Council 2007, p. 20). Later on, on 4 February 2008, the decision was made for the EU to deploy such mission in the Western Balkan country.[9]

Two weeks later, on 17 February 2008, Kosovo unilaterally declared its independence from Serbia, in line with the recommendations of the 2007 Ahtisaari Plan (UNSESG 2007).[10] Swiftly, Serbia and Russia protested against Pristina's declaration, as opposed to the US, which officially recognized it (US, Department of State 2008). The Council of the EU in turn, acknowledged such a declaration "underlin[ing] its

conviction that in view of the conflict of the 1990s and the extended period of international administration under [UNSC Resolution] 1244, Kosovo constituted[es] a sui generis case" (Council of the EU, GAERC 2008b, p. 7). Of the then-27 member states of the EU, only 22 recognized Kosovo in 2008, with Cyprus, Greece, Romania, Slovakia and Spain refusing to do so. Nonetheless, beyond the *strictu sensu* recognition of this country's independence, tied to domestic considerations, a cleavage between member states on how to handle Kosovo's transition had not emerged. On the one hand, in the same official document, the Council "asked the Commission to use community instruments to promote this country's economic and political development" (Council of the EU, GAERC 2008b, p. 2). On the other hand, despite some governments' refusal to recognize Kosovo as a sovereign state, the implementation of EULEX,[11] a CSDP mission that was *de facto* designed to supervise its autonomy, continued (Grevi 2009). In fact, interviewed on the issue, an observer describes these developments as follows:

> The Council's decision on EULEX mandate was rushed precisely because member states knew that the independence would have been declared soon in the Kosovar national parliament. Those that would have been the other five non-recognizing member states after Kosovo's declaration of independence approved the mandate only because the voting occurred before such declaration was made. (Interview J)

The *consensus* for "state-building" and for supporting "the country to advance with the necessary reforms" provided fertile ground for EULEX to be effectively deployed (Interview R). Certainly, member states were all keen on decreasing the possibilities of another "war or civil war at the doorstep of Europe" (Interview A). Western European capitals also all wanted to make sure that Kosovo would be a stable country rather than a hub of international crime, migrants trafficking and money laundering (Interview M). Moreover, having an executive CSDP mission in Kosovo would have served the non-recognizers' strategy of maintaining it a "special case" in the Western Balkans (Interview M), while keeping "a foot on the ground" and being able to oversee "the situation there" (Interview G). In fact, the mission, which was intended to assist Kosovar authorities in the rule of law area, had an all-encompassing, executive and operational mandate. Member states' ideational convergence on the strategies to adopt towards Kosovo is also reflected in the

size and ambition of EULEX, the first fully integrated rule-of-law mission, embracing the fields of justice, police and customs (Grevi 2009). Notwithstanding the positions of the five non-recognizers, EULEX became soon the "boldest and most powerful example of CSDP mission that the EU has ever deployed" (Interview A), showing "the relevance of the Balkans to the EU as a whole" (Interview E). To be sure, EULEX was never expressively linked to the supervision of Kosovo's independence (Council of the EU, GAERC 2008a). Instead, this supervisory role was formally attributed to the International Civilian Office (ICO) under the direction of an International Civilian Representative. Nevertheless, on the basis of the HR Solana's recommendations (High Representative 2008), this institutional post was essentially aggregated to the one of EU Special Representative (Summers 2011).

Meanwhile, in an attempt to halt further recognitions, Serbia brought the question of Kosovo's unilateral declaration of independence to the International Court of Justice (ICJ). Pristina's move caused a real shock in the Serbian domestic politics (Dallara and Marceta 2010). As a consequence of it, the fracture between northern and southern municipalities in this region deepened further. Whilst Kosovo's central government had always opposed Serbia's role in the north, its attempts to gain local authority there had generally been resisted with violence. In the immediate aftermath of the declaration, connections between Serb-populated northern region and the south were interrupted. Parallel Serb elections were held in the northern part of the country on 11 May 2008, essentially sanctioning the strengthening of Serbia-related administrative structures there with the creation of a "Kosovo Serb Parliament" on 13 June 2008 (Zimonjic 2008).

Against this background, despite their divergent preferences on the recognition of Pristina's unilateral declaration of independence, member states continued to show a propensity towards voluntary coordination. This is reflected in their commitment to ensure the financial sustainability of Kosovo's interim administration, which would have been unmanageable without EU and member states' bilateral support. Within this ideational convergence, the Commission was also able to adopt a "pragmatic approach" intended "to push for political and economic reforms in anticipation of de-escalation of the political tensions surrounding the status issue" (Noutcheva 2012, p. 79). In response to the mandate given by the February 2008 Council to foster Kosovo's economic and political development, six months after Kosovo's declaration was made, the

Commission hosted a donor conference in Brussels (11 July 2008). Kosovar authorities had presented a mid-term expenditure framework 2009–2011, which estimated a financial gap of 1.1 billion euros for Kosovo's socio-economic development for the next three years. While the international community pledged a total of 1.2 billion euro, at the donor conference, the Commission alone ensured 508 million euros and member states offered 286 million euros from their bilateral assistance budgets (EEAS 2016).

One may as well argue that the Commission's pragmatism is also reflected in its policy of referring to Kosovo as any other Western Balkan state in its internal documents. Thus, as an official with close familiarity with this policy *dossier* points out:

> When it is policy or legal documents we put the footnotes for Kosovo. When it is technical and internal documents, the line of the Commission is not to put the footnote. If it comes to signing financial agreements, framework agreements with Kosovo authorities we do it the same way we would do it with Serbia. Technically, the assistance to Kosovo is no different from the one for other Western Balkan countries. (Interview M)

2.2   *The Actors*

In December 2009, when the Lisbon Treaty (LT) came into force, EU policy on Kosovo continued to feature disagreements over the latter's independence. At the time, only 23 EU member states out of 27[12] had recognized it as an independent country. Three of the five governments that refused to do so were motivated in their rejection by the controversial *status* of their internal minorities. On one side, while Romania and Slovakia were worried about ethnic Hungarians, Spain had to deal with secessionist Basques and Catalonians. On the other side, Greece and the Republic of Cyprus were concerned about the prospects of Northern Cyprus' secession. All this notwithstanding, member states' preferences have generally been aligned over the need to foster a stabilization of the Western Balkan region. Particularly, EU member states and institutions generally agreed that the Western Balkans should be part of the Union in the near future, and that enlargement should be the main EU policy to be used towards these countries.

In this context, the members of the Quint Format have been at the forefront of EU policies on this regional setting, under the implicit assumption that they could take advantage of US long-lasting influence in the region (Interview E; T). Even outside of the Quint format, Germany and the UK have generally bore specific strategic interests in Kosovo. Germany, has long been the "first destination of the Kosovar diaspora" (Interview T). Mostly for this reason, Berlin has long had an interest in the stabilization of the Western Balkans (Interview T). While maintaining a "cautious attitude" towards this area, the UK has mostly considered EU enlargement policy a "very powerful diplomatic instrument" (Interview U). It should not come as a surprise then, that in cases of deadlocks in EU-Kosovo relations, the diplomatic missions of these countries have always mattered a "big deal" (Interview J).

The other essential attribute of the actors involved in the strategic interactions under consideration concerns the actors' beliefs over the preferences of others. Member states and institutions' beliefs on enlargement can be considered twofold. On the one hand, enlargement is seen as the EU's intention of "changing the map of Europe to the East and to the South" (Hill 2002, p. 107) because of the Union's larger geopolitical interests. On the other hand, this policy is assumed to stem from the Union's commitment to promote EU values in the countries which are subject to conditionality. These values include, among others, democracy, human rights and the rule of law (Jünemann and Knodt 2007; Risse and Börzel 2009), as well as peace, liberty, social solidarity, anti-discrimination, sustainable development and good governance (Manners 2002). A common denominator of these understandings is the belief that this regional policy could respond to the need to stabilize Europe's powder keg.

Despite the continuing existence of NATO and its presence in Western Europe, the perceived American disengagement from EU security environment and from large size unilateral military operations in general represents another important belief underpinning EU policy on this regional setting. Because of that belief, not committing to the stabilization of the Western Balkans and to a support of their political transition in the aftermath of the 1990s' conflicts would have certainly meant, in the minds of most EU national policy-makers, facing the consequences of potential new conflicts in that area.

2.3   *The Strategic Environment*

Actions and information structure are the two elements that compose the strategic environment. Since a unanimous agreement is generally required among national governments in the different phases of the accession process, enlargement's institutional practices can be defined as largely intergovernmental (see Table 1). For this reason, it is reasonable to argue that member states are in control of the enlargement's policy framework, just as much as of the formally intergovernmental CFSP/CSDP. In this context, member states might have four main categories of actions available to them. Simplifying only slightly, such categories may include: not intervening in the country; intervening at the national level through national policies or within the frame of multinational groups; intervening at the supranational level through enlargement; intervening at the intergovernmental level, through the CFSP/CSDP; or intervening both at the supranational and at the intergovernmental level, through enlargement and the CFSP/CSDP. For the sake of completeness, it should be highlighted that, within such categories, actors might choose different, more specific outlining of their actions. Among these, one should also consider the specific format of the mission deployed, the budgetary measures, their national contribution etc. At the same time, within the different decision-making phases of enlargement policy frameworks, member states might choose to delegate—as well as not to delegate—discretionary powers to the HR, the Foreign Affairs Council (FAC) and the Commission.

Concerning the information structure composing the strategic environment, it is important to take into consideration a set of information deriving from the features characterizing EU enlargement towards the Western Balkans. These represent the main aspects of the information structure at the disposal of EU member states and institutions in EU foreign policy on Kosovo. Firstly, the enlargement *spectrum* is limited geographically, although the "European identity" is the only formally stated condition for EU membership (Rome Treaty, Art. 237). When the number of membership applications escalated with the end of the Cold War, it became fundamental for the EU to provide more refined requirements for membership. Consequently, EU membership conditions were added with a 1992 European Commission Communication (European Commission 1992), the 1993 Copenhagen European Council and the Amsterdam Treaty (1999). This notwithstanding, the criteria for the applicants to meet membership remain quite vague (Smith 2003). Crucially, such vagueness provides fertile ground for national

Table 1 Policy framework of EU membership negotiations: Structural and process perspective

Main steps	Institutional actor/s involved	Process
Feasibility study	European Commission	The Commission prepares a study to determine whether it is possible to start negotiations for a Stabilisation and Association Agreement (SAA) with the Western Balkan country
Negotiation of the SAA	Council, General Affairs	Member states within the Council unanimously mandate the Commission, or the Commission and the Presidency of the Council, to start the negotiations for a SAA
	European Commission Presidency of the Council	
Signing of the SAA	Member states' national ministers	Member states' ministers sign the SAA with the third country
Ratification and entry into force of the SAA	Member states' national parliaments	Member states' national parliaments ratify the SAA
Application for EU membership	Council of the EU, General Affairs	The candidate country formally submits an application for EU membership. The Council unanimously mandates the Commission to release an opinion to determine whether the applicant meets the conditions to become a candidate country
	European Commission	
Decision on the *status* of the candidate	European Council	Following the release of the European Commission's opinion, the European Council unanimously decides whether to grant candidate *status* to the third country
	European Commission	

(continued)

Table 1   (continued)

Main steps	Institutional actor/s involved	Process
Initiation of membership negotiations	European Council	On the basis of the European Commission's recommendation, the European Council sets the date to start membership negotiations with the candidate country
	European Commission	
Opening and closing of EU negotiating chapters	European Commission	The European Commission conducts a screening process. Each chapter is negotiated individually with the candidate state only after all member states have agreed to open the chapter negotiations and set the conditions for their closure
	Member states' national governments	
Conclusion of negotiations	European Commission European Parliament	After all chapters are closed, with the unanimous agreement of the member states, the negotiation for membership is formally concluded. The European Parliament must agree on such conclusion and the European Commission can give its opinion
	Member states' national governments	
Signing of the Membership Treaty	Member states' heads of state and government	EU heads of state and government sign the Membership Treaty with the candidate state
Ratification of Membership Treaty	Member states' national parliaments	The Membership Treaty is ratified by EU member states' national parliaments

governments' discretionality over the decision on accession, which has to be taken by unanimity (see Table 1). While EU membership is intended as

a reward for the conditionality imposed to the country willing to join the EU, accession criteria can evolve and change, creating ambiguity on whether and when applicants would effectively achieve the membership "carrot" (Vachudova 2013). Secondly, EU membership conditionality does not vary among the diverse countries it covers. While flexibility has been used among member states in the past, since 1992 new applicants have to accept the entire *acquis*. In principle, this may limit EU member states and institutions' room of manoeuvre in using enlargement as a foreign policy tool. In this respect, it has been argued that EU lack of flexibility may hinder the consistency of EU policies on Western Balkan countries (Keil and Arkan 2016). Finally, while EU member states and institutions have often adopted membership conditionality as a powerful foreign policy tool in the Western Balkans (Interviews A, D, E, J, L, M), EU foreign policy's influence on the candidate country through enlargement is very likely to end once the latter joins the EU (Economides and Ker-Lindsay 2015) or loses its interest in doing so. This may be all the more so in situations when the EU member states and institutions decide to temporarily suspend the enlargement process because of intervening factors, as it happened during economic crisis (Interview D).

3   EU-Ukraine Relations

The Ukrainian People's Republic was established after the end of the First World War (1918). Not long afterwards, the Russian Red Army conquered a vast majority of the Ukrainian territory, turning it into the Ukrainian Soviet Socialist Republic in 1921. Following the Second World War this country became part of the Union of Soviet Socialist Republics (USSR). In an attempt to consolidate the Soviet control over Ukraine, the USSR leader Nikita Khrushchev decided to attribute the Crimean Peninsula to Kiev in 1954. The transfer of Crimea was publicly presented as a "noble act on the part of the Russian people" to celebrate "the 300th anniversary of the "reunification of Ukraine with Russia" and to "evince the boundless trust and love the Russian people feel toward the Ukrainian people" (Kramer 2014). Throughout the Soviet period Ukraine remained politically and economically dependent on Russia (Lo 2002). Yet, as reflected by the persistence of anti-Soviet uprisings, the Ukrainian national identity and the Russian or Soviet one never coincided completely (Emmerson 2014). In fact, throughout the 1950s, 1960s and the 1970s opposition to the Soviet rule erupted in a number of protests, some of which were repressed with violence (e.g. 1972) (Kuzio 2015).

The USSR dissolution began with a spiral of declarations of independence—starting with the Baltic States in 1988—soon after the general secretary of the Communist Party of the Soviet Union, Mikhail Gorbachev, initiated a process of restructuring and opening of the Soviet political and economic system, the *perestroika*. In response to Gorbachev's new policy, the EU foreign and security construction in place at the time, the European Political Cooperation (EPC), adopted a "wait and see attitude" (Rummel 1992, p. 362). While EU foreign ministers initially limited themselves to "paying close attention to the developments taking place in the Soviet Union and Eastern Europe" (European Commission 1988), as the months went by the EPC stance did not change much. Because of member states' diverging preferences over the USSR any matter related to the new Soviet policy caused extensive bargaining within this intergovernmental organization. National governments within the EPC in particular divided themselves among a group, headed by Germany, which "wanted to make the best of these signs", and one, led by the United Kingdom (UK), which "remained cautious and reserved" (Nuttall 2000, p. 35). Remarkably, the reaction of the European Economic Community (EEC) to the *perestroika* was quicker and more streamlined. In response to the reforms put forth by the secretary of the Communist Party, the EEC swiftly accepted to overcome the long-lasting stalemate in the negotiations over the creation of trade relations with the Council of Mutual Economic Assistance (COMECON; Torreblanca Payà 1997). A settlement in this regard was found on 25 June 1988 with a "Joint Declaration on the Establishment of Official Relations between the European Economic Community and the Council for Mutual Economic Assistance" (EEC and COMECON 1988).

After the USSR's demise, the US exerted considerable pressure on member states' national governments and on EU institutions, essentially serving as a major exogenous causal factor in EU approach to the post-Soviet region. At the time, Washington considered this regional area and Ukraine a responsibility of the EU (Interviews A, C and E). As one EU official points out: "There was clearly an encouragement from them. If the US can take away bits and pieces of the former Soviet Union and put it in the Western fold, they would always say yes" (Interview A). Nevertheless, EU member states and institutions, which continued to understand their relationship with Kiev through the lenses of their national stance on Moscow (Carta and Braghiroli 2011), generally

deployed a cautious attitude towards Ukraine. Against this background, after the secession from the USSR[13] ex-communist leaders—who had not deposed their power in the country—put forth a national narrative revolving around the return of Ukraine to its historical position in Europe (Wolczuk 2004, p, 179). In public discourses, the EU was presented as a role model for its combination of values and as a democratic system whose market and economy worked in an efficient manner (Interview C). Indeed, Kiev had also been pursuing a pragmatic, multivectored approach to its foreign and economic policy in the meantime (Wolczuk 2006). This was a pragmatism that aimed at reconciling free trade with the EU and with Russia (Draganeva and Wolczuk 2015). Still, Ukrainian political *élites*' narrative attributed a strong "moral authority" to the EU in the country's internal politics (Samokhvalov 2015, p. 1374). While Kiev started establishing bilateral relations with EU member states soon after its declaration of independence, Ukraine was also the first country emerging from the dissolution of the USSR whose leadership had publicly expressed its willingness to join the EU at the end of the 1990s (Korosteleva 2012). Nonetheless, the difficulty to reach a *consensus* among member states on how to respond to "the geopolitical situation of Russia" and to the political transitions in the post-Soviet space resulted in a widespread diffidence towards the Newly Independent States (NIS) of the former Soviet Union, including Ukraine.[14] Consequently, the EU established less intense relationships with the NIS than the ones created with CEE countries. In fact, compared to the Europe Agreements (EAs)—generally signed between the EU and CEE—the Political and Cooperation Agreements (PCAs) did not create a "privileged link" between the EU and the third party (Hillion 1998, p. 3). Furthermore, when the PCA was finally signed with Ukraine in 1994 it took almost four years for all the member states to ratify it (Schneider 2001).

The pressure coming from the countries that emerged from the dissolution of the USSR served as another exogenous factor on the EU member states and institutions policy on the Eastern neighbourhood. An interviewee describes the stress on the EU originating from Ukraine's constant and insistent call to establish closer links with it as follows:

> The EU vector was always there. Not only in Ukraine, in all the post-Soviet space. In a way, the EU had no choice but to respond. Can you

imagine? On your border there is somebody always knocking on your door. There is noise. So, you have to do something about it. (Interview C)

When in 1994 Leonid Kuchma became president of Ukraine he pursued a strategy of "declaratory Europeanization" (Korosteleva 2012, p. 82). In spite of the Russian backing of his electoral campaign, the newly elected president overtly complained about Moscow's dominance in the Commonwealth of Independent States (CIS) (Lukanov 1996), while publicly stating that Ukraine's membership in the EU would have been a strategic objective of the post-Soviet country (Wolczuk 2004). Kuchma's strategy seemed all the more evident when Kiev sought to position itself in the world's international security architecture (Miller 2006). The consequences and costs that the loss of Crimea would have entailed for Russia with Ukraine's independence had become clear to Moscow as soon as the country had seceded from the USSR. On 21 May 1992, after having voted to examine the constitutionality of Khrushchev's 1954 decision to transfer Crimea to Ukraine, the Supreme Soviet declared that such decision "had no legal force from the moment it was adopted" (Donaldson and Nogee 2009, p. 171). While negotiations had started in 1993 between Moscow and Kiev to find a settlement of the Crimea question, disagreement remained in place for several years on two main issues, namely the principle of dividing the Black Sea Fleet and the federal *status* of Sevastopol (Solchanyk 2001).

As NATO moved to expand toward Eastern Europe, the Russian President, Boris Yeltsin, chose to "override domestic opposition and come to terms with Ukraine" on the Crimea question (Donaldson and Nogee 2009, p. 172). Thus, Kiev and Moscow signed the Treaty of Friendship, Cooperation and Partnership, an agreement intended to regulate disputes over borders and trade relations between Russia and Ukraine, and reached an understanding on the Black Sea fleet on 31 May 1997.[15] Not long afterwards, in an attempt to offer an additional proof of Ukraine's willingness to pursue deeper integration with the EU, Kuchma launched the "Strategy of Ukraine's Integration to the European Union" (11 June 1998). In the official document Kiev stated that the EU recognition of Ukraine's "considerable importance" in the "creation of a new European security architecture" might and should "be utilised as an important tool of realisation of Ukrainian interests in relations with the EU" (Pidluska 2001, p. 2). Most notably, Kuchma later argued that the upcoming EU enlargement towards East would

have created "a principally new geopolitical situation", requiring a "clear and comprehensive definition of the foreign policy strategy concerning Ukraine's integration to the European political, economic and legal space' (Pidluska 2001, p. 1). The timing of the strategy's launch was a strategic one, for it was issued only three months after the PCA between the EU and Ukraine had come into force (Wolczuk 2004).

3.1   *Historical Evolution*

3.1.1 *Towards a Special Relationship with the EU*
At the end of the 1990s expectations of an explicit recognition of Ukraine's membership aspirations were widespread among Kiev's political *élites*. When in 1999 Kuchma was re-elected President of Ukraine, he insisted on the country's desire for closer association with the EU (Korosteleva 2012). In response to the increasing pressure originating from such expectations, the European Council meeting in Helsinki adopted the EU common strategy on Ukraine on 11 December 1999. The official document limited itself to acknowledging this country's "European aspirations" and to welcoming its "pro-European choice" (European Council 1999, p. 19). Indeed, such a cautious approach on Ukraine's membership perspective in the EU leaders' final conclusions was tempered by a series of "strategic goals" with regard to it, including cooperating with the Eastern country in the maintenance of stability and security in Europe and the wider world (European Council 1999, pp. 19–20). Still as time went by, with the valuable exception of the Swedish Presidency in the first half of 2001, none of the member states holding the six-month rotating presidency—tasked with the implementation of the approach envisioned in the official document—tightened EU cooperation with Ukraine on the basis of these goals (Wolczuk 2004).

Meanwhile, Kuchma's relationship with the West was soon to be hindered by the authoritarian turn he promoted (Way 2015) and by a series of political scandals occurring during his mandate (Whitmore 2004). Against this background, the EU and Ukraine delineated their relationship further during the Yalta EU-Ukrainian Summit on 11 September 2001. On that occasion, the two parties defined a "strategic partnership, aimed at further rapprochement of Ukraine to the EU" (Ukraine-EU Summit 2001, p. 1). Soon afterwards, despite EU's member states' general reluctance to discuss Ukraine's eligibility for membership in the Union, Kiev put forth an ambitious plan for the country's path towards European integration.

According to the Ukrainian road map for the socio-economic development for the period 2002–2011, by 2004 Ukraine would have finalized the negotiation of an Association Agreement (AA) to replace the 1994 PCA. While acknowledging the need for further reforms in the country, the official document envisioned that between 2007 and 2011 the AA would have been "fully implemented" and that Ukraine would have met the Copenhagen Criteria (Zagorsky 2008, p. 88). In other words, by that time, the post-Soviet country would have become ready for EU membership.

The imminent redrawn of EU borders due to the fifth round of enlargement (2004), added more functional pressure on the EU. Eventually, a *consensus* was found and an ideational convergence emerged among member states and institutions on the strategies to adopt towards Ukraine, triggering an institutional change in EU neighborhood policy (ENP). This was a change that resulted in a legal-political *equilibrium*, namely the Eastern Partnership's creation (EaP) and subsequent development. Already in 1997 the Commission's communication "Agenda 2000. For a stronger and wider Europe", had drawn "attention to the advantages of enlargement in terms of peace and security as well as economic growth and development in Europe as a whole" (European Commission 1997). On that occasion, the Commission mentioned an "Eastern dimension" in its proposal but did not specify what the traits of such new policy on the Eastern neighbourhood should have been (see Hughes et al. 2005). A letter sent in January 2002 to the Spanish presidency of the EU, by British foreign minister, Jack Straw, provided the necessary impulse for the process to get in motion again. The missive asked that Ukraine—together with Belarus and Moldova—would be given "'clear and practical incentives' based on a firm commitment to democratic governance and free market principles" (Gänzle 2011, p. 36). A few months later, during the EU summit meeting in Luxembourg on 15 April 2002, the UK was reported to have proposed the attribution of a "special neighbours" *status* to Ukraine[16] (Zagorsky 2008). In what appeared as a reaction to such requests, in April 2002 the Council (Council of the EU, GAERC 2002a) mandated the Commissioner for External Relations, Chris Patten, and the HR, Javier Solana, to formulate more specific ideas on EU relations with the future neighbours.

Under the title "Wider Europe", the joint letter presented by Patten and Solana as a response to the Council mandate (7 August 2002) stated that the upcoming enlargement would have presented "an opportunity to develop a more coherent and durable basis for relations with

[our] immediate neighbours". By making explicit reference to Ukraine, the two argued that the EU should have made the situation of "future neighbours […] less ambivalent". Given that at the time Ukraine was "most actively seeking more concrete recognition of her European aspiration", Kiev represented "probably the most immediate challenge for our [EU] neighbourhood policy". For all these reasons, the document continues, "careful handling" would have been needed "to avoid unrealistic expectations over the prospects of future enlargement" (High Representative and Commissioner for Enlargement 2002). On 30 September 2002 the Council discussed the "New Neighbors Initiative" on the basis of such letter and confirmed that the countries in the neighborhood, including Ukraine, should have been "the subject of a differentiated approach" (Council of the EU, GAERC 2002b, p. 8).[17] After the then-President of the Commission, Romano Prodi, "drew the first lines of a neighborhood policy" in a public speech titled "A Wider Europe: A Proximity Policy as the key to stability" (5–6 December 2002) (Pélerin 2008, p. 50), EU leaders expressed their "wishes to enhance" EU "relations with Ukraine, Moldova, Belarus and the southern Mediterranean countries" and welcomed "the intention of the Commission and the Secretary-General/High Representative to bring forward proposals to that end" (12–13 December 2002; European Council 2002, p. 7).

3.1.2 A Shared Neighbourhood

With the rise and consolidation of the ENP, Ukraine increasingly found itself in a "shared neighbourhood" (Casier 2012). On 11 March 2003 the Commission issued the Communication "Wider Europe – Neighborhood: A new Framework for relations with our Eastern and Southern Neighbors" (European Commission 2003), which was then welcomed by the Council of the EU in June 2003 (Council of the EU, GAERC 2003). Later on, the "European Security Strategy"— drafted and presented to the European Council by the HR Solana on 12 December 2003—stressed the need to build security through the creation of "a ring of well governed countries to the East of the European Union" (High Representative 2003, pp. 7–8). And yet, the victory of Viktor Yanukovych of the November 2004 Ukrainian presidential elections put the spotlight on the persistence of the Russian preeminent role in the region. Moscow had devoted a considerable amount of resources to Yanukovych's electoral campaign,

essentially encouraging vote rigging (Petrov and Ryabov 2006). The evident Russian intervention in Ukrainian domestic affairs and the widely documented evidence of electoral fraud (Herszenhorn 2012) boosted mass demonstrations in the country, resulting in the "Orange Revolution" (Karatnycky 2005). After the Supreme Court's decision to annul the outcome of the voting, Viktor Yushchenko—the opposition leader who had led the campaign of mass demonstrations—won the elections re-run with an overwhelming majority in December 2004 (BBC 2017). The President of Poland, Aleksander Kwasniewski, and the President of Lithuania, Valdas Asamkus, were reported to have persuaded the HR Solana to convince "Yushchenko and the official winner of the disputed poll, Viktor Yanukovich, to enter into intensive negotiations" (Cronin 2004). In response to this mediation, the Russian foreign minister, Sergey Lavrov, publicly declared that these member states had been trying to "'steer the situation in Ukraine away from a legal path' through sympathizing with the street protestors in Kiev" (Cronin 2004).

The "Orange Revolution" set the basis for the democratization process conducted by President Viktor Yushchenko between 2005 and 2010 (Way 2015), which lead to a relative period of political stagnation in EU-Ukraine relations (Korosteleva 2012). Nonetheless, the EU continued to pursue economic integration in the Eastern neighborhood in an integrated manner. At the end of 2005, the European Border Assistance Mission to Moldova and Ukraine was deployed, to "promote[s] border control, customs and trade norms and practices that meet EU standards and serve the needs of its two partner countries" (EUBAM 2017). In the meantime, as admitted by the Kremlin's spin-doctor, Gleb Pavlovskii, "Russia opposed the democratic leader Viktor Yushchenko mostly because it suspected him of strong anti-Russian sentiments and close ties with the USA" (Samokhvalov 2015, p. 1377). Within this "geopolitical triangle" (Young 2017, p. 3), some member states tended to politicize the relationship with Ukraine within the framework of the ENP while encouraging Kiev on the path to Euro-Atlantic integration (Interviews A, C, E, F, G, H and I). As one EU official with close familiarity with the ENP proceedings explains:

> With their entrance into the EU, Poland and the Baltics have brought their natural and historical diffidence *vis-à-vis* Russia into the EU foreign and security policy on Ukraine. In this way, they have influenced EU policy

to being more diffident and overall negative towards Moscow's role in the post-Soviet space. While Russia didn't do anything to calm down the situation, EU foreign policy has certainly changed with the accession of the new member states. (Interview A)

Eventually, in May 2008 Poland and Sweden presented a "non-paper" containing a proposal for the development of an Eastern dimension of the ENP. The proposal was tabled in response to the recent progresses in EU policies on the Southern neighbourhood with the creation of the Union for the Mediterranean. Thus, as the same official points out:

New member states coming from the East gave a totally new dimension to our [EU] neighbourhood policy, which was until then more focusing on Maghreb, on North Africa. There has been a much stronger demand from member states to take care of the east at the EU level. (Interview A)

Indeed, Poland did not hide its plan behind the creation of the EaP. The Polish foreign ministry publicly made clear that the non-paper was Poland's first "initiative incorporated into the system of the European Union's external relations […]" and stated that it was essentially "designed to facilitate the achievement of one of the key goals of Polish foreign policy, the approximation and integration of East European countries with the European Union" (Ministry of Foreign Affairs of the Republic of Poland 2008). In reply to the joint document EU leaders called on "the Commission to take the work forward and to present to the Council a proposal for modalities for the "Eastern Partnership", on the basis of relevant initiatives" by Spring 2009 (19–20 June 2008; European Council 2008, p. 19). At first, Moscow had not seemed to consider the EaP a danger to its strategic interests in the post-Soviet region. During the EaP elaboration the Russian Ambassador to the EU, Vladimir Chizhov, was reported to have teased EU officials arguing that the resources devoted to the EaP would have been largely insufficient *vis-à-vis* the magnitude of the reforms requested to the countries involved in it (Interview C). Furthermore, when Russia was invited to take part in the EaP, Moscow refused (Interview G; Rettman 2009a). Yet, the Russian large-scale land, air and sea invasion of Georgia in August 2008 provided further *impetus* to the forming of the EaP. At the extraordinary European Council held on 1 September 2008 EU

leaders asked the Commission to accelerate the preparation of the EaP. "Responding to the need for a clearer signal of EU commitment following the conflict in Georgia and its broader repercussions" (European Commission 2008, p. 2), the Commission followed the European Council's instructions. The EaP was finally launched on 7 May 2009 at a summit in Prague (CZ), against the background of the 2009 Russian crisis (Christou 2010) and the violent clashes during the April 2009 Moldovan elections (Hagemann 2013). In order to foster the multilateral activities envisioned by the new policy framework in the targeted countries, including Ukraine, 350 million euros were added to the European Neighborhood Policy Instrument (ENPI) budget allocated for the period between 2010 and 2013 (EEAS 2010).

The acceleration of the EaP's preparation after the crisis in Georgia arose the suspicion of Russian policy-makers. On the day before the EaP Summit was held the Russian foreign minister Lavrov called against the establishment of "new dividing lines" in Europe (European Forum 2009). Along the same line, following the EU-Russian Summit (22 May 2009) the Russian President, Dmitry Medvedev, publicly stated: "We tried to convince ourselves [that the EU project is harmless] but in the end we couldn't. […] What worries us is that in some countries attempts are being made to exploit this structure as a partnership against Russia" (Rettman 2009b). In what appeared as an effort to temper the increasing tensions, at the press conference following the same gathering, the HR Solana declared "this is not against Russia. In fact, as you know very well, probably Russia […] will be cooperating in some of the programs that eventually will be in place. This is the philosophy in which we are beginning this process" (European Forum 2009). Still, as an EEAS official admitted: "The suspicion that some member states may have had clear enough in mind what the EaP might have implied in EU relations with Russia began to spread soon in the hallways of EU institutions in Brussels" (Interview E).

3.2   *The Actors*

By the time the ratification of the LT was completed at the end of 2009, EU foreign and security policy on Ukraine still marred by member states' divergent preferences over Russia. In general terms, such divisions originated from national governments' historical positions *vis-à-vis* the USSR and particularly, by the persistence of an "East-West

cleavage" (Carta and Braghioli 2011, p. 282). The Baltic states' relations with Moscow after the end of the Cold War era had been "fractious" (Light 2008, p. 9). On the other hand, the CEE member states had often displayed diffidence towards Moscow's role in the post-Soviet region (Interview I), with frequent commercial disputes occurring between Poland and Russia (Light 2008). Economic interests also influenced member states' preferences. Greece, Italy, Spain and Portugal in particular, had shown "pro-Russian" positions and had been particularly keen on avoiding "picking up fights with Moscow" (Interview C) when discussing the Ukrainian policy *dossier*. Notwithstanding these divisions, an alignment of preferences among national governments and institutions existed over EU foreign and security policy on the Eastern neighbourhood. EU member states and institutions in particular were all keen on exerting their influence to pursue economic integration in the post-Soviet region—particularly Ukraine—in an integrated manner.

In this context, while France and the UK had been often understood as "clustering and pursuing their joint interests" (Baltag and Smith 2015, p. 15), Germany could generally act as the member state able to strike the balance between the two main groups described above (Interview I). This influencing position was frequently criticized and Berlin was often accused of playing a preeminent role in this foreign policy case. The NordStream pipeline, conceived by Russia with the support of the former German Chancellor, Gerhard Schroeder, while sidestepping EU institutions and other member states, is widely assumed as a prominent example of this (Orenstein and Kelemen 2016; Whitlock and Finn 2005).

Concerning the actors' beliefs over the preferences of others, in the period under consideration EU member states and institutions' views over EU regional policies in the post-Soviet area are twofold. On the one hand, EaP is believed to be a geopolitical tool used to spread EU influence in this region (Delcour and Wolczuk 2013). On the other hand, this policy framework has commonly been assumed to be a project aimed at ensuring the safety, the happiness and the prosperity of the people living in the regions surrounding EU borders (Babrauskaitė 2013; Interviews A and C). In both cases, member states have shared the belief that the EaP could respond to the necessity to pursue economic integration in the Eastern neighborhood, particularly in Ukraine, in an integrated manner.

Notwithstanding Washington's continuing contribution to Western Europe's security through NATO, the alleged US disengagement from EU security environment in the post-Cold War era represents another important belief characterizing EU member states' policy on this regional setting. Because of that belief, not establishing enhanced economic and political ties with the post-Soviet countries, including Ukraine, would have meant for Western European governments being more vulnerable to Russia's pre-eminence in the region. This was all the more so for those member states that share borders with countries covered by the EaP.

3.3   *The Strategic Environment*

Given that the EaP mostly proceeds by means of international agreements between EU member states and third-countries, national governments maintain extensive control over this regional policy (see Table 2). This type of control, which largely mirrors the intergovernmental procedures and processes of the CFSP/CSDP, provides fertile ground for a pre-eminence of the intergovernmental perspective over the broader European one. In this context, member states may have four broad categories of actions available to them: not intervening in the country; intervening at the national level through national policies or in the frame of multinational coalitions; intervening through supranational policies, namely the EaP; intervening through intergovernmental instruments, such as the CFSP/CSDP; or intervening through both supranational and intergovernmental policies, namely the EaP and the CFSP/CSDP. As in the case of Kosovo, actors may decline their actions in different ways (e.g. format of the mission; national commitment in terms of resources and personnel); as well as choose whether and to which extent to delegate discretionary powers to the HR, the FAC and the Commission within the different EaP decision-making phases.

A series of qualifying features characterize the EaP policies and shape the information structure of the strategic interactions into consideration in the case of Ukraine. First of all, the EaP's geographic *spectrum* is all encompassing. This *spectrum* has been decided progressively (Park 2014) but without taking into consideration the specific political and economic aspects of the countries this regional policy would have targeted. In principle, the EaP's lack of differentiation limits the extent to which EU member states and institutions can tailor their policies

Table 2   Policy framework of the Eastern Partnership: Structural and process perspective

Main steps	Institutional actor/s involved	Process
Association Agreements/ Partnership and Cooperation Agreements	Member states	International agreement constituting the legal and institutional framework with basic provisions on political dialogue, free trade, etc.
	European Council Council Commission European Parliament National representatives of the third country	
Commission communication	Commission	Non-binding policy initiative, preparatory or informative document
Council conclusion	Council	Non-legally binding document, but political indication of future direction for EU policy
European Parliament resolution	European Parliament	Non-binding political statement of the European Parliament
AA/PCA Council ministerial declaration	Member states' ministers	Assessment and political decisions on future of relations during the AA/PCA EU-third-country meeting
	High Representative Commission National representatives of the third country	
ENP country report	Commission	EU assessment of political, economic, environmental situation in a partner country preceding the action plan
Association agenda/Action Plan	Member states' ministers	Adopted as non-binding recommendation of the AA/PCA Council EU-third-country meeting
	High Representative Commission National representatives of the third country	

Table 2 (continued)

Main steps	Institutional actor/s involved	Process
Progress report	Commission Member states	Commission adopts a communication in consultation with civil society, member states and local stakeholders. The communication serves as EU assessment of progress in implementation of the Action Plan
Country strategy paper	Commission Member states	In consultation with civil society, member states, local stakeholders and the partner country, the Commission sets out overall EU assistance priorities for the duration of the financing instrument
National indicative program	Commission	Specific financing priorities and indicators for success in a shorter time frame
Deep and Comprehensive Free Trade Agreement	Council	International agreement establishing a free trade area which also covers issues such as non-tariff barriers and alignment with the *acquis*
	High Representative	
	Commission	
	European Parliament	

Source Van Vooren and Wessel (2014, pp. 550–551)

(Shevtsova 2013) and adjust the timing and the type of reforms requested to the contingent domestic situation of the countries participating in the EaP (Delcour and Wolczuk 2013). Thus, as an interviewee commenting on the EaP geographical scope put it, "often, in international politics, one size is no size" (Interview F). Second, the EaP processes aim at "Europeanizing the neighbors (Interview F) and at 'integrating' the East with the EU" (Christou 2010, p. 413) through a "top-down approach" (Interview F). This approach may set the basis

for EU "selective sanctioning of non-compliance with democracy standards" (Börzel and Lebanidze 2017, p. 18). Thus, with the EaP "the EU brought a low-politics toolbox to a high-politics construction site" (Techau 2014). Democratization, trade liberalization and spreading values have become "tools" in the hands of EU policy-makers "to play in others [powers] spheres of influence" (Interview F). Thirdly, while the EaP has been reproducing the methodology employed in EU enlargement policy, it has never expressively ensured a membership perspective for the Eastern European countries as a reward for EU conditionality. In the words of an official working at the EP, the ENP/EaP is "just a continuation of the enlargement without the 'carrot'" (Interview F). On the one hand, given the largely intergovernmental nature of the EaP decision-making procedures and processes (Table 2), this "ambiguity" may grant the member states an extensive control over the direction the implementation of this policy should take. On the other hand, it may ensure them less leverage in the promotion of democracy and the rule of law over the EaP countries, if these realize that accession to the EU may not be a tangible possibility in the near future (Haukkala 2010; Schimmelfennig and Scholtz 2008).

4   Conclusions

The analysis of foreign and security policy on Kosovo and on Ukraine shows how basic dilemmas of collective action have featured in EU institutional relations with regard to both countries. Against the background of member states' diverging preferences, the absence of a general ideational convergence among member states and institutions on the approach to be adopted on the dissolution of the SFRY and on the bloody crisis that followed in Kosovo has prevented the EU from generating consistent and effective foreign and security policies towards the Western Balkans. Similarly, a lack of preferences' alignment over the USSR and at a later stage, over the role of Russia in the post-Soviet space hampered the consistency of EU policies on Ukraine at the time. Eventually, endogenous and exogenous causal factors have triggered an alignment of preferences among member states and institutions in both policy *dossiers*. Within such alignments ideational convergences emerged over the strategies to adopt towards these countries. The formalization of the Western Balkan enlargement perspective epitomizes this emergence in the case of Kosovo. In turn, in the case of Ukraine

these convergences arose with the initial elaboration the ENP and with the progressive establishment of the EaP.

All this notwithstanding, because of the difficulty for such alignment of preferences to occur and for an ideational convergence to develop on the policy to adopt towards these specific regional settings, member states have reached a number of compromises over the establishment of a membership perspective for the Western Balkans and over the creation of the ENP and EaP in the post-Soviet space. In the words of Weiler (1991, p. 2411), whilst the institutionalization of these policy frameworks has reduced "the mechanism of organizational abandonment in the face of unsatisfactory performance", through the mentioned compromises national governments have ensured "mechanism of intra-organizational correction and recuperation". Hence, the analysis of the qualifying features of the enlargement policy towards the Western Balkans and of the EaP demonstrates that the legal political *equilibrium* reached within the EU has left to the member states considerable control and discretionality over such regional policies. Within this context Chapters 5 and 6 will respectively process-trace the role of the HR in the EU's approach to Kosovo and to Ukraine from the entry into force of the LT until summer 2016.

NOTES

1. The London Treaty was signed by: Russia; France; British Empire; Austria-Hungary; and the German Empire.
2. The new Federal Yugoslavia consisted of six republics: Bosnia and Herzegovina; Croatia; Macedonia; Montenegro; Serbia; and Slovenia.
3. See General Framework Agreement for Peace in Bosnia and Herzegovina (1995).
4. The Contact Group included the US, the UK, France, Italy and Russia. The Quint Format included France, Germany, Italy, Spain and the UK. Both the Contact Group and the Quint have continued to meet after the 1999 NATO intervention to discuss issues related to the Balkans.
5. North Atlantic Treaty Organization.
6. EU member states taking part to "Operation Allied Force" included: Belgium; Denmark; France; Germany; Italy; the Netherlands; Spain; Portugal; and the UK.
7. Since the Military-Technical Agreement was concluded in Kumanovo, Macedonia it is also known as the "Kumanovo Agreement". See Military-Technical Agreement (1999).

8. The SAP was launched in June 1999. Initially established as the EU policy towards the Western Balkans, it was further strengthened at the 2003 Thessaloniki Summit with the inclusion of elements of the EU enlargement process.

9. In this respect, it is relevant to note that among the five non-recognizers, Cyprus was the only member state abstaining from the vote using the mechanism of constructive abstention.

10. In April 2007 UN Special Envoy Martti Ahtisaari submitted a "Comprehensive proposal for the Kosovo status settlement", also known as the Ahtisaari Plan. The Plan was strongly opposed by Serbia. Eventually, it ended up being vetoed down by Russia within the UN Security Council.

11. The acronym EULEX stands for European Union Rule of Law Mission.

12. In 2013 the member states of the EU became 28 with the accession of Croatia in the Union.

13. In December 1991 following the dissolution of the USSR, after a nationwide referendum in which 90% of the votes called for independence, Ukraine became an independent state.

14. The NIS of the former Soviet Union include: Armenia; Azerbaijan; Belarus; Georgia; Kazakhstan; Kyrgyzstan; Moldova; Russian Federation; Tajikistan; Turkmenistan; Ukraine; and Uzbekistan.

15. Agreement on the "Status and Conditions of Presence of the Black Sea Fleet of the Russian Federation in the Territory of Ukraine".

16. The proposal applied also to other Western NIS, namely Belarus and Moldova.

17. For the sake of completeness, it is important to acknowledge that, together with Ukraine, the "New Neighbours Initiative" focused also on Moldova and Belarus.

References

Babrauskaitė, P. (2013). *Eastern Partnership: Cultural diplomacy is a driving force for good relations between neighbouring countries.* Lithuania Presidency of the Council of the European Union, 15 November 2013. Available from http://www.eu2013.lt/en/news/features/eastern-partnership-cultural-diplomacy-is-a-driving-force-for-good-relations-between-neighbouring-countries.

Baltag, D., & Smith, M. (2015). EU and member state diplomacies in Moldova and Ukraine: Examining EU diplomatic performance post-Lisbon. *European Integration Online Papers, 19*(5). Available from http://eiop.or.at/eiop/pdf/2015-005.pdf.

Baracani, E. (2014). *L'Unione Europea e la prevenzione dei conflitti. Un'analisi comparata di tre casi di studio: Cipro, Kosovo e Palestina*. Bologna: Il Mulino.

Bartrop, P. R. (2012). *A Biographical Encyclopaedia of Contemporary Genocides. Portraits of Evil and God*. Santa Barbara: ABC-CLIO.

BBC News. (2000, March 19). Rambouillet talks designed to fail. *BBC News*. Available from http://news.bbc.co.uk/2/hi/europe/682877.stm.

———. (2017, August 3). Ukraine Profile—Timeline. *BBC News*. Available from http://www.bbc.com/news/world-europe-18010123.

Börzel, T. A., & Lebanidze, B. (2017). "The transformative power of Europe" beyond enlargement: The EU's performance in promoting democracy in its neighbourhood. *East European Politics, 33*(1), 17–35.

Bugajski, J. (1995). *Ethnic Politics in Eastern Europe*. Armonk, NY: M.E. Sharpe.

Bytyci, E. (2015). *Coercive Diplomacy of NATO in Kosovo*. Newcastle upon Tyne: Cambridge Scholars Publishing.

Carta, C., & Braghiroli, S. (2011). Measuring Russia's snag on the fabric of the EU's international society. *Journal of Contemporary European Research, 7*(2), 260–290.

Casier, T. (2012). Are the policies of Russia and the EU in their shared neighbourhood doomed to clash? In R. E. Kanet & M. Raquel Freire (Eds.), *Competing for Influence: The EU and Russia in Post-Soviet Eurasia*. Dordrecht: Republic of Letters Publishing BV.

Christou, G. (2010). European Union security logics to the east: The European Neighbourhood Policy and the Eastern Partnership. *European Security, 19*(3), 413–430.

Cronin, D. (2004, August 12). Solana still has work to do over Russian reaction to the "Orange Revolution". *European Voice*. Available from http://www.politico.eu/article/solana-still-has-work-to-do-over-russian-reaction-to-the-orange-revolution/.

Council of the European Union, General Affairs and External Relations Council (GAERC). (1999). *Joint Action of 30 March 1999 adopted by the Council on the basis of Article J.3 of the Treaty on European Union in relation to the nomination of an EU Special Envoy for Kosovo*. Brussels, 30 March 2009. Available from http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A31999E0239.

———. (2002a). *2421st Council meeting*. Luxembourg, 15 April 2002. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/70160.pdf.

———. (2002b). *2450th Council session*. Brussels, 30 September 2002. Available from https://www.consilium.europa.eu/uedocs/cmsUpload/12134_02en.pdf.

———. (2003). *2518th Council meeting*. Luxembourg, 16 June 2003. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/76201.pdf.

———. (2008a). *Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo.* Brussels, 16 February 2008. Available from http://www.eulex-kosovo.eu/eul/repository/docs/WEJointActionEULEX_EN.pdf.

———. (2008b). *Main results of the Council.* Brussels, 18 February 2008. Available from https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/98818.pdf.

Dallara, C., & Marceta, I. (2010). Serbia in search for stability and accountability. In L. Morlino & S. Woiciech (Eds.), *Democratization and the European Union. Comparing Central and Eastern European Post-communist Countries.* London: Routledge.

Delcour, L., & Wolckzuk, K. (2013). *Beyond the Vilnius Summit: Challenges for deeper EU integration with Eastern Europe.* European Policy Centre Policy Brief, 31 October 2013. Available from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2445922.

Delgado, I. L. (2012). The European Union and Kosovo in the light of the territorial issue. In P. Hilpold (Ed.), *Kosovo and International Law. The ICJ Advisory Opinion of 22 July 2010.* Leiden: Nijhoff.

Demaj, V. (2003). *Kovoso/a −Recht auf Unabhängigkeit?* Vienna: NWV Wissenschaftlicher Verlag.

Donaldson, R. H., & Nogee, J. E. (2009). *The Foreign Policy of Russia: Changing Systems, Enduring Interests.* New York: M. E. Sharpe.

Dragneva, R., & Wolczuk, K. (2015). *Ukraine Between the EU and Russia. The Integration Challenge.* Basingstoke: Palgrave Macmillan.

Economides, S., & Ker-Lidsay, J. (2015). "Pre-accession Europeanization": The case of Serbia and Kosovo. *Journal of Common Market Studies, 53*(5), 1027–1044.

Emmerson, C. (2014, March 4). Ukraine and Russian Federation's history wars. *History Today.* Available from http://www.historytoday.com/charles-emmerson/ukraine-and-RussianFederation%E2%80%99s-history-wars.

EUR-LEX. (2016a). *The CARDS programme (2000–2006).* EUR-LEX, access to European Union Law. Available from http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ar18002.

———. (2016b). *European Partnership with Serbia including Kosovo.* EUR-LEX, access to European Union Law. Available from http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ar18015.

European Commission. (1988). Commission communication. Bulletin EC. Brussels, 13 June 1988 reported in B. Van Vooren & R. Wessel (2014). *EU External Relations Law. Text, Cases and Materials.* Cambridge: Cambridge University Press.

———. (1992). *Europe and the challenge of enlargement.* Brussels, 24 June 1992. Available from http://aei.pitt.edu/1573/1/challenge_of_enlargement_June_92.pdf.

———. (1997). *Agenda 2000. For a stronger and wider Union.* Brussels, 15 July 1997. Available from http://eur-lex.europa.eu/resource.html?uri=cellar:80958a30-795a-4152-99a5-cf86f455a211.0008.01/DOC_1&format=PDF.

———. (2003). *Communication from the Commission to the Council and the European Parliament wider Europe—Neighbourhood: A new framework for relations with our Eastern and Southern Neighbours.* Brussels, 11 March 2003. Available from https://eeas.europa.eu/enp/pdf/pdf/com03_104_en.pdf.

———. (2006). *Europe's next frontiers.* Brussels, 10 October 2006. Available from http://europa.eu/rapid/press-release_SPEECH-06-580_en.htm.

———. (2008). *Communication from the Commission to the European Parliament and the Council (2008) Eastern Partnership.* Brussels, 8 December 2008. Available from https://ids.euforneighbourhood.eu/download/communication-from-the-commission-to-the-european-parliament-and-the-council-eastern-partnership-sec2008-2974/.

———. (2016). *Enlargement policy glossary: Stabilization and association process.* Available from http://ec.europa.eu/enlargement/policy/glossary/terms/sap_en.htm.

European Council. (1993). *Conclusions of the Presidency.* Copenhagen, 21–22 June 1993. Available from .

———. (1999). *European Council common strategy of 11 December 1999 on Ukraine.* Brussels, 11 December 1999. Available from http://www.europarl.europa.eu/summits/hel2_en.htm.

———. (2002). *Copenhagen European Council. Presidency conclusions.* Brussels, 12–13 December 2002. Available from http://aei.pitt.edu/43349/1/Copenhagen_2002_1.pdf.

———. (2003). *EU Western Balkan Summit.* Thessaloniki, 21 June 2003. Available from http://europa.eu/rapid/press-release_PRES-03-163_en.htm.

———. (2006). *Presidency conclusions.* Brussels, 14–15 December 2016. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf.

———. (2007). *Presidency conclusions.* Brussels, 14 December 2007. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/97669.pdf.

———. (2008). *Presidency Conclusions.* Brussels, 19–20 June 2008. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/101346.pdf.

European Economic Community (EEC) and Council for Mutual Economic Assistance (COMECON). (1988). *Joint Declaration on the establishment of*

official relations between the European Economic Community and the Council for Mutual Economic Assistance. http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.1988.157.01.0035.01.ENG.

European External Action Service (EEAS). (2010). *Vademecum on financing in the frame of the Eastern Partnership*. 24 September 2010. Available from http://www.eeas.europa.eu/eastern/docs/eap_vademecum_en.pdf.

———. (2016). *Kosovo and the EU. Political and Economic Relations*. Available from http://eeas.europa.eu/delegations/kosovo/eu_kosovo/political_relations/index_en.htm.

European Forum. (2009). *EU launches Eastern Partnership at Prague Summit*. European Forum for Democracy and Solidarity, 8 May 2009. http://www.europeanforum.net/news/594/eu_launches_eastern_partnership_at_prague_summit.

European Union Border Assistance Mission to Moldova and Ukraine (EUBAM). (2017). *Who we are*. Available from http://eubam.org/who-we-are/.

Freedman, L. (2000). Victims and victors: Reflections on the Kosovo war. *Review of International Studies, 26*(3), 335–358.

Gänzle, S. (2011). EU Governance and the European Neighbourhood Policy: A framework for analysis. In J. Gower & G. Timmins (Eds.), *The European Union, Russia and the Shared Neighbourhood*. Abingdon: Routledge.

Gegout, C. (2010). *European Foreign and Security Policy. States, Powers, Institutions and American Hegemony*. Toronto: University of Toronto Press.

General Framework Agreement for Peace in Bosnia and Herzegovina. (1995). Available from http://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf.

Glaurdic, J. (2011). *The Hour of Europe: Western Powers and the Breakup of Yugoslavia*. New Heaven: Yale University Press.

Glenny, M. (1993). *The Fall of Yugoslavia*. London: Penguin.

Grdešić, M. (2016). Serbia's anti-bureaucratic revolution as manipulation? A cultural alternative to the elite-centric approach. *Comparative Studies in Society and History, 58*(3), 774–803.

Grevi, G. (2009). EULEX Kosovo. In G. Grevi, D. Helly, & D. Keohane (Eds.), *European Security and Defence Policy: The First 10 Years (1999–2009)*. Paris: EU Institute for Security Studies.

Gross, E., & Rotta, A. (2011). *The EEAS and the Western Balkans* (IAI Working Papers No. 11, 15). Available from http://www.iai.it/pdf/DocIAI/iaiwp1115.pdf.

Gulyás, L., & Csüllög, G. (2015). History of Kosovo from the first Balkan War to the end of World War II (1912–1945). *West Bohemian Historical Review, 5*(2), 219–237.

Hagemann, C. (2013). External Governance on the Terms of the Partner? The EU, Russia and the Republic of Moldova in the European Neighbourhood Policy. *Journal of European Integration, 35*(7), 767–783.

Haukkala, H. (2010). Explaining Russian reactions to the European Neighbourhood Policy. In R. G. Whitman & S. Wolff (Eds.), *The European Neighbourhood Policy in Perspective: Context, Implementation and Impact.* Basingstoke: Palgrave Macmillan.

High Representative for the CFSP. (2003). *A secure Europe in a better world. European Security Strategy.* Brussels, 12 December 2003. Available from http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf.

Herring, E. (2007). From Rambouillet to the Kosovo accords: NATO'S war against Serbia and its aftermath. *The International Journal of Human Rights, 4*(3–4), 224–245.

Herszenhorn, D. (2012, October 29). Observers denounce Ukrainian election, citing abuses by rulers. *The New York Times.* Available from http://www.nytimes.com/2012/10/30/world/europe/international-observers-de-nounce-ukrainian-election.html?_r=0.

High Representative for the CFSP. (2008). *Javier SOLANA, EU High Representative for the CFSP, welcomes the appointments 417 of Pieter FEITH as EU Special Representative in Kosovo and Yves de KERMABON as Head of Mission of EULEX KOSOVO.* Brussels, 16 February 2008. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/98772.pdf.

High Representative for the CFSP and Commissioner for Enlargement. (2002). Brussels, 7 August 2002 reported in B. Van Vooren & R. Wessel (2014), *EU External Relations Law. Text, Cases and Materials.* Cambridge: Cambridge University Press.

———. (2006). *Summary note on the joint report by Javier Solana, EU High Representative for the CFSP, and Olli Rehn, EU Commissioner for Enlargement, on the future EU Role and Contribution in Kosovo.* July 2006. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/reports/90537.pdf.

Hill, C. (1993). The capability-expectations gap, or conceptualizing Europe's international role. *Journal of Common Market Studies, 31*(3), 305–328.

———. (2002). *The Changing Politics of Foreign Policy.* Basingstoke: Palgrave Macmillan.

Hillion, C. (1998). Partnership and Cooperation Agreements between the European Union and the New Independent States of the Ex-Soviet Union. *European Foreign Affairs Review, 3*(3), 399–420.

Hughes, J., Sasse, G., & Gordon, C. (2005). *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe.* Basingstoke: Palgrave Macmillan.

Human Rights Watch. (2008). *Kosovo/Albania: Investigate postwar abductions, transfers to Albania.* Human Rights Watch, 5 May 2008. Available from

https://www.hrw.org/news/2008/05/04/kosovo/albania-investigate-postwar-abductions-transfers-albania.

Judah, T. (1997). *The Serbs: History, Myth and Deconstruction of Yugoslavia*. New Haven and London: Yale University Press.

Juncos, A. E., & Pérez-Solòrzano Borragàn, N. (2016). Enlargement. In M. Cini & N. Pérez-Solòrzano Borragàn (Eds.), *European Union Politics*. Oxford: Oxford University Press.

Jünemann, A., & Knodt, M. (Eds.). (2007). *Externe Demokratieförderung der Europäischen Union*. Baden-Baden: Nomos.

Karatnycky, A. (2005). *Ukraine's Orange Revolutions*. Foreign Affairs, March/April 2005. Available from http://www.global.wisc.edu/peace/readings/supplemental-johnson-orange.pdf.

Karnitschnig, M. (2006). The United Nations and the European Union in Kosovo: The challenges of joint nation-building. In J. Wouters, F. Hoffmeister, & T. Ruys (Eds.), *The United Nations and the European Union: An Ever Stronger Partnership*. The Hague: T.M.C. Asser Press.

Keil, S., & Arkan, Z. (2016). *The EU and Member State building. European Foreign Policy in the Western Balkans*. Abingdon: Routledge.

Ker-Lindsay, J. (2009). *Kosovo. The Path to Contested Statehood in the Balkans*. London: Tauris.

Korosteleva, E. (2012). *The European Union and Its Eastern Neighbours. Towards a More Ambitious Partnership?* Abingdon: Routledge.

Kramer, M. (2014). *Why did Russian Federation give away Crimea sixty years ago?* Wilson Centre, 19 March 2014. Available from https://www.wilsoncenter.org/publication/why-did-RussianFederation-give-away-crimea-sixty-years-ago.

Kuzio, T. (2015). *Ukraine. Democratization, Corruption and the New Russian Imperialism*. Santa Barbara, CL: ABC Clio.

Lake, D., & Powell, R. (1999). *Strategic Choice and International Relations*. Princeton: Princeton University Press.

Light, M. (2008). Keynote article: Russia and the EU: Strategic Partners or Strategic Rivals. *Journal of Common Market Studies, 46*(1), 7–27.

Lo, B. (2002). *Russian Foreign Policy in the Post-Soviet Era. Reality, Illusion and Mythmaking*. Basingstoke: Palgrave Macmillan.

Lukanov, Y. (1996). *Tretyi Prezident: Polytichnii portret Leonida Kuchmi* [Third President: Political Portrait of Leonid Kuchma]. Kiev: Tak Spravi.

MacShane, D. (2012). *Why Kosovo Matters*. London: Haus Publishing.

Malcolm, N. (1998). *Kosovo: A Short History*. New York: New York University Press.

Manners, I. (2002). Normative power Europe: A contradiction in terms? *Journal of Common Market Studies, 40*(2), 235–258.

Meier, V. (1999). *Yugoslavia: A History of Its Demise*. London: Routledge.

Mertus, J. (1999). *Kosovo: How Myths and Truths Started a War*. London: University of California Press.

Metz, C. (2014). *The Way to Statehood. Can the Kosovo Approach Be a Role Model for Palestine?* Vienna: Wiener Verlag für Sozialforshung.

Military-technical agreement. (1999). Military-technical agreement, 9 June 1999 between the International Security Force ('KFOR') and the governments of the Federal Republic of Yugoslavia and the Republic of Serbia. *The International Journal of Human Rights, 4*(3–4), 364–368.

Miller, E. A. (2006). *To Balance or Not to Balance. Alignment Theory and the Commonwealth of Independent States*. Burlington: Ashgate.

Ministry of Foreign Affairs of the Republic of Poland. (2008). 'Eastern Partnership' reported in P. Koutrakos (Ed.), *European Foreign Policy: Legal and Political Perspectives*. Cheltenham: Edward Elgar.

Noutcheva, G. (2012). *European Foreign Policy and the Challenges of Balkan Accession*. London: Routledge.

Nuttall, S. J. (2000). *European Foreign Policy*. Oxford: Oxford University Press.

Orenstein, M. A., & Kelemen, R. D. (2016). Trojan horses in EU foreign policy. *Journal of Common Market Studies, 55*(1), 87–102.

Park, J. (2014). *The European Union's Eastern Partnership*. Council on Foreign Relations, 13 March 2014. Available from https://www.cfr.org/backgrounder/european-unions-eastern-partnership.

Pélerin, J. (2008). The ENP in Interinstitutional Competition: An Instrument of Leadership for the Commission? In D. Mahncke & S. Gstöhl (Eds.), *Europe's Near Abroad. Promises and Prospects of the EU's Neighborhood Policy*. Brussels: Peter Lang.

Pesic, V. (1999). Serbian nationalism and the origins of the Yugoslav crisis. *United States Institute for Peace, Peaceworks*, no. 8. Available from https://www.usip.org/publications/1996/04/serbian-nationalism-and-origins-yugoslav-crisis.

Petrov, N., & Ryabov, A. (2006). Russia's role in the Orange Revolution. In A. Åslund & M. McFaul (Eds.), *Revolution in Orange: The Origins of Ukraine's Democratic Breakthrough*. Washington, DC: Carnegie Endowment for International Peace.

Pidluska, I. (2001). *Ukraine-EU relations: Enlargement and integration*. Available from http://www.policy.hu/pidluska/EU-Ukraine.html.

Ramet, S. P. (2009). *Thinking About Yugoslavia. Scholarly Debates About the Yugoslav Breakup and the Wars in Bosnia and Kosovo*. Cambridge: Cambridge University Press.

Rettman, A. (2009a). EU leaders soothe Russia over new eastern club. *Euobserver*, 7 May 2009. Available from https://euobserver.com/foreign/28090.

———. (2009b). EU-Russia summit ends with prickly exchange over energy. *Euobserver*, 23 May 2009. Available from https://euobserver.com/foreign/28173.

Risse, T., & Börzel, T. (2009, May). *The transformative power of Europe. The European Union and the diffusion of ideas* (KFG Working Paper Series). Available from http://www.ssoar.info/ssoar/bitstream/handle/document/36473/ssoar-2009-borzel_et_al-The_transformative_power_of_Europe.pdf?sequence=1.

Rogel, C. (1998). *The Breakup of Yugoslavia and the War in Bosnia*. London: Greenwood Press.

Rummel, R. (1992). *Toward a Political Union—Planning a Common Foreign and Security Policy in the European Community*. Baden-Baden: Nomos.

Samokhvalov, V. (2015). Ukraine between Russian Federation and the European Union: Triangle revisited. *Europe-Asia Studies, 67*(9), 1371–1393.

Schimmelfennig, F., & Scholtz, H. (2008). EU Democracy Promotion in the European Neighbourhood: Political Conditionality, Economic Development and Transnational Exchange. *European Union Politics, 9*(2), 187–215.

Schneider, K. (2001). The Partnership and Co-operation Agreement (PCA) between Ukraine and the EU—Idea and Reality. In L. Hoffmann & F. Möllers (Eds.), *Ukraine on the Road to Europe*. Heidelberg: Physica-Verlag.

Serbian Academy of Arts and Science. (1986). *Memorandum 1986 (The Greater Serbian Ideology)*. Belgrade, 24 September 1986. Available from http://www.trepca.net/english/2006/serbian_memorandum_1986/serbia_memorandum_1986.html.

Shevtsova, L. (2013). *Who Has Prevented Ukraine from Moving Toward Europe?* Carnegie, Moscow Centre, 26 November 2013. Available from http://carnegie.ru/eurasiaoutlook/?fa=53713.

Smith, K. E. (2003). The evolution and application of EU membership conditionality. In M. Cremona (Ed.), *The Enlargement of the European Union*. Oxford: Oxford University Press.

Solchanyk, R. (2001). *Ukraine and Russia. The Post-Soviet Transition*. Lanham: Rowman & Littlefield.

Štiks, I. (2006). Nationality and citizenship in the Former Yugoslavia: From disintegration to European integration. *Southeast European and Black Sea Studies, 6*(4), 483–500.

Summers, J. (Ed.). (2011). *Kosovo: A precedent? The Declaration of Independence, the Advisory Opinion and Implications for Statehood, Self-determination and Minority Right*. Leiden: Martinus Nijhoff Publishers.

Sutton, A. (2002, November 9). The black hole of Europe. *The Spectator*. Available from http://www.spectator.co.uk/comic/the-black-hole-of-europe/.

Techau, J. (2014). *Europe's five deadly Sins on Ukraine*. Carnegie Europe, 4 March 2014. Available from http://carnegieeurope.eu/strategiceurope/?fa=54743.

Torreblanca Payà, I. (1997). *The European Community and Central Eastern Europe (1989–1993): Foreign Policy and Decision-Making*. Madrid: Centre for Advanced Studies in Social Sciences.

Ukraine-EU Summit. (2001). *Joint statement*. Yalta, 11 September 2001. Available from http://europa.eu/rapid/press-release_PRES-01-315_en.htm.

UN Security Council (UNSC). (1999). *Security Council Resolution 1244 [on the deployment of international civil and security presences in Kosovo].* 10 June 1999. Available from http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3b00f27216.

UN Special Envoy of the Secretary General (SESG). (2007). *Comprehensive proposal for the Kosovo status settlement.* Available from http://www.kuvendikosoves.org/common/docs/Comprehensive%20Proposal%20.pdf.

US, Department of State. (2008). *U.S. recognizes Kosovo as Independent State.* Washington, 18 February 2008. Available from https://2001-2009.state.gov/secretary/rm/2008/02/100973.htm.

Vachudova, M. A. (2013). EU leverage and national interests in the Balkans: The puzzles of enlargement ten years on. *Journal of Common Market Studies, 52,* 122–138.

Valentino, S. (2011, July 7). Cold case: EU spending in Kosovo. *European Voice.*

Van Vooren, B., & Wessel, R. (2014). *EU External Relations Law. Text, Cases and Materials.* Cambridge: Cambridge University Press.

Vickers, M. (1998). *Between Serbs and Albanian: A History of Kosovo.* London: Hurst.

Way, L. A. (2015). The limits of autocracy promotion: The case of Russian Federation in the 'near abroad'. *European Journal of Political Research, 54*(4), 691–706.

Weiler, J. (1991). The transformation of Europe. *The Yale Law Journal, 100*(8), 2403–2483.

Weller, M. (1999). The Rambouillet Conference on Kosovo. *International Affairs, 75*(2), 211–251.

———. (2009). *Contested Statehood: Kosovo's Struggle for Independence.* Oxford: Oxford University Press.

Whitlock, C., & Finn, P. (2005, December 10). Schroeder accepts Russian pipeline job. *The Washington Post.* Available from http://www.washingtonpost.com/wp-dyn/content/article/2005/12/09/AR2005120901755.html.

Whitmore, S. (2004). *State-Building in Ukraine. The Ukrainian Parliament, 1990–2003.* London: RoutledgeCurzon.

Wolkczuk, K. (2004). *Integration without Europeanization: Ukraine and Its policy Towards the European Union* (EUI Working Papers. RSCAS No. 2004/15). Available from http://cadmus.eui.e/bitstream/id/1919/04_15.pdf/.

———. (2006). Domestic politics and European integration in Ukraine. *The International Spectator, 32*(1), 7–24.

Young, R. (2017). *Europe's Eastern Crisis. The Geopolitics of Asymmetry.* Cambridge: Cambridge University Press.

Zagorsky, A. (2008). Policies towards Russian Federation, Ukraine, Moldova and Belarus. In R. Dannreuther (Ed.), *European Union Foreign and Security Policy* Abingdon: Routledge.

Zagreb Summit, Final Conclusions. (2000). *Joint Declaration by the European Union, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia on the follow up to the Zagreb Summit regarding regional cooperation in the area of asylum and immigration*. Brussels, 28 March 2001. Available from http://webcache.googleusercontent.com/search?q=cache:R4LQUDMFgZYJ:europa.eu/rapid/press-release_PRES-01-124_en.pdf+&cd=2&hl=it&ct=clnk&gl=it.

Zimonjic, V. P. (2008, June 30). Kosovo Serbs set up rival assembly. *The Independent*. Available from http://www.independent.co.uk/news/world/europe/kosovo-serbs-set-up-rival-assembly-856904.html.

In the Shadow of Statehood: The Role of the High Representative in Kosovo

1 INTRODUCTION

EU foreign and security policy on Kosovo has been characterised by a lack of alignment of member states' preferences over its independence. Only 23 EU member states out of 28 have recognised Kosovo's independence so far. Nonetheless, the Union has succeeded in acting in a truly integrated way and in having significant political impact in this country. In the post-Lisbon era this was achieved by brokering talks between Belgrade and Pristina under the mediation of the High Representative (HR) and by tying Serbia's EU membership to the normalisation of its relations with Kosovo. This policy *dossier* represents a foreign and security policy case that also involves the offer of a potential accession to the EU. Thus, it formally contains features proper to the intergovernmental common foreign and security policy (CFSP), as well as traits of the supranational enlargement policy.

This chapter argues that an alignment of member states' preferences over the stabilisation of Kosovo has created fertile ground for an ideational convergence among European political *élites* on the strategies to adopt to reach such stabilization and for the HR to act as an autonomous political actor. Within this ideational convergence the HR was able to foster integrated institutional practices and to promote an active role of the Commission. The analysis thus demonstrates that beyond the

question of formal recognition of Kosovo, a cleavage has not emerged between member states on its transition. On the contrary, since member states' preferences over the stabilization of Kosovo and of the Western Balkans were aligned, national governments have been likely to act in an integrated manner through voluntary policy coordination. This ideational convergence also served as fertile ground for the HR to foster more integrated policies and an increased role of the Commission in EU foreign and security policy broadly defined. The former HR, Catherine Ashton, and the current HR, Federica Mogherini, have both acted as policy instigators and as policy enforcers because they benefitted from a general *consensus* on the direction to pursue within the European Council and the Foreign Affairs Council (FAC). That *consensus* made possible for the HR, being also Vice-President (VP) of the Commission, to connect the enlargement policy with the CFSP agenda. Hence, the Kosovo case also reveals the formation of an institutional practice that combines intergovernmental and supranational factors, although the European Parliament (EP) has had only limited possibilities to participate in the decision-making process.

This argument is evaluated on the basis of an empirical account used on the EU approach to Kosovo in the post-Lisbon era. In order to identify institutional patterns characterizing EU foreign policy on Kosovo, the chapter process-traces the role of the HR in the EU's approach to this country from the entry into force of the Lisbon Treaty (LT, December 2009) until summer 2016. The chapter's final section then draws the main conclusions from the analysis presented.

2   THE ROLE OF THE HIGH REPRESENTATIVE IN LEADING EU FOREIGN POLICY ON KOSOVO IN THE POST-LISBON ERA

In the post-Lisbon era EU policy consistency in and towards Kosovo kept featuring disagreements over the latter's independence. However, beyond the *strictu sensu* recognition, tied to national governments' domestic considerations, there has not been a visible cleavage between member states on how to handle Kosovo's transition. Thus, in the period under analysis, EU member states and the EU's main institutions generally agreed that the Western Balkans should be stabilized and that enlargement should be the main EU policy to be used towards these countries. Within this alignment of preferences an ideational convergence has emerged over the strategy to adopt to pursue such

stabilization, namely through a normalization of the relations between Belgrade and Pristina.

The ideational convergence among member states and EU institutions over the need to stabilize the Western Balkans by means of a normalization of Kosovo–Serbia bilateral relations notwithstanding diverging positions on the recognition of Kosovo's statehood is reflected in the official conclusions of the European Council's meetings that took place during the period under consideration. Between December 2009 and December 2013, when the EU opened membership talks with Serbia, EU leaders gathered together in Brussels twenty-six times.[1] Seven of the official final conclusions of the intergovernmental forums referred to the stabilisation of the Western Balkans and their eventual accession to the EU (see Fig. 1).[2] While the Belgrade–Pristina dialogue was mentioned only once,[3] on no occasion were references made to the *status* of Kosovo. Within the intergovernmental forum reuniting the heads of state and government, the five non-recognizers generally insisted on a "status-neutral"
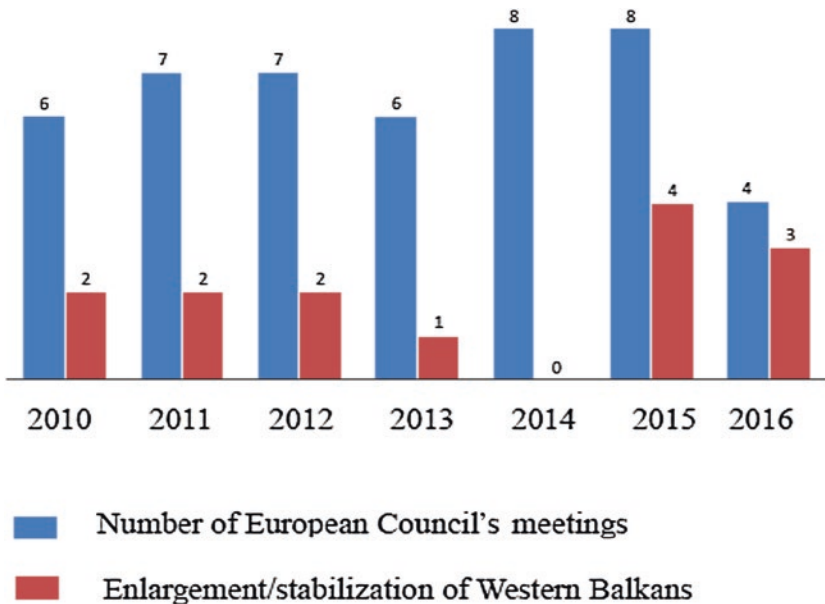
Fig. 1   The European Council and Kosovo

approach to this country (Interview R). In this respect one has only to think that during the Spanish six-month rotating Presidency of the EU in the first half of 2010, the Spanish Prime Minister José Luis Rodriguez Zapatero, expressed "confidence" that the EU would "find a solution to set in motion Kosovo's involvement into the EU integration process", while maintaining that Spain would have not recognized Kosovo's 2008 unilateral declaration of independence (Kelmendi 2011, p. 42).

Within this persistent alignment of preferences and this ideational convergence the HR fostered an integrated approach of EU member states and institutions. On 22 July 2010 the International Court of Justice (ICJ) in The Hague stated in a non-binding opinion that Kosovo's declaration of independence from Serbia in February 2008 did not violate international law (ICJ 2010; see Caplan and Wolff 2015). The HR Catherine Ashton welcomed the ICJ's judgment without making reference to the five non-recognizers.[4] "The advisory opinion [of the ICJ] opens a new phase", she said and continued saying that "[t]he future of Serbia lies in the European Union. The future of Kosovo also lies in the European Union" (High Representative 2010a). The HR's reference to Serbia's future was a strategic one following a decision made a month earlier by the member state foreign ministers to ratify the main pre-accession agreement with Serbia (14 June 2010; see Council of the EU, FAC 2010a, p. 2).

Responding to the ICJ ruling Serbia presented a resolution at the United Nations' General Assembly (UNGA). The latter condemned "unilateral secession as a way to solve problems and called for a resumption of peace dialogues on 'all disputed issues'" (Ker-Lindsay 2012, p. 136; see also B92 2010). Serbia had "assumed that 27 EU states would not be able to reach agreement on a resolution text" (Tannam 2013, p. 955). Yet, within member states' aligned preferences an ideational convergence arose among national governments and EU institutions on the strategies to adopt towards the Serbian-backed UN[5] resolution text. On this occasion, the HR successfully acted as a *consensus*-seeker and as an agenda-setter by means of her authority as chair of the intergovernmental forum reuniting member states' foreign ministers. On 26 July 2010 the FAC conclusions reported similar words to the ones used by Ashton beforehand. After having held a discussion on "Kosovo's future path towards EU integration, following the publication of the advisory opinion", the intergovernmental forum declared that

the judgement "opened a new phase and that the focus should now be on the future [of Kosovo]" (Council of the EU, FAC 2010b, p. 13). In what appeared to be a call for a concerted effort, the FAC also reaffirmed the "EU's unequivocal commitment to the European perspective of the Western Balkan countries" and "reiterated the readiness of the EU to facilitate a process of dialogue between Belgrade and Pristina" (Council of the EU, FAC 2010b, p. 13). One may argue that national governments shared a propensity towards voluntary coordination to sustain the HR's endeavor. Both William Hague, the British foreign minister, and Guido Westerwelle, the German foreign minister, had been in Belgrade to push Serbia for a change in its draft resolution (*EU Business* 2010b; *Radio Free Europe* 2010).

Eventually, a *consensus* was found among member states on a draft resolution on Kosovo to be proposed by Serbia at the UN (Howorth 2014; Lehne 2012). Belgrade, the original sponsor of the UN resolution, removed the language challenging Kosovo's independence and EU member states agreed to co-sponsor the document. Most notably, the official document "welcomed that the proposed dialogue between the parties would help promote cooperation, achieve progress on the path to the European Union and improve the lives of the people" (UNGA 2010, p. 1). Remarkably, Boris Tadić's shift occurred after a long discussion with Catherine Ashton the day before the resolution was adopted and was considered a major negotiating success for the HR (Cooper 2014; Tannam 2013). In a statement welcoming Belgrade's move Ashton declared: "[…] this result today is a reflection of our common commitment to Serbia's European perspective". "The important thing will be that the dialogue between Belgrade and Pristina can start" (High Representative 2010b). In the conclusions of the first European Council held after the resolution was voted, EU leaders declared that the Union had "secured stability in the Western Balkans particularly through the European perspective given to that region" and that the European Council would have returned to this matter "at a subsequent meeting" (16 September 2010; European Council 2010, p. 1).

In this context, the HR was also able to combine her authority as VP with that as chair of the FAC and to bring the decision-making influence of the Commission into the process of intergovernmental deliberation. While, as a reward, Serbia's application for membership of the EU was referred to the European Commission for an opinion,

during the FAC held on 13 December 2010 the ministers "focused chiefly on Kosovo and Serbia" (Council of the EU, FAC 2011, p. 16). According to the official document reporting the main results of the meeting, the HR "hoped that the dialogue between Belgrade and Pristina would begin soon and that both sides would engage constructively". The resolution had set the basis for talks between the two parties under the EU mediation efforts on technical matters related to "sensitive-status aspects" (Lehne 2012, p. 8) such as trade, transport, energy, interconnections and air controls. To be sure, the HR had a crucial role in initiating the dialogue together with some of her close advisors (Interview G, H). In addition to this, it is worth noting that the German Chancellor, Angela Merkel, provided a great deal of support for the beginning of the EU-brokered consultations (Vaïsse et al. 2012). Thus, Merkel paid a diplomatic visit to Belgrade "before the Kosovo–Serbia talks began, to deliver the message there would be no EU enlargement without peace" (Rettman 2014). Whilst three European Council meetings[6] took place before such talks began, no reference was made in the final conclusions to the launch of the EU-brokered dialogue. Ultimately, on 8 March 2011 the European External Action Service (EEAS), supervised by the HR, started presiding rounds of technical consultations between Belgrade and Pristina.

From that moment onwards, the Kosovo policy *dossier* became "one of the main issues and activities" for Catherine Ashton (Interview A). While the EU-led dialogue went in parallel with "hostile rhetoric between the parties, high drama in the media, and accusations of treason coming from the opposition" (Lehne 2012, p. 8), the HR seemed to have the necessary diplomatic skills to temper such tensions. As an official stressed: "The real dialogue started with Ms Ashton who gained the confidence of all the political players in the two countries and made this really work." (Interview M). Besides ensuring the consistency of EU bilateral diplomacy, in her capacity of VP of the European Commission the HR was able to ensure integrated policies at institutional level and foster an increased role of this institution (Blockmans 2013; ECFR 2014; Rettman 2013a). In the words of an EU official: "The Kosovo policy dossier is a good example of a European common approach in which the positive *impetus* given by the HR and the Commission has played key a role" (Interview A). As a result, the rounds of technical talks

resulted in "good team work" among the different EU institutions under the HR's supervision (Interview E). Interviewed on this specific matter, another official claimed:

> During the brokering of talks, the EEAS would often ask the Commission for opinions, working papers and concept notes. DG NEAR[7] has a team of eleven people dealing with Kosovo bearing considerable expertise on this policy dossier *vis-à-vis* a Kosovo EEAS team of only two people. Often colleagues from the EEAS would ask the Commission what could be done, because of the Commission's resources. (Interview R)

Remarkably, such integrated practices were also reflected in implementation of EU approach on the field. As another Commission official working on the operational aspects of EU policy on Kosovo confirmed: "It's a coordination challenge. When we make changes to EULEX[8] for example we have to be very mindful of their [of the EEAS] political priorities and to avoid undermining their efforts in dialogues" (Interview M).

Nonetheless, the unfolding of the consultations together with their implementation was not easy when the time came for the mediation of the EU to be tested in practice. From July 2011 to November 2011 violence on Kosovo's border threatened to derail the EU-brokered negotiations. Partly because of Serbia's postponement of the second round of talks (Kursani 2012), on 25 July 2011 Kosovo "sought to establish its control over the border crossings in the North, thus provoking the violent revolt of the local population" (Lehne 2012, p. 5).[9] Swiftly, the HR urged the Serbian President Tadić and Kosovo's Prime Minister Hashim Thaçi to help defuse the tensions, stressing the importance of EU facilitated dialogue (26 July 2011; High Representative, Spokesperson 2011). After eleven days Belgrade's representatives and NATO[10] Kosovo Force (KFOR) "reached a temporary agreement about the situation at the administrative crossings in northern Kosovo" (B92 2012). Later on, in what was symbolically referred to as "the German awakening" (Bassuener and Weber 2013, p. 1), during a diplomatic visit to Belgrade on 24 August 2011, Merkel was reported to have declared that "one of the requirements for Serbia to make progress on its EU path was to abandon its so-called "parallel institutions" in the north of Kosovo" including post offices, education centres and parallel municipalities (Barlovac 2011a). Shortly after this declaration was made, Serbia accepted to solve the customs issue (ICG 2012).

The dialogue between Serbia and Kosovo resumed on 2 September 2011. Despite the violent clashes during summer, under the coordination of the HR, the European Commission recommended that Serbia should be recognised as a candidate for EU membership in its annual progress report (12 October 2011, European Commission 2011). While such positive recommendation was made conditional on "the understanding" that Serbia would have re-engaged "in the dialogue with Kosovo" and would have moved "swiftly to the implementation in good faith of agreements reached to date" (European Commission 2011, p. 12), the Commission underlined "the importance of Kosovo launching a comprehensive agenda for the north" (European Commission 2011, p. 18). However, a new eruption of violence broke out in Northern Kosovo on 24 November 2011 when NATO peacekeeping forces started to dismantle barricades built by the Serbs in the summer (Capussela 2011). Several Serbs were wounded by rubber bullets, "two German NATO soldiers were shot" and "eight Austrian peacekeepers hurt" (Reuters 2011). Against this background, seven days before the European Council's decision on Serbia's candidate *status* Belgrade and Pristina reached the "Integrated Border Management Agreement" under EU mediation (IBM 2 December 2011). According to the latter, Belgrade and Pristina would "gradually set up the joint, integrated, single and secure posts at all their common crossing points" along the lines of EULEX's activity in the area (EU 2012b). Yet, on the same day the IBM agreement was reached, the German Chancellor Angela Merkel had declared that "Serbia would not be ready for EU membership until it normalised relations with Kosovo" (BBC 2011). While France had been "pushing hard for Serbia to get candidate status immediately", pointing out to the results achieved through the IBM agreement (*Radio Free Europe* 2011b), "Berlin's position toughened after Kosovo Serbs shot at German and Austrian KFOR soldiers in November" (Vaïsse et al. 2012, p. 82; see *Radio Free Europe* 2011a).

As member states' preferences began to diverge over the attribution of the candidate *status* to Serbia, the HR was unable to foster *consensus* among foreign ministers on a specific policy direction. After hours of unsuccessful discussions in the FAC among foreign ministers on whether to grant such status, the decision was "left to EU leaders" (Andric 2011). On 5 December 2011 the General Affairs Council (GAC) noted that "the opening of accession negotiations" would be considered by the European Council, in line with established practice (Council of

the EU, GAC 2011, p. 11). Ultimately, in spite of the IBM agreement and the European Commission's recommendation on Serbia's candidacy, Germany, supported by Austria, the Netherlands, Finland and the United Kingdom (UK) blocked progress. They argued that Belgrade should have done more, especially on the removal of barricades set up by Kosovo Serbs in northern municipalities, and on finding a compromise, which would have allowed Kosovo to participate in regional institutions. In the absence of an ideational convergence, given the need for unanimity amongst member states for granting such candidacy, on 9 December 2011 the European Council postponed Serbia's bid for recognition as a candidate country (European Council 2011, p. 5).

In addition to this, the European Council chose to exert "a strong monitoring" (Interview R) over EU—Serbia relations and included a detailed section on the Belgrade-Pristina dialogue in its final conclusions. While EU leaders welcomed Serbia's re-engagement in the Belgrade-Pristina dialogue, the implementation of agreements in good faith and the conclusion of the agreement on IBM, they tasked the Council with taking a decision on granting Serbia's candidate *status* in February 2012. As envisaged by the formal procedure, the official document states such decision would have had to be confirmed by the March 2012 European Council. What is interesting, however, is that the mandate by the Heads appears incredibly detailed and demanding for a decision to be taken by the Council in light of its examination. In actuality, the European Council:

> tasks the Council with examining and confirming whether Serbia has continued to show *credible* commitment and has achieved further progress in moving forward with the implementation in *good faith of agreements reached in the dialogue, including on IBM, has reached an agreement on inclusive regional cooperation and has actively cooperated to enable EULEX and KFOR to execute their mandates.* (European Council 2011, p. 5, italics added)

In spite of the lack of ideational convergence among member states on the strategies to be adopted towards this policy *dossier*, the HR seemed to have intentions to set the EU-brokered dialogues in motion again as soon as possible. In reaction to the European Council's December 2011 decision, Ashton and the European Commissioner for Enlargement and Neighbourhood Policy, Štefan Füle, stated that they were both confident that Serbia would soon be able to make the final

progress to gain such *status* and that they were "looking forward to see Serbia progressing on the path to the European Union in the near future" (High Representative and Commissioner for Enlargement 2011, p. 1). Most notably, Füle told Belgrade that the European Commission would have helped Serbia "on its integration path in any way" it could (Barlovac 2011b).

2.1 *The Brussels Agreement*

The December 2011 European Council's conclusions must have had an influence on Belgrade. At the beginning of the year, as suggested by the European Commission October 2011 report, Serbia established a new office to ensure the implementation of the agreements made with Kosovo (Tanna 2013, p. 958). Eventually, Serbia also started implementing arrangements made during previous rounds of talks, including those on freedom of movement of persons and goods, civil registry and cadastral records (ICG 2012). The positions of the opposing member states, such as Germany and Austria, began to undo when roadblocks erected by local Serbs in north Kosovo were dismantled, calming fears for the safety of their peacekeepers in the region.

The HR, the FAC and the Commission implemented the European Council's conclusions as well (see Pop 2011; Rettman 2013b). After three days of dialogues, under intense negotiation of the HR a compromise was reached between the two parties on how to reference Kosovo in the international meetings.[11] On 24 February 2012 Pristina renounced the term "republic" and accepted reference to the UN Security Council (UNSC) Resolution 1244, as long as a similar mention was made to the 2010 advisory opinion of the ICJ.[12] On the same occasion, the two negotiating teams also reached an agreement on a technical protocol for the implementation of the IBM concluded on 2 December 2011. The HR and the Commissioner for Enlargement and Neighbourhood policy described the deal as "a major step forward", arguing that it would have allowed further progress on contractual relations with the EU (EU 2012a, p. 1).

The HR also encouraged and ensured integrated efforts in EU foreign and security policy by making full use of the Commission's directorates working under her authority. Interestingly, shortly before the negotiation over Kosovo's reference in international meetings had started, Cecilia Malmström, then European Commissioner for Home Affairs, had launched talks that could lead to the lifting of EU visa requirements

for citizens of Kosovo on 19 January 2012 (Vogel 2012a). Along the same lines, soon after the agreement on Kosovo's name was found the Commission proposed to initiate a feasibility study for a Stabilisation and Association Agreement (SAA) between Kosovo and the EU. Remarkably, even though the Commissioner for Enlargement effectively had the authority to launch a feasibility study without the agreement of the five non-recognizers, through his spokesperson he assured that this would not happen without their consent (Vogel 2012b, c).

On 27 February 2012 the HR briefed the FAC on the agreement on regional cooperation and the IBM technical protocol (Council of the EU, FAC 2012; EU 2012a, b). At first, member states' preferences around the attribution of such *status* to Serbia seemed to diverge. On the one hand, Lithuania was said to be "wary of Belgrade's friendship with Moscow" and to "see Serbia as part of Russia into the EU" (*EU Business* 2012). On the other hand, Romania had made clear its concern over the guard of the Romanian minority living in Serbia. Nevertheless, it is reasonable to argue that the HR was able to act as a *consensus*-seeker among member states' foreign ministers. Following the HR's briefing, the FAC "exchanged views in view of the debate on Serbia's candidate status at the General Affairs Council on 28 February" (Council of the EU, FAC 2012, p. 13). Right after the intergovernmental forum, the French foreign minister, Alain Juppé, declared that "an agreement" had been reached over granting Serbia the candidate *status* (*EU Business* 2012). Finally, while Serbia's candidacy was endorsed by the GAC on 28 February 2012 (Council of the EU, GAC 2012a), on 1 March 2012 (Council of the EU, GAC 2012a), the European Council granted the candidate *status* to Serbia (European Council 2012a).

Within this renewed ideational convergence, the HR continued to act as a policy enforcer of the EU approach to the normalization of the two Western Balkan countries' bilateral relationship. By the time set for the May 2012 Serbian parliamentary voting, under the mediation of the EU, the two parties agreed that Serbs living in Northern Kosovo would have been able to vote in Serbia's general elections under the umbrella of the Organization for Security and Cooperation in Europe (OSCE) and with EULEX taking care of security aspects. When in spring 2012 ethnic Serbs in north Kosovo were able to participate in the general and presidential elections under the conditions agreed through EU mediation, no major incident was reported (OSCE, ODIHR 2012). In one of his first speeches, Serbia's new president, Tomislav Nikolić, told EU leaders that

he intended to stick to EU mediated deals with Kosovo. "Serbia will not walk away from its path to the EU" Nikolić declared (Bilefsky 2012). As a response, the HR stated: "the road ahead is not easy […] you will arrive into the European Union with great strength and I personally look forward to that day very much" (High Representative 2012, p. 1). Given the existence of a renewed propensity towards voluntary coordination among the member states, the intergovernmental forums reuniting member states' representatives did not impose a strict control over the HR in this period. While two FACs had taken place in the meantime (22–23 March 2012; 23 April 2012), in spite of the tensions originating from the voting, foreign ministers had not discussed this *policy dossier.* At the same time, in the conclusions of the following European Council meeting on 28–29 June 2012 (European Council 2012b) no references were made either to Serbia and Kosovo, or to the stabilisation of the Western Balkans.

In this context, the HR was able to further develop the policy approach decided by the European Council and to foster a more active role of the Commission. Under the coordination of the HR in her capacity as VP of this institution, the Commission accelerated Kosovo's path towards potential EU membership stating in its 2012 analytical report (23 October 2012) that the EU should begin talks over a SAA with Kosovo (European Commission 2012). Most notably, the non-recognition policy of five member states was not considered a legal obstacle to the signing of the agreement, as already stated by the feasibility study for the SAA between the EU and Kosovo launched at the beginning of 2012 (see European Commission 2012, p. 4). The main argument underpinning this claim was that the possibility for the EU to conclude international agreements is not restricted to generally recognized states or international organisations. During their following meeting, on 18–19 October 2012, EU leaders made no reference to Serbia, Kosovo and the stabilisation of the Western Balkans (European Council 2012c). Meanwhile, in autumn 2012 the EU-led dialogue was raised to a "political level" with the two prime ministers, Ivica Dačić for Serbia and Hashim Thaci for Kosovo, meeting in Brussels for the first time. In this format, in December 2012 under the mediation of the EEAS the two parties agreed to establish a jointly-managed border regime, a decision clearly impinging on "fundamental status and independence issues" (ICG 2013). While on 11 December 2012 the GAC took note "of the conclusions and recommendations" of the SAA with Kosovo

(Council of the EU, GAC 2012b, p. 11), the 13–14 December 2012 European Council's official document briefly welcomed and endorsed the European ministers' conclusions on the enlargement and the stabilization and association process (SAP 2012d, p. 11).

Ashton's "leadership" and "dedication" were reported to be "critical" for the continuation of the brokering of talks between the two Balkan countries in 2013 (Blockmans 2013). On 2 April 2013 the HR made clear to Dačić and Thaçi that if Belgrade and Pristina wanted her and Commissioner Füle to recommend the European Council "to open the door towards closer relations with the EU, then they had about two weeks" to reach a compromise (Blockmans 2013). The HR's move clearly influenced the two delegations. After two more rounds of talks under her mediation, the two parties concluded the Brussels Agreement on 19 April 2013 (EEAS 2013). The 15-points deal was symbolically entitled "First Agreement of Principles Governing the Normalisation of Relations" (Guzina and Marijan 2014). The Serbian communities living in the northern part of the former Serbian province would have integrated into Kosovo, yet granted a wide range of autonomy in the fields of police, healthcare, town planning and justice (Trix 2013). Particularly as Serbia had to dismantle its security structures in the Northern municipalities, Belgrade was given the opportunity to have security-sector employees integrated into Kosovo's security forces (Guzina and Marijan 2014). Along the lines of the approach put forth for the security sector, while Belgrade's affiliated judiciary structures had to be pulled down, Serbian judicial authorities could have been embedded into Kosovo's judiciary institutions. In this way, Kosovo would have been formally entitled to exert judiciary powers in the area with the support of EULEX (Guzina and Marijan 2014). At the same time, however, the agreement also intended to set the basis for the creation of a Serbian community in the Northern Part of Kosovo, the Serbian "zajednica" (Prelec 2013).

Commenting on the successful negotiations, following a meeting with the President of Kosovo, the President of the European Council commended the HR stating that: "the Union, especially High Representative, Cathy Ashton, played a key role" (European Council, The President 2013, p. 1). The HR in turn, praised the efforts of the two countries and reassured them about their future in the EU. "I want to congratulate them for their determination over these months and for the courage that they have. It is very important that now what we are seeing is a step away from the past and, for both of them, a step closer

to Europe", the HR declared (High Representative 2013a). On 22 April 2013 the GAC welcomed the deal reached by Pristina and Belgrade, "congratulated the two countries" and "thanked the Commission and the European External Action Service for helping to broker the deal" (Council of the EU, GAC 2013a, p. 9). Since the beginning of 2013 the heads of state and government had gathered together in Brussels three times. Yet, on no occasion reference was made to the Serbian or Kosovo's policy *dossiers.*

As the success of the Brussels Agreement was linked to progress towards EU enlargement, on 21 May 2013 the HR invited the Prime Ministers of Kosovo and Serbia to Brussels to discuss joint steps they would have needed to take to implement this deal. Commenting on this meeting, Ashton declared on 14 May 2013 that "a swift implementation" would have been "of crucial importance" and that she would have been "very much looking forward to discussing it with both Prime Ministers" (High Representative 2013b, p. 1). Despite the HR's declarations, divergent positions emerged again among EU leaders. While Austria, France, Italy and the UK all "pushed for progress with Serbia", "Germany was keen to push back all enlargement-related decisions" until the local election taking place in November 2013 in Northern Mitrovica (ECFR 2014, p. 70). Against this backdrop, the HR sought to act as a *consensus*-seeker and to promote a specific policy approach. On 21 June 2013 Ashton and Füle sent a joint letter to EU foreign ministers asking for "a clear positive decision to open negotiations with Serbia on its EU membership" (Republic of Serbia, Ministry of Foreign Affairs 2016). Three days later (24 June 2013) the intergovernmental forum chaired by the HR discussed "EU relations with Serbia and Kosovo, in preparation for the debate in the GAC of 25 June on the follow-up to the Council conclusions on enlargement of December 2012" (Council of the EU, FAC 2013, p. 13). On the following day the GAC commended again the "leaders of Serbia and Kosovo for the progress achieved in the EU-facilitated dialogue" and welcomed the 19 April agreement as a significant milestone, as well as the subsequent implementation agreement and concrete steps taken in recent weeks, as set out in the joint letter of the HR/VP and Commissioner Füle of 21 June 2013" (Council of the EU, GAC 2013b, p. 7). Notably, the intergovernmental forum also recommended that, "subject to the endorsement of the June European Council, accession negotiations" would be "opened with Serbia" (Council of the EU, GAC 2013b, p. 7). At the same time, while

reiterating that decisions related to the SAA would have been "without prejudice to Member States positions on status", the GAC highlighted that "the assessment of the Commission that Kosovo" would be "ready to open negotiations" on it (Council of the EU, GAC 2013b, p. 8). Adopting the draft conclusion prepared by the GAC (25 June 2013) and previously discussed by the FAC (24 June 2013), the European Council (27–28 June 2013) finally rewarded Belgrade for the deal with Kosovo by taking a conditional decision to open membership talks by January 2014 (European Council 2013b). On the same occasion, EU leaders authorized "the opening of negotiations on a Stabilisation and Association Agreement between the European Union and Kosovo" (European Council 2013a, p. 13).

As Kosovo's municipal elections were approaching the Commission's report on this country "underlined the necessity to keep normalising relations with Serbia and to continue building an inclusive Kosovo" (16 October 2013; European Commission 2013, p. 1). At the same time, the Commission stated that in such a "new, demanding phase of EU-Serbia relations", Belgrade should have remained "fully committed to the continued normalisation of relations with Kosovo and implementation of all agreements reached in the dialogue" (European Commission 2013, p. 6). While the next European Council (24–25 October 2013) did not make any reference to this policy *dossier* (European Council 2013b), before the voting was held, Ashton "called on people throughout Kosovo to participate in the elections" and described them as "a key moment in Kosovo's future and an important element in the process of normalisation of relations between Kosovo and Serbia" (*Radio Free Europe* 2013a).

When the municipality elections took place in Kosovo on 3 November 2013, for the first time since the country's unilateral declaration of independence, Serbs from Northern Kosovo casted their vote in local elections "with Belgrade's blessing" (Balfour and Pappas 2013, p. 1). Still, the OSCE, tasked with the monitoring of the polling stations together with EULEX, declared on 4 November 2013 that elections' results in Northern Mitrovica could not be determined due to several attacks at voting stations (*Radio Free Europe* 2013b). Under intense EU pressure the national electoral commission decided to annul the results and to reschedule the elections on 17 November 2013 and on 1 December 2013 (Balfour and Pappas 2013). Notwithstanding some disorders, the deal reached in April 2013 seemed to have passed its first test at the

new round of elections during which no violence was reported (Vaïsse et al. 2013). Eventually, on 17 December 2013 the GAC "welcomed the Commission's Progress Report of 16 October 2013 and the assessment as set out in the letter of the HR/VP of 16 December 2013 on the implementation of the agreements reached in the framework of the EU facilitated dialogue" (Council of the EU, GAC 2013c, p. 7). While member states' ministers for European affairs adopted "the General EU position on accession negotiations with Serbia, including the negotiating framework" they also stated that the GAC would have persisted "to monitor closely Serbia's continued engagement towards visible and sustainable progress in the normalisation of relations with Kosovo". Finally, the European Council held on 19–20 December 2013 agreed to start negotiations with Serbia in January 2014.

While in 2014 the European Council was held eight times,[13] on no occasion reference was made to the situation in Kosovo and Serbia and to the process of normalization between the two countries (see Fig. 1). Evidence suggests that the Ukrainian crisis acted as an intervening variable in the implementation of EU foreign and security policy on Kosovo. Thus, during most of their gatherings the Heads' discussed the crisis in the Eastern country. In this context, the HR continued to play a pro-active role in ensuring the unity, the consistency and the effectiveness of EU foreign policy action. On 20 January 2014 the FAC "confirmed political agreement on a regulation concerning certain procedures for applying the EU-Serbia SAA and the EU-Serbia Interim Agreement" (Council of the EU, FAC 2014a, p. 21). On the following day, the EU launched accession negotiations with Serbia (Council of the EU 2014). Later on, on 12 February 2014 Ashton met again with the prime ministers of the two Western Balkan countries to have "an in-depth discussion on all the final issues related to the question of justice on the basis of the April Agreement". "All the relevant elements are now being put together as a package which the two Prime Ministers will finalize at their next meeting" the HR stated after the diplomatic gathering in Brussels (High Representative 2014a, p. 1).

At the end of January 2014, the Serbian President, Tomislav Nikolic, declared that—two years in advance of schedule—early elections would have taken place on 16 March 2014 (Deloy 2014). After the March 2014 extraordinary parliamentary elections resulted in a landslide victory of the Serbian Progressive Party and of his leader, Aleksandar Vučić,

the HR's Spokesperson had declared that Ashton would have looked forward "to continuing the discussion with Prime Minister Hashim Thaçi as well as Prime Minister Ivica Dačić and Deputy Prime Minister Aleksandar Vučić". At the coming meeting, the Spokesperson added, the two sides would have continued "their work on the implementation of the April Agreement" and would have also discussed "future steps related to normalization of relations" (High Representative, Spokesperson 2014a, p. 1). It is reasonable to believe that foreign ministers reunited in the FAC did not exert strong control over the HR in this policy *dossier* in this period either. This is why they did not mention the Serbian presidential elections (Council of the EU, FAC 2014b) at the first FAC, held on 14–15 April 2014.

On 8 June 2014 parliamentary elections were held to renew the members of the assembly in Kosovo under the monitoring of an EU Election Observation Mission (EEAS 2014a). While the parliamentary voting was held also in the Northern part of the country for the first time, no major accident was reported. Promptly, the EU stated that it would have looked "forward to an early formation of the government" that would "take forward the work on all the key challenges" including "the implementation of the April 2013 Agreement" (EEAS 2014b). Yet, the June 2014 voting resulted in a prolonged institutional crisis in the Western Balkan country, with "the Democratic Party of Kosovo (PDK) and a post-election coalition led by the Democratic League of Kosovo (LDK)" bargaining "over who had the constitutional right to form a government" (Gashi 2015, p. 322). The European Council held on 26–27 June 2014 did not make any specific references to these events. In their "Strategic Agenda for the Union in times of change" the Heads' limited themselves to stress that EU enlargement policy would have continued to "foster democracy and prosperity" (European Council 2014, p. 14).

The approaching end of the mandate of most EU institutional actors represented another key intervening variable in EU engagement in the Western Balkans in 2014. Besides official gatherings, as her tenure was coming to an end the HR generally gave statements on the policy *dossier* under consideration through her spokesperson with only one exception.[14] At the same time, one may argue that the declaration made on 14 July 2014 by the soon to be President of the European Commission, Jean-Claude Juncker, over the enlargement process limited EU leverage over Serbia and Kosovo. In fact, while reassuring that, under his leadership, "on-going negotiations" would have continued in the Western

Balkans countries, Junker stated that the Union needed "to mark a pause in its enlargement process" (*EU Business* 2014). Against this backdrop, as the Russian relationship with Western Europe deteriorated with the annexation of Crimea in Spring 2014, Moscow sought to foster pro-Russian sentiments in the Western Balkans, particularly in Serbia, exploiting the dependence of this area on its gas and backing Belgrade's non-recognition of Kosovo's unilateral declaration of independence (ECFR 2015). Eventually, Serbia began to "balance EU demands with their interests in Russia" (ECFR 2015, p. 56) with its government lurching "between incessant rhetoric in favour of the EU and actual reinforcement of Serbia's dependence on Russia" (Polternman 2014).

Nonetheless, it is worth noting that members states' general propensity towards voluntary coordination persisted. The German leader, joined in her effort by the Slovakian minister of foreign affairs, Miroslav Lajcak, and by the Swedish foreign minister, Carl Bildt (Innews Serbia 2014a, b), prevented the derail of the Kosovo-Serbia agreement (ECFR 2015) countering "Russia's Balkan designs [...] with a diplomatic initiative" aimed at injecting new *impetus* to the EU enlargement policy in the area (Wagstyl 2014). On 7 June 2014 the Chancellor announced that Germany would have invited the Western Balkan states in Berlin for a conference dedicated to their integration into the EU (EurActiv 2014). Right ahead of the gathering (Berlin, 28 August 2014), Merkel was reported to have declared, "We have promised EU membership to all countries in the Western Balkans, and we stand firmly behind this promise" (European Western Balkans 2014). At the same time, under the coordination of the HR, the Commission continued to play an active role in this foreign policy case. On 8 October 2014, in its annual progress report on Kosovo, this institution warned Pristina by stating that the "failure to constitute the new legislature smoothly and in a timely manner" could have caused "setback" in the "dialogue with Serbia" and in "the implementation of the agreement reached" (European Commission 2014, p. 1).

At the end of October 2014 when, "on the occasion of her leaving the post of HR-VP" Ashton "invited Dacic and Thaci back to her EEAS office for a celebration", it was a widespread opinion that "she was entitled to do so" (Howorth 2014, p. 16). One week before the end of her mandate (23 October 2014), during her meeting with the Prime Minister of Kosovo Ashton stated: "I hope that the dialogue will grow and grow and we will see the outcome in peace and security for the people, and ultimately for the people of this area to become people

of the European Union" (High Representative 2014b, p. 1). When a deal was finally reached in Kosovo over the formation of a government on 9 December 2014 (Gashi 2015), the new HR, Federica Mogherini, and the new Commissioner for European Neighborhood Policy and Enlargement negotiations, Johannes Hahn, welcomed "the formation of a new government" and declared that they would "look forward to working with the new authorities in Pristina" (European Commission 2014, p. 1). On the same occasion, the HR declared that she would have been "ready to personally engage in order to make further progress in the normalization of relations" (European Commission 2014, p. 1).

When the new HR came into office the alignment of preferences and the ideational convergence among EU member states and institutions over the connection between Serbia's accession processes with the normalization of Belgrade's relations with Pristina was still in place. On 15 December 2014 the FAC "adopted the EU position for the Stabilization and Association Council with Serbia" (Council of the EU, FAC 2014c, p. 18). On the following day, the GAC (18 December 2014) welcomed the "high level of preparedness and engagement demonstrated so far by the Serbian Government" in the accession negotiations (Council of the EU, GAC 2014, p. 14). Member states' ministers of European affairs stated they would "continue to monitor closely Serbia's continued engagement towards visible and sustainable progress in the normalization of relations with Kosovo, including the implementation in good faith of all agreements reached so far". Along the same lines, the intergovernmental forum called on Kosovo for an "active and constructive engagement in the normalization process with Serbia" as an "essential principle of the proposed Stabilization and Association Agreement" (Council of the EU, GAC 2014, p. 20).

2.2   The August 2015 Agreements

Like her predecessor, Mogherini was personally committed in the mediation between Belgrade and Pristina (ECFR 2016). Such commitment occurred in absence of renewed guidelines by the European Council on the approach to be adopted on Kosovo. As a matter of fact, while EU leaders gathered in Brussels eight times in 2015, they discussed this policy *dossier* four times (see Fig. 1). On these occasions however, the Western Balkans were put on the European Council negotiating table only in the frame of EU engagement with third countries on security-related issues or in the context of the unprecedented refugees

and migrants' crisis, which largely occupied the EU leaders' agenda during the year. After a ten-months long stalemate caused by the absence of a government in Kosovo, the EU-mediated negotiations between Belgrade and Pristina resumed under the coordination of the second post-Lisbon HR on 10 February 2015. During this meeting the two parties reached an agreement on justice and judiciary issues in Kosovo, essentially closing one of the implementation chapters of the April 2013 Agreement. Commenting on the re-opening of the negotiations, Mogherini commended Belgrade and Pristina, and announced that "in the coming days" working groups would have "resume[d] to take forward the work on implementation" (High Representative 2015a, p. 1). In spite of the new negotiations, on 12 February 2015 EU leaders mentioned the Western Balkans only in the frame of EU engagement with third parties to counter terrorism (European Council 2015a).

As propensity towards voluntary cooperation among national governments on the policy approach to implement remained in place, the HR, the Commission, and the two relevant intergovernmental forums—the FAC and the GAC—continued to engage in integrated efforts to foster a stabilization of Kosovo–Serbia's bilateral relationship within the context of their respective accession processes. On 17 March 2015 the GAC "adopted conclusions on a special report of the Court of Auditors entitled 'EU Pre-Accession Assistance to Serbia'", covering the 2007–2013 programming period. Not long afterwards, on 26–27 March 2015 the HR paid a diplomatic visit to Belgrade and Pristina for the first time since the beginning of her mandate. Commenting on her visit, Mogherini stated that she would have looked forward to discussing "the next steps in Serbia's and Kosovo's European path and the implementation of the agreements reached in the EU facilitated dialogue" (High Representative 2015b, p. 1).

On 21 April 2015 the HR mediated a new round of negotiations between Belgrade and Pristina, where the two parties took stock of the implementation of the justice agreement and the beginning of implementation of the civil protection arrangements. At the same time, Belgrade and Kosovo's representatives discussed matters related to energy and telecom, and the creation of the association/community in the Northern part of Kosovo. "They agreed on concrete steps to be taken in the period until the next meeting of the dialogue" the HR specified after the talks (High Representative 2015c, p. 1). As months went by, the HR successfully coordinated EU engagement to integrated

practices in the negotiations between Kosovo and Belgrade also at lower hierarchical levels making full use of the Commission's directorates, the services and the representatives working under her authority. On 17 June 2015 the EEAS hosted a working group between Serbia and Kosovo representatives to discuss, under the chairmanship of the EU Special Representative (EUSR), Samuel Žbogar, the freedom of movement and potential solutions for the bridge in Mitrovica (see Kushi 2015). During the same week other working groups discussed matters related to the implementation of the 2013 EU-negotiated agreement (High Representative, Spokesperson 2015a). On 23 June 2015 the HR brokered another high-level meeting for negotiations on the implementation of a number of outstanding questions. Energy related matters, telecoms, the creation of the association/community in the Northern municipalities of Kosovo, and the freedom of movement with specific attention to the Mitrovica bridge had remained an unresolved matter notwithstanding the conclusion of the April 2013 agreement. "Good progress was made on all issues […] we will reconvene very soon in the next days to finalize the agreements" the HR declared when the meeting was over (High Representative 2015d, p. 1).

The unfolding of the negotiations between the two parties shows that the HR was able to ensure the unity, consistency and effectiveness of the implementation of EU foreign and security policies, both in her authority as VP of the Commission and in her capacity as chair of the FAC. On 17 March 2015 member states' ministers for European affairs noted that the Commission had been "managing pre-accession support to Serbia effectively" and that this support had helped Serbia to "implement social and economic reforms as well as improve governance" (Council of the EU, GAC 2015a, p. 9). The HR convened another meeting between the representatives of Kosovo and Serbia on 29 June 2015. Following the talks, Mogherini declared that "after 16 hours of work" the parties had "finalized the text of two agreements – on principles of the establishment of the Association/Community of Serb majority municipalities in Kosovo and on the implementation arrangements in the field of telecoms". "We will now reflect on future steps" she concluded (High Representative 2015e, p. 1). Eventually, on 20 July 2015 the FAC "authorised the conclusion of a protocol to the EU-Serbia Stabilisation and Association agreement" (Council of the EU, FAC 2015a),

On 25 August 2015, Kosovo and Serbia made four more crucial agreements under the mediation of the HR. These agreements

concerned outstanding issues on which the EU had insisted ever since the April 2013 deal, namely on the establishment of the association/community of Serb municipalities, on energy matters, on telecoms and on the Mitrovica bridge (EEAS 2015a, b, c, d). "Solutions such as those found today bring concrete benefits to the people and at the same time enable the two sides to advance on their European path" Mogherini declared on these deals (High Representative 2015f, p. 1). In the gatherings which followed, neither the Heads reunited in the European Council (15–16 October 2015), nor member states' ministers within the FAC (12 October 2015; 13 October 2015) and within the GAC (14 September 2015) mentioned the August 2015 agreements. Meanwhile, the HR and the EEAS were active in ensuring the effectiveness of EU approach. The negotiations and the implementation of the arrangements made until then continued with the initiation of the agreement on freedom of movement/Mitrovica bridge beginning on 17 October 2015. The HR's Spokesperson called such initiation "a sign of genuine commitment to the process of dialogue and normalization of relations between Pristina and Belgrade" (High Representative, Spokesperson 2015b, p. 1).

Some EU member states showed high propensity to voluntary cooperation, to support the HR's effort. The organization of a gathering in Vienna for August 2015 in the frame of the so-called "Berlin process for the Western Balkans", initiated by the German Chancellor in summer 2014 to sustain EU engagement to enlargement in the region, reflects such propensity. Besides delegations representing the Western Balkan countries, the 2015 summit included representatives of Germany, France and Italy, of the European Commission and of the EEAS. Remarkably, on that occasion the Austrian and German leaders "announced support for key infrastructure projects and pledged solidarity over the on-going refugee crisis affecting several Balkan states" (Jovanovic 2015). In turn, the six Western Balkan states participating in the conference "committed themselves […] to abstain from misusing outstanding issues in the EU accession process" while welcoming "the support of the European Commission and the EEAS in the resolution of bilateral disputes" (Western Balkans Summit, Final Declaration 2015, p. 2). They particularly appreciated "the conclusion of four important agreements in the EU-led talks between Serbia and Kosovo" (Jovanovic 2015).

When on 27 October 2015 the EU signed the SAA with Kosovo, the HR publicly argued that this would have opened "a new phase in the

EU Kosovo relationship" and that it would have represented "an important contribution to stability and prosperity in Kosovo and the region at large". "I am looking forward to its coming into force" declared Mogherini (European Commission 2015a, p. 1). In turn, Commissioner Hahn called the SAA "a milestone for the EU Kosovo relationship" claiming that it would have "help[ed] Kosovo make much needed reforms" (European Commission 2015a, p. 1). Remarkably, no reference was made to the question of whether and by which means the EU would have managed to grant access to a country whose statehood was still not recognized by five member states (Interview M, R). Yet the SAA did not calm the discontent that had already started to spread in Kosovo with the signature of the August 2015 agreements. Protests erupted as the government's opposition claimed that the deals reached under EU mediation undermined Kosovo's independence (ECFR 2016). In an attempt to address "the political deadlock in the parliament, the President of Kosovo asked the Constitutional Court to rule on whether the agreements reached were 'compatible with the spirit of the Constitution'" (Shahini 2016). On 10 November 2015 the Commission released its enlargement strategy and presented a progress report prepared under the coordination of the HR in which it commended Kosovo for its "commitment to the normalisation of relations with Serbia by reaching a number of key agreements in August" (10 November 2015; European Commission 2015b, p. 4). On the same day, the Constitutional Court of Kosovo decided to suspend the implementation of the deal on the association/community of Serb majority municipalities in Kosovo (Teffer 2015). While the Serbian foreign minister, Ivica Dačić, called this suspension a "threat to regional stability" and essentially accused Kosovo of "mocking both the international community and the European Union", Kosovo's minister for dialogue, Edita Tahiri, refused to comment on it (Hopkins 2015). As violent protests, led by the Vetevendosje—self-determination—movement, continued in the Western Balkan country (Qafmolla 2015), the HR released a declaration through her spokesperson: "Everything that has been agreed in the context of dialogue should be implemented regardless of internal procedures that we do not want comment" (B92 2015).

Upon a previous recommendation of Mogherini,[15] the FAC (16–17 November 2015) extended the mandate of the EUSR in Kosovo until 28 February 2017 "to support the work of the High Representative" (Council of the EU, FAC 2015b, p. 17). While such extension seemed to reflect the enduring commitment of EU member states and

institutions to the stabilization of Kosovo, EU leaders made no reference to the suspension of one of the August 2015 agreements. During the accession conference with Serbia (14 December 2015), member states' ministers also only considered the Western Balkans within the framework of EU cooperation with third countries on counterterrorism matters. On the same occasion, Serbia opened "negotiations on Chapter 32 – Financial control" and on "Chapter 35 – [...] Normalisation of relations between Serbia and Kosovo" (Council of the EU 2015, p. 1), "on the understanding" that Belgrade would "continue to make progress in the implementation work and make further progress in the normalisation process". In this framework, the conference agreed that the Commission and the HR would "monitor closely and continuously" Belgrade's implementation of such commitments (Council of the EU 2015, p. 1).

The persistence of the ideational convergence among member states and EU institutions on the connection between Serbia and Kosovo's accession to the EU and the normalization of their relations is reflected in the conclusions of the following GAC (15 December 2015; Council of the EU, GAC 2015b). Reiterating that it would "continue to monitor closely Serbia's continued engagement towards visible and sustainable progress in the normalisation of relations with Kosovo", the ministers welcomed "the significant progress in the EU facilitated Dialogue, in particular with the 25 August agreements" and urged Belgrade "to swiftly implement its part of these agreements and to engage constructively with Kosovo in formulating and implementing future agreements" (Council of the EU, GAC 2015b, p. 12). The intergovernmental forum also called on Pristina to implement its part of the agreements, and to engage in the continuation of the negotiations. Expressively highlighting the link between Kosovo's accession to the EU and the normalization of its relations with Serbia, the GAC also took "good note" of the signing of the SAA with Kosovo and stressed that its entry into force and its implementation would have been "without prejudice to Member States' positions on status" (Council of the EU, GAC 2015b, p. 18). The conclusions of the following European Council (18 December 2015) made no reference to the EU-brokered dialogue between Belgrade and Pristina and to the potential accession of the two Western Balkan countries in the EU. Instead, EU leaders called on member states and EU institutions, along the lines of their previous meeting, to "ensure the implementation and operational follow-up to the High-Level Conference on

the Eastern Mediterranean - Western Balkans route" and "to help non EU Member States along the Western Balkans route to accomplish registration according to EU standards" (European Council 2015b, p. 2). Eventually, in line with guidelines provided by the GAC beforehand, on 18 December 2015 the Commission recommended that Kosovo should receive visa liberalization once it had met "further eight criteria" and taken "measures to stem the flow of economic migrants to the EU" (ECFR 2016, p. 79).

Ultimately, on 23 December 2015 the Constitutional Court's judgment stated that five of the six parts composing the agreement made on 25 August 2015 were not in line with the constitution of the country (The Constitutional Court of the Republic of Kosovo 2015). At the same time, the court set out a series of constitutional standard the government should have respected when establishing association/community of Serb majority municipalities (Shahini 2016). Against this tense political atmosphere, the HR sought to maintain the engagement of EU institutions to integrated efforts coordinating the institutions and representatives under her authority. In response to the judgement, the EU Office in Kosovo/EUSR called on all parties to "respect this decision, so that the legal act of the Government of Kosovo implementing this Agreement and the following Statute" could be "elaborated as rapidly as possible" (EU Office/EUSR 2015). On 20 January 2016, in a statement made on behalf of the HR on the SAA with Kosovo in front of the EP plenary, Commissioner Hahn declared: "The continuation of the EU-facilitated Dialogue with Serbia is [therefore] a legal obligation. Kosovo will need to implement the agreements it has reached and continue to work towards further agreements" (Commissioner for Enlargement 2016, p. 1). The Commissioner's discourse seemed to have an effect on the members of the EP. Thus, on 21 January 2016 the EP gave its consent to the EU-Kosovo SAA "by 486 votes to 102, with 81 abstentions" (European Parliament 2016). The following week, during another EU-brokered meeting between Belgrade and Pristina, Mogherini "took stock of the implementation of the agreements reached in the Dialogue" (High Representative 2016a, p. 1).

One may as well argue that member states' alignment of preferences and the ideational convergence on the EU-led dialogue between Belgrade and Pristina were not affected by these developments. Despite the tense situation in Kosovo, the heads of state and government did not tighten their control on the HR, the FAC and the Commission.

Truthfully, during their following gatherings EU leaders discussed the Western Balkans in the mere context of the humanitarian crisis caused by the unprecedented inflows of migrants and refugees in the region (18 February; European Council 2016a, p. 4). Within this general *consensus*, Mogherini was active in maintaining the consistency of the EU approach. As the obstruction of the Kosovo's Assembly work persisted, the HR's spokesperson called "for return to dialogue, based on principles of democratic government and democratic opposition functioning within a democratic institution" (19 February 2016; High Representative, Spokesperson 2016a, p. 1). When on 27 February 2016 violence erupted again in Pristina (Perparim 2016a), the HR's spokespersons warned Kosovo: "Acts of violence in any form and by anyone are unacceptable. Inflammatory rhetoric only deepens the divide and makes a dialogue more difficult" (High Representative, Spokesperson 2016b, p. 1).

On 3 March 2016 violence escalated again at border crossing between the two countries "when opposition Vetevendosje party activists overturned a Serbian truck" (Birn 2016). Reportedly, the attack was carried out in response to "Serbia's refusal to accept Kosovo textbooks in Presevo, Bujanovac, and Medvedja" (B92 2016). On 11 March 2016 a second Serbian truck was "seized and overturned" (Birn 2016). In response to Belgrade's decision not to "recognize the certificates of lorry drivers who carry dangerous materials", Pristina also "introduced reciprocity measures against Serbia in the domain of the transport of oil and gas" on 22 March 2016 (Tota 2016). By calling for a meeting in Vienna on 4 April 2016 the EU sought to broker an agreement on this dispute as well. Yet, in the words of Kosovo's minister for transport, this time "negotiations and efforts to reach an agreement […] yielded no result despite the effort of the EU" (Tota 2016). Still, the HR ensured a unique and consistent representation of the EU views and interests. On 17 March 2016 Mogherini met with the prime minister of Kosovo, Isa Mustafa, to assess EU-Kosovo relations "in view of the entry into force of the Stabilization and Association Agreement on the 1 April" (High Representative 2016b, p. 1). While stressing "the importance of this first contractual relations between the EU and Kosovo", the HR "reiterated her commitment […] to promote further progress in the EU-Kosovo agenda" (High Representative 2016b, p. 1). Furthermore, when on 4 April 2016 the HR met with the President of Kosovo, Atifete Jahjaga, "to discuss the progress in EU – Kosovo relations during the President's 5 year mandate" which was ending later in the week, the two

publicly stated "the importance of the dialogue for normalization of relations with Belgrade" (High Representative 2016c, p. 1). Since the new eruption of violence between the two countries, the European Council had met in Brussels once. Yet in the gathering's official conclusion, the Western Balkans were only mentioned in light of their contribution towards "tackling the migration crisis" (17 March 2016, European Council 2016b, p. 1).

On 21 April 2016 the head of the Serbian government's office for Kosovo, Marko Djuric, announced that under EU mediation "the delegations reached agreements on IDs, a blockade imposed on Serbian trucks and on the upcoming Serbian elections" (Perparim 2016b). The effectiveness of this last arrangement became evident on 24 April 2016 when the parliamentary elections taking place in Serbia under the monitoring of the OSCE took place without any major accidents (OSCE, ODIHR 2016). Not long afterwards, during a joint conference held (5 May 2016) with Kosovo's Prime Minister Mustafa and the European Commissioner Avramopoulos, the HR made a statement worth quoting in detail:

> Kosovo is Europe, and what we are working on is the European integration of Kosovo in the European Union. Step by step, a long way, a difficult way, in some cases complicated, but what we are talking about is this. (High Representative 2016d, p. 1)

One may argue that the HR's statement reflected the enduring alignment of member states' preferences and the persistent ideational convergence over the need to stabilize the Western Balkans. In fact, on 14 June 2016 the Council of the EU unanimously decided to extend the EULEX mandate until 14 June 2018 (Council of the EU 2016; see Popova 2016). During an interview about the future of EULEX and on the role of the five non-recognizers in supporting the mission in Kosovo a high-ranking member state's diplomat stated the following:

> EULEX is there to make Kosovo independent. […] It's a support to its autonomy. While it is true that five member states still do not recognize Kosovo's independence, this does not impede them to give their contribution to this effort. Indeed, Kosovo's independence is a problem for the non-recognizers. Yet, in reality, everybody realizes that the EU should accompany the Western Balkans towards the European integration. (Interview H)

At their following meeting, on 20 June 2016, foreign ministers "adopted the EU's common position in view of the third meeting of the Stabilization and Association Council with Serbia" (Council of the EU, Foreign Affairs 2016, p. 11). On 28 June 2016 the HR presented the EU Global Strategy on foreign and security policy to the European Council. Stressing that a "credible accession process grounded in strict and fair conditionality is vital to enhance the resilience of countries in the Western Balkans" (High Representative 2016e, p. 9), the new strategy defined the enlargement policy a "strategic investment in Europe's security and prosperity" which "has already contributed greatly to peace in formerly war-torn areas" (High Representative 2016e, p. 24). While the EU leaders welcomed the presentation of the strategy and invited the HR, "the Commission and the Council to take the work forward" (2016a, p. 7), once again, they mentioned the Western Balkans only in relation to the migrant and refugee crisis (European Council 2016c, p. 1). Finally, while the EU was facing the results of the BREXIT referendum (26 June 2016), on 2 August 2016 under the HR's mediation the representatives of Kosovo and Serbia agreed on "the last remaining details to implement the 25 August 2015 Belgrade – Pristina Dialogue agreement on the Mitrovica Bridge" (EEAS 2016).

3   Conclusions

The examination of the governance modes developing and consolidating in the post-Lisbon EU foreign and security policy on Kosovo proves the validity of the hybrid analytical construct proposed in this book. Although five member states' domestic institutions and politics have delimited national governments set of actions in this foreign policy case, these member states' non-recognition policy has not prevented the EU from generating a relatively consistent approach aimed at the stabilization of the Western Balkan area. Indeed, beyond the question of formal recognition of Kosovo, no cleavage between national governments on the crucial issue of how to deal with this country has emerged.

The alignment of preferences and the ideational convergence between national governments on the necessity to stabilize Kosovo through the normalization of its ties with Serbia has led to an effort of the European Council to reach a common position. The European Council has been an agenda-setter and has generated the crucial input for the overall direction of this policy. Despite divergent positions on Kosovo's independence, since member states believed that a collective EU action would be

required to stabilize the Western Balkans, they displayed a high degree of cohesion. In these situations, *consensus*-seeking processes and a propensity towards voluntary cooperation have worked as predicted by the theoretical model proposed in Chapter 2.

The aligned member states' preferences and the existence of an ideational convergence, have provided favorable ground for the HR to act as an autonomous political actor. In her capacity as VP of the European Commission, she has been able to preserve the decision-making role of the Commission. The Kosovo case also indicates the formation of an institutional practice that combined intergovernmental and supranational factors. The HR played an important role both as a policy instigator and policy enforcer because she benefitted from a general *consensus* on the direction to pursue within the European Council and the FAC. On the one hand, this has led to integrated modes of governance without an empowerment of supranational actors. On the other hand, that *consensus* made possible for the HR in her capacity as VP of the Commission to connect the enlargement policy with the CFSP agenda. Thus, supranationalism has intertwined with intergovernmentalism, although the EP has had only limited possibilities to participate in the policy-making process.

All this notwithstanding, the Kosovo case demonstrates that an influencing role of the HR in coordinating EU foreign policy, and in connecting the FAC's activities with those of the Commission, is validated only when both an alignment of preferences and ideational convergence are in place. Between December 2011 and March 2012, EU member states and EU institutions' preferences continued to be aligned over the need to stabilize the Western Balkans through the enlargement process. Nonetheless, member states' divergent preferences over Serbia's candidate *status* hampered the emergence of an ideational convergence on the strategies to achieve such stabilization. This case study also shows that while the FAC is still central in consolidating cooperation, this intergovernmental forum has to operate under the shadow of the European Council (see Figs. 1 and 2). As the immediate aftermath of the 2013 Brussels Agreement reflects, in situations of policy deadlocks only EU leaders can take the lead. This means that, in this policy field, the European Council has a clear control over the HR, the FAC and the same Commission since it is the only institution able to reduce the risk of shirking. Crucially, this control delimits the HR's room for manoeuvre and, in situations of policy stalemate, can turn the FAC and the Commission into implementing branches of the decision of the intergovernmental forum reuniting EU leaders.
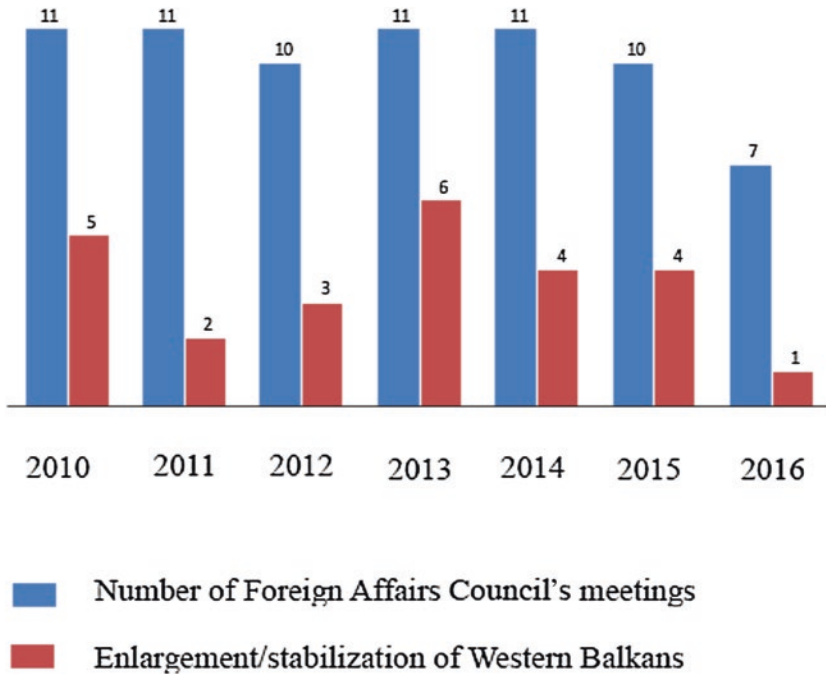
Fig. 2 The Foreign Affairs Council and Kosovo

NOTES

1. The count includes informal meetings of the European Council but does not include Euro Summits.
2. Conclusions of the European Council's meetings held on 16 September 2010; 23–24 June 2011; 9 December 2011; 1–2 March 2012; 13–14 December 2012; and on 27–28 June 2013.
3. Conclusions of the European Council's meeting held on 9 December 2011.
4. On the ICJ's advisory opinion see Milanovic, M. and Wood, M. (2015) *The law and politics of the Kosovo advisory opinion* (Oxford: Oxford University Press)
5. United Nations.
6. The European Council meetings took place on 16–17 December 2011; on 4 February 2011; and 11 March 2011.
7. Directorate General for Neighbourhood and Enlargement Negotiations.

8. European Union Rule of Law Mission in Kosovo.
9. Violence erupted especially when Pristina "sent police to two custom gates along the border with Serbia". Hence, "local Serbs surrounded the police and forced them to retreat" (International Crisis Group 2012, p. 1).
10. North Atlantic Treaty Organization.
11. Kosovo's representation in international meetings had been a particularly controversial issue in the past as well, leading UK to veto down in 2010 a regional agreement of rules of origin. Belgrade's approach had always been in line with its consideration of Kosovo as a Southern Serbian province. This was all the more evident when on 20 March 2010 the Serbian President Tadic cancelled his participation to an EU-Balkans Summit organized to foster the European Integration (see *EU Business* 2010a).
12. According to this compromise, the footnote on the name "Kosovo" at regional forums would have read: "This label does not prejudge the status of Kosovo and is in accordance with Resolution 1244 and the opinion of the ICJ on Kosovo's declaration of independence" (Barlovac 2012).
13. Conclusions of the European Council's meetings held on 6 March 2014; 20–21 March 2014; 27 May 2014; 26–27 June 2014; 16 July 2014; 30 August 2014; 23–24 October 2014; and on 18 December 2014.
14. See High Representative, Spokesperson (2014b, c, d, and e).
15. On 27 January 2015 Mogherini was reported to have written to the member states stating that the extension of the mandate for those EUSRs with a geographical remit to 31 October 2015 was to allow her to "further acquaint herself with their work and interaction with the EEAS before making substantial proposals on the way ahead in autumn 2015" (UK Parliament 2015).

References

Andric, G. (2011, December 6). EU in deadlock on Serbia's candidacy bid. *Balkan Insight*. Available from http://www.balkaninsight.com/en/article/decision-on-serbian-eu-candidacy-yet-to-be-made.

Balfour, R., & Pappas, A. (2013). *Kosovo's local elections and the way ahead*. European Union Institute for Security Studies, December. Available from http://www.iss.europa.eu/uploads/media/Alert_41_Kosovo.pdf.

Barlovac, B. (2011a, August 29). Tadic plans new Kosovo talks with Merkel. *Balkan Insight*. Available from http://www.balkaninsight.com/en/article/tadic-to-continue-talks-on-northern-kosovo-with-merkel/1602/13.

———. (2011b, December 12). EU wants action, not words from Serbia. *Balkan Insight*. Available from http://www.balkaninsight.com/en/article/eu-serbia-to-prove-itself-with-actions-not-words.

———. (2012, February 24). Kosovo, Serbia reach deal on regional representation. *Balkan Insight*. Available from http://www.balkaninsight.com/en/article/kosovo-serbia-reach-deal-on-regional-representation/1602/15.

Bassuener, K., & Weber, B. (2013). *Not yet a done deal: Kosovo and the Pristina-Belgrade Agreement*. Democratization Policy Council, November. Available from http://www.democratizationpolicy.org/pdf/briefs/DPC%20Kosovo%20Policy%20Paper%20November%202013.pdf.

BBC News. (2011, December 3). Serbia and Kosovo reach border management agreement. *BBC News*. Available from http://www.bbc.co.uk/news/world-europe-16014188.

Bilefsky, D. (2012, May 20). Nationalist wins Serbian presidency, clouding ties to the west. *The New York Times*. Available from http://www.nytimes.com/2012/05/21/world/europe/serbian-presidential-elections.html?_r=0.

Birn. (2016, April 5). Kosovo fails to lift blockade on Serbian trucks. *Balkan Insight*. Available from http://www.balkaninsight.com/en/article/serbia-kosovo-fail-to-end-a-blockade-on-serbian-trucks-04-04-2016.

Blockmans, S. (2013, April 23). Kosovo-Serbia deal show value of EU diplomatic service. *EU Observer*. Available from https://euobserver.com/opinion/119903.

B92. (2010, July 28). Serbia submits Kosovo draft to UN GA. *B92*. Available from http://www.b92.net/eng/news/politics.php?yyyy=2010&mm=07&dd=28&nav_id=68748.

———. (2012, July 25). One year since major crisis in Northern Kosovo. *B92*. Available from http://www.b92.net/eng/news/politics.php?yyyy=2012&mm=07&dd=25&nav_id=81456.

———. (2015, October 30). Pristina to receive "serious response" over suspension. *B92*. Available from http://www.b92.net/eng/news/politics.php?yyyy=2015&mm=10&dd=30&nav_id=95887.

———. (2016, March 3). Radical Kosovo activists overturn truck with Serbian goods. *B92*. Available from http://www.b92.net/eng/news/politics.php?yyyy=2016&mm=03&dd=03&nav_id=97250.

Caplan, R., & Wolff, F. (2015). Some implications of the advisory opinion for resolution of the Serbia-Kosovo conflict. In M. Milanovic & M. Wood, *The Law and Politics of the Kosovo Advisory Opinion*. Oxford: Oxford University Press.

Capussela, A. (2011, December 1). The EU must confront the North Kosovo crisis. *The Guardian*. Available from https://www.theguardian.com/commentisfree/2011/dec/01/eu-north-kosovo.

Cooper, R. (2014, December 12). An unfair critique of Ashton. *EU Observer*. Available from https://euobserver.com/opinion/126893.

Council of the European Union. (2014). *First Accession Conference with Serbia*, Brussels, 21 January 2014. Available from http://webcache.

googleusercontent.com/search?q=cache:Bz6CitX6y-gJ:www.consilium.
europa.eu/en/press/press-releases/2014/01/pdf/first-accession-conference-
with-serbia/+&cd=1&hl=it&ct=clnk&gl=it.

———. (2015). *Second meeting of the Accession Conference with Serbia at min-
isterial level—First two chapters opened*, Brussels, 14 December 2015.
Available from http://www.consilium.europa.eu/en/press/press-releases/
2015/12/14-accession-conference-serbia/.

———. (2016). *EULEX Kosovo: Mandate extended, budget approved*, Brussels,
14 June 2016. Available fromhttp://www.consilium.europa.eu/it/press/
press-releases/2016/06/14-eulex-kosovo-budget/.

Council of the European Union, Foreign Affairs. (2016). *Press Release. 3477th
Council meeting*, Luxembourg, 20 June 2016. Available from http://www.
consilium.europa.eu/en/meetings/fac/2016/06/20/.

Council of the European Union, Foreign Affairs Council (FAC). (2010a).
Main results of the council, Luxembourg, 14 June 2010. Available from
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/
foraff/115185.pdf.

———. (2010b). *Main Results of the Council*, Brussels, 26 July 2010. Available
from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/
EN/foraff/138317.pdf.

———. (2011). *Council conclusions on the European Neighborhood Policy*,
Luxembourg, 20 June 2011. Available from http://www.consilium.europa.
eu/uedocs/cms_Data/docs/pressdata/EN/foraff/122917.pdf.

———. (2012). *Press Release. 3149th Council meeting*, Brussels, 27 February
2012. Available from http://www.consilium.europa.eu/uedocs/cms_data/
docs/pressdata/EN/foraff/128226.pdf.

———. (2013). *Press Release. 3250th Council meeting*, Luxemburg, 24 June
2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/
docs/pressdata/EN/foraff/137593.pdf.

———. (2014a). *Press Release. 3288th Council meeting*, Brussels, 20 January
2014. Available from http://www.consilium.europa.eu/uedocs/cms_Data/
docs/pressdata/EN/foraff/140673.pdf.

———. (2014b). *Press Release. 3309th Council meeting*, Luxembourg, 14–15
April 2014. Available from http://www.consilium.europa.eu/en/meetings/
fac/2014/04/14-15/.

———. (2014c). *Press Release. 3361st Council meeting*, Brussels, 15 December
2014. Available from https://www.consilium.europa.eu/uedocs/cms_data/
docs/pressdata/EN/foraff/146293.pdf.

———. (2015a). *Press Release. 3404th Council meeting*, Brussels, 20 July
2015. Available from http://data.consilium.europa.eu/doc/document/
ST-11095-2015-INIT/en/pdf.

———. (2015b). *Press Release. 3426th Council meeting*, Brussels, 16–17 November 2015. Available from http://webcache.googleusercontent.com/search?q=cache:hvhQb_WUGuQJ:www.consilium.europa.eu/en/meetings/fac/2015/11/st14120_en15_pdf/+&cd=1&hl=it&ct=clnk&gl=it.

Council of the European Union, General Affairs Council (GAC). (2011). *Council conclusions on enlargement and the Stabilization and Association Process*, Brussels, 5 December 2011. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/126577.pdf.

———. (2012a). *Council conclusions on enlargement and the Stabilization and Association Process*, Brussels, 28 February 2012. Available from http:// www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/genaff/128255.pdf.

———. (2012b). *Main results of the Council*, Brussels, 11 December 2012. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/genaff/134235.pdf.

———. (2013a). *Press Release. 3235th Council meeting*, Luxembourg, 22 April 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/genaff/136915.pdf.

———. (2013b). *Press Release. 3251st Council meeting*, Brussels, 25 June 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/genaff/137614.pdf.

———. (2013c). *Council conclusions on Enlargement and Stabilization and Association Process*. Press Release, Brussels, 17 December 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/140142.pdf.

———. (2014). *Press Release. 3362nd Council meeting*, Brussels, 16 December 2014. Available from http://www.consilium.europa.eu/en/meetings/gac/2014/12/16/.

———. (2015a). *Outcome of the council meeting. 3380th Council meeting*, Brussels, 17 March 2015. Available from http://webcache.googleusercontent.com/search?q=cache:9Ha3PAEHgNQJ:www.politicheeuropee.it/file_download/2635+&cd=1&hl=it&ct=clnk&gl=it.

———. (2015b). *Enlargement and Stabilization and Association Process—Council conclusions*, Brussels, 15 December 2015. Available from http://data.consilium.europa.eu/doc/document/ST-15356-2015-INIT/en/pdf.

Deloy, C. (2014). *General elections in Serbia*. Fondation Robert Schuman, 16 March 2014. Available from http://www.robert-schuman.eu/en/doc/oee/oee-1478-en.pdf.

EU Business. (2010a, March 21). Tadic absent as Balkan leaders meet on EU integration. *EU Business*. Available from http://www.eubusiness.com/news-eu/balkans-slovenia.3q8.

———. (2010b, August 31). British FM urges Serbia to amend Kosovo resolution. *EU Business*. Available from http://www.eubusiness.com/news-eu/serbia-kosovo.5y9/.

———. (2012, February 27). Serbia's push for entry snagged by Lithuania and Romania. *EU Business*. Available from http://www.eubusiness.com/news-eu/serbia-kosovo.fev.

———. (2014, July 15). Junker to halt enlargement as EU Commission head. *EU Business*. Available from http://www.eubusiness.com/news-eu/politics-juncker.x29.

European External Action Service. (2015). *EU-facilitated dialogue between Belgrade and Pristina*, Brussels, 10 February 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150210_01_en.htm.

EurActiv. (2014, June 13). *Merkel to organise Western Balkans conference in August*. EurActiv. Available from http://www.euractiv.com/section/enlargement/news/merkel-to-organise-western-balkans-conference-in-august/.

European Commission. (2011). *Enlargement strategy and main challenges 2011–2012*, Brussels, 12 October 2012. Available from http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52011DC0666.

———. (2012). *Commission Staff Working Document accompanying the document Commission Communication from the European Commission to the European Parliament and the Council on a feasibility study for a Stabilisation and Association Agreement between the European Union and Kosovo*, Brussels, 23 October 2012. Available from http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_analytical_2012_en.pdf.

———. (2013). *Serbia 2013 Progress report*, Brussels, 16 October 2013. Available from http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/serbia_2013.pdf.

———. (2014). *Key findings of the progress report on Kosovo*, Brussels, 8 October 2014. Available from http://europa.eu/rapid/press-release_MEMO-14-555_en.htm.

———. (2015a). *Stabilisation and Association Agreement between the European Union and Kosovo Signed*, Strasbourg, 27 October 2015. Available from https://ec.europa.eu/commission/20142019/hahn/announcements/adoptionstabilisationandassociationagreementproposalkosovo_en.

———. (2015b). *Kosovo 2015 report*, Brussels, 10 November 2015. Available from http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf.

European Commissioner for Enlargement and Neighbourhood Policy. (2016). *Stabilisation and Association Agreement with Kosovo remarks by Johannes Hahn on behalf of the HR/VP at the EP Plenary*, Strasbourg, 20 January 2016. Available from http://europa.eu/rapid/press-release_SPEECH-16-122_en.htm.

European Council. (2010). *Conclusions*, Brussels, 16 September 2010. Available from https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/116547.pdf.

———. (2011). *Conclusions*, Brussels, 8–9 December 2011. Available from http://data.consilium.europa.eu/doc/document/ST-139-2011-REV-1/en/pdf.

———. (2012a). *Conclusions*, Brussels, 1–2 March 2012. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/128520.pdf.

———. (2012b). *Conclusions*, Brussels, 29 June 2012. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/131388.pdf.

———. (2012c). *Conclusions*, Brussels, 18–19 October 2012. http://data.consilium.europa.eu/doc/document/ST-156-2012-INIT/en/pdf.

———. (2013a). *Conclusions*, Brussels, 27–28 June 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/137634.pdf.

———. (2013b). *Conclusions*, Brussels, 24–25 October 2013. Available from http://data.consilium.europa.eu/doc/document/ST-169-2013-INIT/en/pdf.

———. (2014). *Conclusions*, Brussels, 26–27 June 2014. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143478.pdf.

———. (2015a). *Informal meeting of heads of state or government*, Brussels, 12 February 2015. Available from http://www.consilium.europa.eu/en/meetings/european-council/2015/02/12/.

———. (2015b). *Conclusions*, Brussels, 17–18 December 2015. Available from http://www.consilium.europa.eu/en/press/press-releases/2015/12/18-euco-conclusions/.

———. (2016a). *Conclusions*, Brussels, 19 February 2016. Available from http://www.consilium.europa.eu/en/press/press-releases/2016/02/19-euco-conclusions/.

———. (2016b). *Conclusions*, Brussels, 17–18 March 2016. Available from http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-european-council-conclusions/.

European Council, The President. (2013). *Remarks by President of the European Council Herman Van Rompuy following his meeting with Prime Minister of Kosovo Hashim*, Pristina, July 1 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/137681.pdf.

European Council on Foreign Relations (ECFR). (2014). *European Foreign Policy Scorecard 2014.* London: ECFR.

———. (2015). *European Foreign Policy Scorecard 2015.* London: ECFR.

———. (2016). *European Foreign Policy Scorecard 2016.* London: ECFR.

European External Action Service (EEAS). (2013). *Serbia and Kosovo reach landmark deal*, Brussels, 19 April 2013. Available from http://collections.internetmemory.org/haeu/content/20160313172652/http://eeas.europa.eu/top_stories/2013/190413__eu-facilitated_dialogue_en.htm.

———. (2014a). *EU to observe elections in Kosovo*, Brussels, 20 May 2014. Available from http://webcache.googleusercontent.com/search?q=cache:vrcpjClKstcJ:eeas.europa.eu/delegations/kosovo/documents/press_corner/press_releases/2014/140520_press_release_eu_election_observation_mission_to_kosovo_en.docx+&cd=1&hl=it&ct=clnk&gl=it.

———. (2014b). *Statement on the Kosovo legislative elections*, Brussels, 9 June 2014. Available from https://eeas.europa.eu/statements/docs/2014/140609_01_en.pdf.

———. (2015a). *Association/Community of Serb majority municipalities in Kosovo*, Brussels, 25 August 2015. Available from http://collections.internetmemory.org/haeu/content/20160313172652/http://eeas.europa.eu/statements-eeas/2015/150825_02_en.htm.

———. (2015b). *Joint Action Plan Telecoms*, Brussels, 25 August 2015. Available from http://collections.internetmemory.org/haeu/content/20160313172652/http://eeas.europa.eu/statements-eeas/2015/150825_02_en.htm.

———. (2015c). *Conclusions on the implementation of Energy Agreement*, Brussels, 25 August 2015. Available from http://collections.internetmemory.org/haeu/content/20160313172652/http://eeas.europa.eu/statements-eeas/2015/150825_02_en.htm.

———. (2015d). *Freedom of movement/Mitrovica bridge*, Brussels, 25 August 2015. Available from http://collections.internetmemory.org/haeu/content/20160313172652/http://eeas.europa.eu/statements-eeas/2015/150825_02_en.htm.

———. (2016). *EU-facilitated Dialogue: Implementation of the Agreement on the Mitrovica Bridge*, Brussels, 5 August 2016. Available from https://eeas.europa.eu/headquarters/headquarters-homepage/8592/eu-facilitated-dialogue-implementation-of-the-agreement-on-the-mitrovica-bridge_en.

European Parliament. (2016). *MEPs ratify EU-Kosovo Association Agreement*, Plenary Sessions, 21 January 2016. Available from http://www.europarl.europa.eu/pdfs/news/expert/infopress/20160114IPR09905/20160114IPR09905_en.pdf.

European Union. (2012a). *Press Statement. EU facilitated dialogue: Agreement on Regional Cooperation and IBM technical protocol*, Brussels, 24 February 2012. Available from http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%205455%202012%20INIT.

———. (2012b). *EU-facilitated dialogue: Agreement on IBM. European Council press release*, Brussels, 2 December 2011. Available from europa.eu/rapid/press-release_PRES-12-9_en.pdf.

European Union Office/EUSR. (2015). *EU Office/EUSR statement on the Constitutional Court decision concerning the Association/Community of Serb majority municipalities*, Kosovo, 25 December 2015. Available from http://eeas.europa.eu/archives/delegations/kosovo/press_corner/all_news/news/2015/20151224_en.htm.

European Western Balkans. (2014). *Reform speed decides timing of EU accession*. European Western Balkans, 26 August 2014. Available from https://europeanwesternbalkans.com/2014/08/26/merkel-reform-speed-decides-timing-of-eu-accession/.

Gashi, K. (2015). *Nations in transit 2015. Kosovo. Freedom House*. Available from https://freedomhouse.org/report/nations-transit/nations-transit-2015#.V_qDmyOLQy5.

Guzina, D., & Marijan, B. (2014). *A fine balance: The EU and the process of normalizing Kosovo-Serbia relations*. The Centre for International Governance Innovation, January 2014. Available from https://www.cigionline.org/sites/default/files/no23_0.pdf.

High Representative. (2016d). *Remarks by High Representative/Vice-President Federica Mogherini at the joint press conference with Prime Minister Isa Mustafa and Commissioner Dimitris Avramopoulos during the visit to Kosovo*, Pristina, 5 May 2016. Available from https://eeas.europa.eu/headquarters/headquartershomepage/5193/remarks-high-representativevice-president-federica-mogherini-joint-press-conference-prime_en.

———. (2016e). *Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign And Security Policy*, Brussels, 28 June 2016. Available from https://eeas.europa.eu/archives/docs/top-stories/pdf/eugs_review_web.pdf.

High Representative of the Union for foreign affairs and security policy. (2010a). *Declaration by High Representative Catherine Ashton on behalf of the European Union on the ICJ advisory opinion*, Brussels, 22 July 2010. https://europa.eu/rapid/press-release_PESC-10-213_en.htm.

———. (2010b). *Speech by High Representative Catherine Ashton in the European Parliament on the Brok Report on the Annual Report on CFSP*, Strasbourg, 11 September 2012. Available from https://eeas.europa.eu/delegations/belarus/documents/hr_speech_in_the_european_parliament_on_the_brok_report.pdf.

———. (2012). *Remarks by High Representative Catherine Ashton at the press point with Prime Minister of Kosovo Hashim Thaçi and US Secretary of State Hillary Clinton during the visit to Kosovo,*

Pristina, 31 October 2012. Available from http://europa.eu/rapid/press-release_MEMO-12-824_en.htm.

———. (2013a). *Remarks by EU High Representative Catherine Ashton following the Foreign Affairs Council*, Brussels, 18 February 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/135546.pdf.

———. (2013b). *Statement by High Representative Catherine Ashton on the next meeting in the framework of the EU-facilitated dialogue*, Brussels, 14 May 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137117.pdf.

———. (2014a). *Statement by EU High Representative Catherine Ashton after today's meeting in the framework of the EU-facilitated dialogue*, Brussels, 12 February 2014. Available from https://eeas.europa.eu/statements/docs/2014/140127_06_en.pdf.

———. (2014b). *Ashton thanks Kosovo PM Thaci for his role in Pristina/Belgrade accord*. EU Delegation to Serbia, 23 October 2014. Available from http://europa.rs/ashton-thanks-kosovo-pm-thaci-for-his-role-in-pristinabelgrade-accord/?lang=en.

———. (2015a). *Statement by High Representative/Vice-President Federica Mogherini following the resumption of the EU-facilitated dialogue between Belgrade and Pristina*, Brussels, 10 February 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150210_01_en.htm.

———. (2015b). *High Representative/Vice-President Federica Mogherini to visit Belgrade and Pristina*, Brussels, 20 March 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150320_01_en.htm.

———. (2015c). *Statement by High Representative/Vice-President Federica Mogherini after today's meeting in the framework of the EU facilitated dialogue*, Brussels, 21 April 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150421_09_en.htm.

———. (2015d). *Statement by High Representative/Vice-President Federica Mogherini after today's meeting in the framework of the EU facilitated dialogue*, Brussels, 23 June 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150623_02_en.htm.

———. (2015e). *Statement by High Representative/Vice-President Federica Mogherini following a meeting in the framework of the EU facilitated dialogue*, Brussels, 30 June 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150630_01_en.htm.

———. (2015f). *Statement by High Representative/Vice President Federica Mogherini following the meeting of the EU-facilitated dialogue*, Brussels, 25 August 2015. Available from http://collections.internetmemory.org/haeu/content/20160313172652/http://eeas.europa.eu/statements-eeas/2015/150825_02_en.htm.

———. (2016a). *Statement by High Representative/Vice-President Federica Mogherini following the meeting of the EU-facilitated dialogue*, Brussels, 27 January 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160127_02_en.htm.

High Representative of the Union for foreign Affairs and Security Policy and Commissioner for Enlargement and European Neighbourhood Policy. (2011). *Joint statement by Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission and Stefan Füle, EU Commissioner for Enlargement and European Neighbourhood Policy on Serbia*, Brussels, 9 December 2011. Available from http://europa.eu/rapid/press-release_MEMO-11-894_en.htm.

High Representative of the Union for Foreign Affairs and Security Policy, Spokesperson. (2011). *Statement by the Spokesperson of EU High Representative Catherine Ashton on the situation in Northern Kosovo*, Brussels 26 July 2011. Available from https://www.avrupa.info.tr/en/eeas-news/statement-spokesperson-eu-high-representative-catherine-ashton-situa-tion-northern-kosovo.

———. (2014a). *Statement by the Spokesperson of EU High Representative Catherine Ashton on the next meeting in the framework of the EU-facilitated dialogue*, Brussels, 25 March 2014. Available from https://eeas.europa.eu/statements/docs/2014/140325_01_en.pdf.

———. (2014b). *Statement by the Spokesperson on the release of OSCE SMM monitors*, Brussels, 29 June 2014. Available from https://eeas.europa.eu/delegations/switzerland/31920/statement-spokesperson-recent-developments-crimea_deperson.

———. (2014c). *Statement by the Spokesperson on media freedom and the safety of journalists in Eastern Ukraine*, Brussels, 3 July 2014. Available from http://www.eliamep.gr/wp-content/uploads/2014/07/Statement-by-the-Spokesperson-on-media-freedom-and-the-safety-3.7.2014.pdf.

———. (2014d). *Statement by the Spokesperson on kidnapped Ukrainian military pilot*, Brussels, 17 July 2014. Available from http://eeas.europa.eu/archives/docs/statements/docs/2014/140717_01_en.pdf.

———. (2014e). *Statement by the Spokesperson on the murder of Mykola Zelenec in Luhansk*, Brussels, 22 August 2014. Available from http://eeas.europa.eu/archives/docs/statements/docs/2014/140822_01_en.pdf.

———. (2015a). *Statement by the Spokesperson on the work of the working groups in the context of the Belgrade-Pristina dialogue*, Brussels, 17 June 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150617_09_en.htm.

———. (2015b). *Statement by the Spokesperson on the start of implementa-tion of the agreement on freedom of movement/Mitrovica Bridge*, Brussels,

19 October 2015. Available from http://eeas.europa.eu/statements-eeas/2015/151019_02_en.htm.

———. (2016a). *Statement by the Spokesperson on the latest developments in Kosovo*, Brussels, 19 February 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160219_01_en.htm.

———. (2016b). *Statement by the Spokesperson on the events around the election of President of Kosovo*, Brussels, 27 February 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160227_01_en.htm.

———. (2016c). *Remarks by High Representative/Vice-President Federica Mogherini at the joint press conference with Prime Minister Isa Mustafa and Commissioner Dimitris Avramopoulos during the visit to Kosovo*, Kosovo, 5 May 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160505_04_en.htm.

Hopkins, V. (2015, November 11). Serbia accuses Kosovo of mocking Brussels deal. *Balkan Insight*. Available from http://www.balkaninsight.com/en/article/belgrade-pristina-row-over-brussels-agreement-suspension-11-11-2015.

Howorth, J. (2014, December). Catherine Ashton's five-year term: A difficult assessment. *Les Cahiers européens de Sciences Po.* Available from http://www.sciencespo.fr/centre-etudes-europeennes/sites/sciencespo.fr.centre-etudeseuropeennes/files/n%C2%B03_2014_Howorth%20v4.pdf.

Innews Serbia. (2014a, May 9). Miroslav Lajcak to pay visit to Serbia. *Innews Serbia*, Brussels. Available from https://inserbia.info/today/2014/05/miroslav-lajcak-to-pay-visit-to-serbia/.

———. (2014b, January 30). Brussels agreement is example for ending conflict in region—Bildt, *Innews Serbia*. Available from https://inserbia.info/today/2014/01/brussels-agreement-is-example-for-ending-conflicts-in-region-bildt/.

International Court of Justice (ICJ). (2010). *Accordance with international law of the unilateral declaration of independence in respect of Kosovo, Advisory Opinion of 22 July 2010.* Available from http://www.icj-cij.org/docket/index.php?p1=3&p2=4&case=141&code=kos&p3=4.

International Crisis Group (ICG). (2012). *Kosovo and Serbia: A little goodwill could go a long way.* International Crisis Group, 2 February 2012. Available from https://www.crisisgroup.org/europe-central-asia/balkans/kosovo/kosovo-and-serbia-little-goodwill-could-go-long-way.

———. (2013). *Serbia and Kosovo: The Path to Normalization.* International Crisis Group, 19 February 2013. Available from https://www.crisisgroup.org/europe-central-asia/balkans/serbia/serbia-and-kosovo-path-normalisation.

Jovanovic, I. (2015, August 26). Serbia and Kosovo Reach Four Key Agreements, *Balkan Insights*. Available from http://www.balkaninsight.com/en/article/serbia-kosovo-reach-four-key-agreements-08-26-2015.

Kelmendi, J. (2011).*The EU mission in Kosovo post-Independence*. Morrisville: Lulu.com.

Ker-Lindsay, J. (2012). *The Foreign Policy of Counter-Secession. Preventing the Recognition of Contested States*. Oxford: Oxford University Press.

Kursani, S. (2012). *A comprehensive vision for the North. The final countdown, Kosovar Institute for Policy Research and Development*, February 2012. Available from http://www.kipred.org/en/news/A-Comprehensive-Vision-for-the-North-The-Final-Countdown-6.

Kushi, S. (2015, November 2015). *Mitrovica's symbol: Reconciliation amidst inevitability, history, and violence in Kosovo* Open Democracy. Available from https://www.opendemocracy.net/sidita-kushi/mitrovica-s-symbol-reconciliation-amidst-inevitability-history-and-violence-in-kosovo.

Lehne, S. (2012, March). Kosovo and Serbia: Toward a normal relationship, *Carnegie*. Available from http://carnegieendowment.org/files/Kosovo_and_Serbia.pdf.

Milanovic, M., & Wood, M. (2015). *The Law and Politics of the Kosovo Advisory Opinion*. Oxford: Oxford University Press.

Organization for Security and Co-operation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODIHR). (2012). *Republic of Serbia. Parliamentary and Early Presidential elections*. 6 and 20 May 2012. Final Report, Warsaw, 31 July 2012. Available from http://www.osce.org/odihr/elections/92509?download=true.

———. (2016). *Republic of Serbia. Parliamentary and Early Presidential elections*. 24 April 2016. Final Report, Warsaw, 29 July 2016. Available from http://www.osce.org/odihr/elections/serbia/256926?download=true.

Perparim, I. (2016a, February 26). Violence erupts as Kosovo Parliament set to decide President. *Balkan Insight*. Available from http://www.balkaninsight.com/en/article/pristina-on-alert-ahead-of-president-vote-02-25-2016.

———. (2016b, April 21). OSCE agrees to run Serbian elections in Kosovo. *Balkan Insight*. Available from http://www.balkaninsight.com/en/article/osce-takes-over-serbian-elections-operation-in-kosovo-04-20-2016.

Polternman, A. (2014). *Serbia caught between two chairs? Does Serbia want to be part of the Russian sphere of influence or join the European Union?* Heinrich Böll Stiftung, 10 December 2014. Available from https://rs.boell.org/en/2014/12/10/serbia-caught-between-two-chairs-does-serbia-want-be-part-russian-sphere-influence-or.

Pop, V. (2011, December 9). Serbia and Montenegro face setbacks on EU path. *EU Observer*. Available from https://euobserver.com/enlargement/114558.

Popova, E. (2016, June 17). Kosovo Assembly extends EULEX mandate. *Balkan Insight*. Available from http://www.balkaninsight.com/en/article/kosovo-assembly-extends-eluex-mandate-06-17-2016.

Prelec, M. (2013). *The Kosovo-Serbia agreement: Why less is more*. International Crisis Group Blogs, 7 May 2013. Available from www.crisisgroupblogs.org/acrosseurasia/2013/05/07/the-kosovo-serbia-agreementwhy-less-is-more/.

Qafmolla, E. (2015, November 17). Kosovo opposition force MPs to Flee Parliament. *Balkan Insight*, 17 November 2015. Available from http://www.balkaninsight.com/en/article/with-teargas-and-pepper-spray-kosovo-opposition-clears-the-parliament-hall-11-17-2015.

Radio Free Europe. (2010, August 26). German Foreign Minister: Serbia must see 'reality' of independent Kosovo. *Radio Free Europe*. Available from http://www.rferl.org/a/German_Foreign_Minister_Serbia_Must_See_Reality_Of_Independent_Kosovo/2138559.html.

———. (2011a, December 2). Merkel says Kosovo Clashes show Serbia not ready for EU. *Radio Free Europe*. Available from http://www.rferl.org/a/merkel_says_kosovo_clashes_show_serbia_not_ready_for_eu/24409766.html.

———. (2011b, December 9). EU postpones Serbia candidacy decision until spring. *Radio Free Europe*. Available from http://www.rferl.org/a/eu_postpones_serbia_candidacy_decision/24416646.html.

———. (2013a, November 3). Kosovo votes in key local elections. *Radio Free Europe*. Available from http://www.rferl.org/a/kosovo-elections-local/25156331.html.

———. (2013b, November 4). OSCE indicates results in Northern Mitrovica can't be determined. *Radio Free Europe*. Available from http://www.rferl.org/a/kosovo-municipal-elections-violence/25157006.html.

Republic of Serbia, Ministry of Foreign Affairs. (2016). *Chronology of relations between the Republic of Serbia and the European Union*. Available from http://www.mfa.gov.rs/en/foreign-policy/eu/political-relations-between-the-republic-of-serbia-and-the-european-union/12452-chronology-of-relations-between-the-republic-of-serbia-and-the-european-union.

Rettman A. (2013a, April 19). Ashton clinches Kosovo-Serbia deal. *EU Observer*. Available from https://euobserver.com/enlargement/119873.

———. (2013b, April 17). Germany sides with Kosovo against Serbia. *EU Observer*. Available from https://euobserver.com/enlargement/119833.

———. (2014, December 1). From Solana to Mogherini: What did Ashton really do? *EU Observer*. Available from https://euobserver.com/foreign/126734.

Reuters. (2011, November 28). NATO soldiers wounded by gunfire in Kosovo clash. *Reuters*. Available from http://www.reuters.com/article/us-kosovo-violence-idUSTRE7AR21220111128.

Shahini, B. (2016, February 18). Squaring the circle in Kosovo. *Prishtina Insight*. Available from http://prishtinainsight.com/squaring-the-circle-in-kosovo/.

Tannam, E. (2013). The EU's response to the international court of justice's judgment on Kosovo's Declaration of independence. *Europe-Asia Studies, 65*(5), 946–964.

Teffer, P. (2015, November 11). Kosovo freezes EU-brokered deal with Serbia. *EU Observer*. Available from https://euobserver.com/enlargement/131061.

The Constitutional Court of the Republic of Kosovo. (2015). Judgement in Case No. K0130/15, Pristina, 23 December 2015. Available from http://www.gjk-ks.org/repository/docs/gjk_ko_130_15_ang.pdf.

Tota, E. (2016, April 5). Agreement between Kosovo and Serbia on trade barriers fails. *Independent Balkans News Agency*. Available from http://www.bal-kaneu.com/agreement-kosovo-serbia-trade-barriers-fails/.

Trix, F. (2013, April). Serbia and Kosovo: A European success story. *Informed Comment, 27*.

UK Parliament. (2015). *Documents considered by the Committee on 4 November 2015—European Scrutiny Contents. EU Special Representative in Kosovo.* Available from http://www.publications.parliament.uk/pa/cm201516/cmselect/cmeuleg/342-viii/34211.htm#note26.

UN General Assembly (UNGA). (2010). *Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law (A/RES/64/298)*, 9 September 2010. Available from http://undocs.org/A/RES/64/298.

Vaïsse, J., Kundnani, H., Bechev, D., Judah, B., Kobzova, D., Korski, D., et al. (2012). *European Foreign Policy Scorecard 2012.* London: ECFR.

Vaïsse, J., Dennison, S., Barnes-Dacey, J., Bechev, D., Dworkin, A., Gowan, R., et al. (2013). *European Foreign Policy Scorecard 2013.* London: ECFR.

Vogel, T. (2012a, January 17). EU starts visa talks with Kosovo. *European Voice*.

———. (2012b, February 24). Serbia and Kosovo strike name deal. *European Voice*.

———. (2012c, March 1). What's in a name? *European Voice*. Available from https://www.politico.eu/article/whats-in-a-name-2/.

Wagstyl, S. (2014, November 27). Germany acts to counter Russia's Balkan design. *Financial Times*. Available from https://www.ft.com/content/5e1d833c-7659-11e4-a704-00144feabdc0.

Western Balkans Summit, Final Declaration. (2015, August 27). Final Declaration by the Chair of the Vienna Western Balkans Summit. *Vienna*. Available from https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Chairman_s_Conclusions_Western_Balkans_Summit.pdf.

CHAPTER 6

Who's Afraid of the Big Bear? The Role of the High Representative in Ukraine

1   Introduction

Ever since the end of the Cold War a number of exogenous and endogenous causal factors have provided the functional pressure for an alignment of national governments' preferences over spreading EU influence in the post-Soviet space to occur. This alignment has created fertile ground for an ideational convergence among political *élites* on the strategies to achieve an economic integration of Ukraine into the EU. In its relationship with the post-Soviet country, the EU has supported transformations from which it could have benefitted through an engagement of EU member states and institutions to integrated modes of governance. This specific foreign policy case involves the offer of a potential special relationship with the EU. In fact, it formally consists of intergovernmental aspects of the common foreign and security policy (CFSP) and supranational features of the European Neighborhood Policy (ENP) and of the Eastern Partnership (EaP).

Within this alignment of preferences and ideational convergence, the first post-Lisbon High Representative (HR), Catherine Ashton, ensured bilateral relations with the Ukrainian authorities. Under certain conditions she also succeeded in fostering *consensus* among member states on specific policy issues. Nonetheless, Ashton mostly left the coordination of EU foreign and security policy on Ukraine to the Commissioner

for Enlargement and Neighborhood Policy at the time, Štefan Füle. Through an antagonistic narrative, the latter exacerbated the Union's strategy to integrate the post-Soviet space, often challenging Russia's role in this region. The beginning of the protests in Kiev, the violent repression of civilians and the annexation of Crimea disrupted the alignment of preferences among EU member states and institutions and the ideational convergence on the strategies to adopt towards Ukraine. Because of such a disruption, the national governments reunited in the European Council exerted all their control on the HR, on the Foreign Affairs Council (FAC) and on the Commission. When the new HR Federica Mogherini took charge, there was a clear alignment of preferences among EU member states and institutions over the illegality of the annexation of Crimea and over the need to stop the violence in Eastern Ukraine. However, because of a lack of agreement on Russia's role in Ukraine, the HR's activities continued to be constrained by the member states' representatives reunited in the European Council and the FAC, with only limited exceptions.

This argument is assessed on the basis of an empirical account used on the EU's policy approach to Ukraine in the post-Lisbon era with specific attention to the HR. The analysis proceeds as follows. In order to identify institutional patterns characterizing the post-Lisbon foreign policy-making, the chapter process-traces the role of the HR in the EU's approach to Ukraine from the entry into force of the Lisbon Treaty (LT) until summer 2016. The results of the analysis conducted are then presented in the concluding section of the chapter.

2   The Role of the High Representative in Leading EU Foreign and Security Policy on Ukraine

Whilst divergent positions on the Russian policy *dossier* did not play in favour of cooperation within the EU on Ukraine, from the coming into force of the LT until the immediate aftermath of the Vilnius Summit (November 2013), EU member states and institutions generally agreed that Ukraine was a European country and that economic integration should have been the main EU policy to be used towards it. This alignment of preferences has provided fertile ground for an ideational convergence among European political *élites* on the strategies to promote

economic integration in the post-Soviet country (Delcour and Wolczuk 2013). An ideational convergence that is reflected in the official conclusions of the European Council meetings that took place during the period considered. Between December 2009 and November 2013—when the EU should have signed the Association Agreement (AA) with Ukraine—EU leaders gathered together in Brussels twenty-five times.[1] While seven of the official final conclusions of the intergovernmental forums mentioned Ukraine and the Eastern neighbourhood,[2] on no occasion was reference made to a possible membership of this country in the EU (see Fig. 1).

In this context, while in 2010 the European Council met six times,[3] only two of its official conclusions referred to Ukraine and to the EaP (see Fig. 1).[4] In this period the HR generally maintained bilateral relations with Ukrainian authorities, while acting as a promoter of *consensus* in the intergovernmental forum reuniting member states' foreign ministers. This was evident when Viktor Yanukovych was elected President of the Eastern country in 2010. In spite of the allegations of electoral fraud by the opposition leader, Yulia Tymoshenko (Harding 2010a),
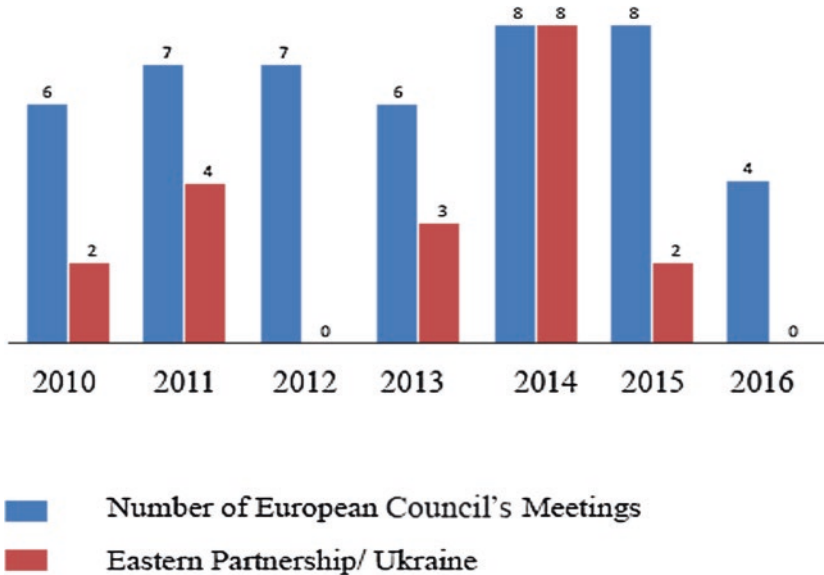
Fig. 1 The European Council and Ukraine

the HR declared on 8 February 2010 that the EU would have remained "committed to deepening the relationship with Ukraine and supporting it implementing its reforms agenda" (High Representative 2010a). On 22 February 2010, under the chairmanship of Ashton, foreign ministers stated that the Union should "engage" with "the new administration in Kiev" (Council of the EU, FAC 2010a). Three days later, on 25 February 2010 the HR attended the "solemn session of the Verkhovna Rada of Ukraine, dedicated to the swearing of the oath by the newly elected President" (EEAS 2010). On 1 March 2010, following a meeting with the President of the European Commission, José Manuel Barroso, Yanukovych declared that European integration was "the key priority" of Ukraine's foreign policy (EurActiv 2010). Yet, a few days later during a diplomatic visit to Moscow, he stated that "he would perform a sharp U-turn" on the pro-West and pro-NATO[5] polices pursued by his predecessor, Viktor Yushchenko (Harding 2010b). These declarations did not seem to change the EU approach on the Eastern country. On 22 March 2010 the FAC "held an exchange of views on Ukraine and the main lines of EU engagement" (Council of the EU, FAC 2010b). Later on, on 21 April 2010 the Ukrainian President signed the Kharkiv Agreement with the Russian President Medvedev. The deal intended to grant a 30% discount on gas to Ukraine in exchange for the extension for 25 to 30 years of the Russian Black Sea naval base lease for Russia (Pirani et al. 2010). This notwithstanding, the official conclusions of the following FACs (14 June 2010; 26 July 2010) report no change in EU policy on Ukraine (Council of the EU, FAC 2010c, d).

The existence of an alignment of preferences and of an ideational convergence on the integration of Ukraine into the EU clearly emerges from the conclusions of the European Council held as the EU-Ukraine Summit (22 November 2010) was approaching. On 16 September 2010 the Heads stated that the upcoming gathering should be used "to deepen cooperation in areas of mutual benefit, so as to bring more stability and predictability to those two important relationships" (Europan Council 2010a, p. 6). At the following FAC (25 October 2010) foreign ministers noted "the progress made so far in negotiations with Ukraine" on a future AA, including the establishment of a Deep and Comprehensive Free Trade Area (DCFTA) and encouraged "further efforts on both sides so that the negotiations" could be "finalized soon" (Council of the EU, FAC 2010e, p. 2). After the EU-Ukraine Ministerial meeting on 26 October 2010, Ashton stated "Ukraine is a European country. Our

relationship is very important and we want to deepen and to develop it". Delivering a similar message to the one reported in the FAC conclusions, the HR also affirmed EU's willingness "to move forward with the negotiations" for an AA, including a DCFTA looking "for progress" in the "dialogue on visa liberalisation" (High Representative 2010b, p. 2). On 28–29 October 2010, the Heads "discussed the key political messages which the President of the European Council and the President of the Commission" should have promoted during the 2010 EU-Ukraine Summit (European Council 2010b, p. 5). Indeed, the HR ensured the consistency of the policy delineated by the Heads. Under her chairmanship, on 13 December 2010, the EaP ministerial meeting "emphasized the strategic importance" of this regional policy as a "way to deepen and strengthen relations between the EU and the partner countries, to accelerate political association, further economic integration and approximation to the European Union" (EaP, Foreign Ministers Meeting 2010, p. 1).

In 2011 the European Council was held seven times.[6] On the same note of the previous year, the heads of state and government referred to both Ukraine and to the EaP only three times in their official conclusions (see Fig. 1).[7] In spite of the Arab uprisings, the EU continued to be strongly committed to the Eastern dimension of its neighbourhood. This commitment is reflected in the final document of the European Council held on 24–25 March 2011. The latter emphasized that the increase by 1 billion euros of the ceiling for "EIB operations for Mediterranean countries undertaking political reform" should be done "without reducing operations in the EU's Eastern neighbors" (European Council 2011a, p. 9). Within this ideational convergence in her capacity as VP of the Commission, the HR fostered the role of this institution in EU foreign and security policy broadly defined. Besides public statements released during official gatherings, in 2011 the HR rarely issued declarations on Ukraine or on the EaP individually. The vast majority of Ashton's statements were released jointly with Commissioner Füle. Ashton also made full use of the Commission's directorate generals working under her authority. By doing so, she attributed extensive discretionary power to the Commissioner for Enlargement Füle (Interviews C, E, F, H, I), who led negotiations with Ukraine in both trade and energy related matters against the background of Russian repeated pressure on Ukraine to join Moscow's lead customs union (Delcour and Wolczuk 2013). In this context, Commissioner Füle frequently employed an antagonistic narrative between Moscow and Brussels in his statements (Interviews E, H, I).

While already on 12 May 2010 he declared that "further strengthening the ENP" would have been "an investment in the EU own stability and prosperity" (Commissioner for Enlargement 2010a, p. 1), on 3 March 2011 the Commissioner stated the following:

> Some «…» argue that the progress as regards so-called "Western values" such as respect for human rights, democratic principles and the rule of law has given way under the weight of the post-Soviet legacy of corruption, cronyism and increasing authoritarianism. Let me be clear: the European Union's determination to deepen relations with our partners in the East is unwavering. […] We will continue to press for political reforms in Ukraine and elsewhere. (Commissioner for Enlargement 2011a, pp. 4–5)

Nonetheless, the HR did not seem to be able to combine her authority as Vice-President with that as FAC chair and to bring the decision-making influence of the Commission into the process of intergovernmental deliberation. Despite the increased evidence of selective justice in the Eastern country (Ditrych 2013), as the months went by, the EU policy direction did not differ much from the policy guidelines outlined by the European Council beforehand. On 26 May 2011 the HR's Spokesperson declared that the EU had "closely followed recent developments in the cases of Tymoshenko and other members of the former government of Ukraine" (High Representative, Spokesperson 2011, p. 1). However, no reference to the Tymoshenko case was made at the following FAC (20 June 2011). Instead, along the line previously set by EU leaders, foreign ministers declared that the Council expected "rapid progress in the ongoing DCFTA negotiations with Ukraine" while welcoming "the presentation of the progress reports on the implementation" of the reforms (Council of the EU, FAC 2011, p. 2). On 23–24 June 2011 the European Council "endorsed the new approach to relations with the European Union's neighborhood as set out in the Council's conclusions of 20 June 2011 and stressed the importance of the Eastern Partnership Summit in Warsaw on 29/30 September 2011" (European Council 2011b, p. 13), but did not mention issues of selective justice in Ukraine. Meanwhile, in response to the arrest of Tymoshenko, on 5 August 2011 the HR Ashton and Commissioner Füle stressed their concerns and reiterated previous statements on the "high standards" they expected "from a country aspiring to political association with the EU" (High Representative and Commissioner for Enlargement 2011, p. 1).

The preeminent and assertive role played by the European Commission in the implementation of EU foreign policy on the Eastern country seemed all the more evident when Russia's pressure on Ukraine grew stronger in September 2011 (Vaïsse et al. 2012). With this in the background, on 8 September 2011 Füle stated that the upcoming EaP Summit taking place in Warsaw on 29–30 September 2011 would have sent "a strong political signal of the EU's determination to play a leading role in the EaP region and set an agenda for the next two years" (Commissioner for Enlargement 2011b, p. 3). Later, on 21 September 2011 the Commissioner went as far as to state that Ukraine had "shed the vestiges of the Soviet Union" and had "embarked on the long and challenging road of reforms". This way, he continued, the post-Soviet country had "made a key strategic choice: to deepen and broaden its relations" with the EU (Commissioner for Enlargement 2011c, p. 2). Füle seemed to finally show his hand when he declared that, by making reference to the LT provision on the accession process into the EU in its ENP review, the Commission had provided "more clarity on the end game of the process" in Ukraine. "This is why we work so hard on negotiating" an AA and a DCFTA, he specified (Commissioner for Enlargement 2011c, p. 2). On 30 September 2011 the EaP Summit highlighted that this regional policy's objective was to support "those who seek and ever closer relationship with the EU" (EaP Summit, Joint Declaration 2011, p. 1). Most notably, on the first day of the gathering Poland had "announced it would participate in the Eastern Partnership Technical Assistance Trust Fund with a EUR 1 million contribution" (EIB 2011, p. 1). Shortly after, in an attempt to re-integrate the post-Soviet region (Draganeva and Wolczuk 2015) the then Russian President, Vladimir Putin, called for the establishment of a Eurasian Economic Union in October 2011 (Delcour and Wolckzuk 2013).

While the HR sought to ensure a unique and consistent representation of the EU views and interests in the international arena, on some occasions, she had to act in the shadow of the relevant minister holding the six-month rotating presidency of the EU. When on 11 October 2011 Yulia Tymoshenko was condemned for a "2009 gas deal agreed with Russia and given a seven-year sentence" (BBC 2014c), Ashton declared that the EU would have reflected on its policies towards Ukraine (Osborn 2011). In tougher terms, the Polish foreign minister—holding the presidency of the Council at the time—declared that the trial and the conviction were an "example of the politicisation of the Ukrainian

judiciary" and that "Ukraine's image as a country […] undertaking a fundamental pro-European transformation" had been "tarnished" (Osborn 2011). Led by Poland, the EU delayed President Yanukovych's already-planned visit to Brussels and menaced to reschedule the December 2011 EU-Ukraine Summit. While the official conclusions of the first European Council held after these events stated that "the pace and depth of these countries' political association and economic integration with the EU" would have depended "on their upholding of the democratic principles and rule of law" (23 October 2011; European Council 2011c, p. 11), at their following meeting EU leaders neither mentioned the EaP nor Ukraine (8–9 December 2011; European Council 2011d). Eventually, the EU-Ukraine Summit was held on 19 December 2011 in Kiev. On that occasion, while "leaders noted with satisfaction that chief negotiators had reached a common understanding on the full text" of the AA, the intergovernmental forum "reached a common understanding that Ukraine's performance, notably in relation to respect for common values and the rule of law" would have been "of crucial importance for the speed of its political association and economic integration with the EU" (Council of the EU, Ukraine-EU Summit 2011, p. 2).

In 2012 member states held divergent preferences on whether the Union should proceed with the signature of the AA and of the DCFTA with Kiev. The Visegrad Group—Czech Republic, Poland, Slovakia and Hungary—, which favoured it, claimed that the signing and the ratification of these deals would have bound Ukraine "closer to the EU" (Vaïsse et al. 2013, p. 88). On the other hand, Germany and the UK contended that reforms of the judiciary and the halt of human rights violations would have been essential conditions for the deals to be signed and ratified (Vaïsse et al. 2013). One may argue that the Eurozone crisis has acted as an intervening variable in the elaboration of EU foreign and security policy on Kiev. In fact, in spite of the divisions on whether to proceed with the signing of the agreement and of the increasing Russian pressure on Ukraine, the European Council met seven[8] times throughout 2012—the year in which the economic crisis reached its apex—but never discussed Ukraine and the EaP (see Fig. 1).

Lacking specific directions from the European Council, the HR, the FAC and the Commission did not invert the trend adopted in previous years. With the exception of public statement released during official gatherings, the vast majority of Ashton's declarations on this specific *policy dossier* were made together with Commissioner Füle, or delivered jointly

by the HR's spokesperson and Füle.[9] On most of these occasions, Ashton and Füle referred to the Ukrainian judicial system and to the increasing evidence of selective justice and of human rights' abuses in Ukraine (*Kiev Post* 2012; PR News 2012). Nonetheless, the HR was unable to foster a *consensus* among member states' foreign ministers on specific directions of policy action concerning said issues and abuses. On 14 May 2012 the FAC held "an in-depth discussion on the situation in Ukraine and the next steps concerning" the AA with it during lunch (Council of the EU, FAC 2012a, p. 17). On the following day, the HR and the European Commission released the Joint Communication titled "Eastern Partnership: A Roadmap to the autumn 2013 Summit" (European Commission and High Representative 2012, p. 2). With the explicit aim of accelerating political association and of deepening economic integration "between the EU and Eastern European partner countries" (European Commission and High Representative 2012, p. 3), the official document announced the allocation of more sources through a new program: the Eastern Partnership Integration and Cooperation. On the same day that the EaP roadmap was released, the HR declared that she had "met with the Prime Minister of Ukraine to raise with him" EU concerns over "selective justice" (High Representative 2012a, p. 2). Eventually, on 25 June 2012 the FAC "adopted conclusions" on the ENP package and took "stock of progress made" regarding the EaP between the Union and Ukraine (Council of the EU, FAC 2012b, p. 18). Member states' foreign ministers later signed "an amended agreement between" the EU and Ukraine "on the facilitation of the issuance of visas" (23 July 2012; Council of the EU, FAC 2012c, p. 27). While no reference was made in the FAC's conclusions to the Ukrainian judicial system, not long afterwards, on 23 July 2012 the HR declared that the EaP remained "a priority for the EU" (High Representative 2012b, p. 2).

The increasing awareness that the flaws of the political systems in Ukraine would have not been easily solved coupled with the uncertain unfolding of the upcoming elections in the Eastern country and the ensuing fear of the potential spread of Russian influence in the region. As EU policy within the EaP shifted from economic integration to democratization, the HR managed to exercise a *consensus*-seeking role within the FAC on issues of selective justice in Ukraine. While the October 2012 parliamentary voting was approaching, on 29 August 2012 the HR and the Commissioner for Enlargement regretted that issues of selective justice would prevent "important leaders of the opposition

from standing in parliamentary elections" (High Representative and Commissioner for Enlargement 2012a, p. 1). Along the same line, on 12 October 2012 Ashton released a joint statement with Commissioner Füle arguing that the "upcoming elections would have been a 'litmus test' of Ukraine's democratic credentials" (High Representative and Commissioner for Enlargement 2012b, p. 1). The FAC "debated the situation in Ukraine following the parliamentary elections of 28 October and the perspectives for further progress towards the signing" of the AA with the Eastern country on 19 November 2012 (Council of the EU, FAC 2012d, p. 14). Not long afterwards, in response to the increasing evidence of widespread vote rigging (OSCE 2013), member states' foreign ministers agreed to suspend the signing of the AA and of the DCFTA (10 December 2012), providing detailed conclusions on Ukraine's progresses or lack thereof in electoral, judiciary and constitutional matters (Council of the EU, FAC 2012e). By the end of 2012, two European Council meetings had been held after the October elections. Yet, no reference was made in the EU leaders' final conclusions to the situation in Ukraine.

In 2013 the European Council did not devote any more attention to Ukraine than in the previous years. After the "apex of the intergovernmental moment" during the Eurozone crisis (Fabbrini 2013, p. 10), while the European Council met six times, its final conclusions mentioned Ukraine and the EaP three times (see Fig. 1). On the first of these occasions, EU leaders reaffirmed the EU's commitment towards Kiev "in full compliance with the Council conclusions of 10 December 2012" (7–8 February 2013; European Council 2013a, p. 4). In this situation the HR maintained bilateral relations, and ensured the consistency of the position reached by the member states within the European Council and the FAC. Following her meeting with the Ukrainian Prime Minister, Leonid Kozhara, the HR argued on 30 January 2013 that the December 2012 FAC conclusions had "set concrete criteria and a timeframe for the possible signing" of the AA and DCFTA (High Representative 2013a, p. 1). The persistent ideational convergence provided fertile ground for the HR to preserve the *consensus* among foreign ministers on the integration of Ukraine into the EU. Upon her arrival at the FAC Ashton declared on 18 February 2013 that the Vilnius Summit would have been "an opportunity to deepen and strengthen" EU relationship with EaP countries (High Representative 2013b, p. 1). Reiterating the specific role of the EaP to "support those who seek an ever closer relationship with the

EU" (Council of the EU, FAC 2013a, p. 8) and recalling its December 2012 conclusions on Ukraine, the FAC affirmed the Union's "commitment to the signing" of the AA and DCFTA "as soon as the Ukrainian authorities demonstrate[d] determined action and tangible progress in three key areas": the electoral sector; the judicial one; and in areas where reforms had been agreed in the Association Agenda (Council of the EU, FAC 2013a, p. 9). Following the gathering Ashton defined the Vilnius Summit "a milestone" in EU-Ukraine relations (High Representative 2013c, p. 1).

One may argue that within this ideational convergence the HR promoted policy coordination to support EU approach on Ukraine. Indeed, some member states, namely Estonia, Poland, and Slovakia, showed a propensity towards voluntary cooperation, and substantially sustained EU institutions in their effort to reduce Ukraine's energetic dependence on Moscow. They did so through the creation of a small regional liquefied natural gas terminal—in Estonia—; through offers to reverse flow to Ukraine—coming from Slovakia and Poland—; and in the financing of the Ukrainian infrastructures' renovation—made by Slovakia—(ECFR 2014). Yet, the persistence of EU member states and institutions preferences' alignment, and of the ideational convergence among them provided also fertile ground for Commissioner Füle assertiveness. While he often denounced Moscow's use of energy prices to dissuade Ukraine from signing the AA with the EU (ECFR 2014), on 7 February 2013 in his address to the Ukrainian Parliament, the Commissioner energetically stressed that the time had come for Ukraine to sign the AA with the EU: "We cannot wait: the window of opportunity is open now. Because if we - Ukraine and the EU - miss the November deadline, there is nothing like "December deadline" or "January 2014 deadline". Timing matters in politics" (European Commissioner for Enlargement 2013).

2.1 *Ukraine's Path Towards the Vilnius Summit*

Despite the insistent call on Ukraine for domestic reforms, EU member states and institutions' ideational convergence over the signing of the AA/DCFTA with Ukraine at the Vilnius Summit remained in place as time went by. While on 22–23 April 2013 the FAC took "stock of preparations" for the July EaP ministerial meeting and "discussed the state of play ahead" of the November EaP summit (Council of the EU, FAC

2013b, p. 7), on 24 June 2013 foreign ministers "adopted the agenda and EU position for the sixteenth EU-Ukraine Cooperation Council" (Council of the EU, FAC 2013c, p. 14). Eventually, on 22 July 2013 the FAC "discussed recent developments in the partner countries" and "deliberated on the way ahead for the Eastern Partnership in the run-up to the Eastern Partnership summit in November and the phase after that" (Council of the EU, FAC 2013d, p. 23). Interestingly, the German foreign minister Guido Westerwelle was reported to have paid a diplomatic visit to Ukraine in June 2013 to discuss the offer "to treat jailed former Prime Minister Yulia Tymoshenko for her health problems in Berlin" (AFP 2013).

As the date set for the Vilnius Summit was approaching, the EU "take it or leave it" approach (Youngs and Pishchikova 2013), "made impossible any adjustment which could address Russian concerns" (Delcour and Wolczuk 2013, pp. 184–186), challenging Moscow's "preoccupation with its status as a regional power" (Menon and MacFarlane 2014, p. 97). Ultimately, Putin established a series of economic measures to discourage Yanukovych from signing the EU AA and the DCFTA provisions (Interview F). In July 2013 the Russian safety control service, *Rospotrebnadzor*, imposed a ban on "imports of Ukrainian confectionary producer Roshen" (Cenusa et al. 2014, p. 2). Similar measures applied to all imports from Ukraine in August 2013, and especially to Ukrainian railcars between September and October 2013. At the same time, a Russian ban on "the imports of [its] dairy products" established on the basis of "phytosanitary problems" hit Lithuania—the member state holding the EU rotating presidency at the time—(ECFR 2014, p. 40). In the long run, Moscow's sanctions coupled with Ukraine's economic difficulties. While the Ukrainian economy had been in recession for more than a year, Yanukovych's government was "in desperate need of foreign funding to avoid a default" (BBC 2013). In this respect, a European External Action Service (EEAS) official with long experience in Brussels and in the field, stated that: "The Summit programmed for November 2013 in Vilnius did not have necessarily to become a big date. In the other cases we had waited until the countries were ready. Certainly, Ukraine was not ready for the EU" (Interview G). Against this background, Yanukovych sought to maintain a pragmatic, multi-vectored strategy. Thus, as another EEAS official with close familiarity with the Ukrainian policy *dossier* pointed out: "The summer proceeding the Vilnius Summit the Ukrainian President used to go to Sochi to talk to Putin every week end" (Interview N).

Meanwhile, member states showed high propensity to voluntary cooperation. After a group of national governments, "led by Germany, Lithuania, Poland, and Sweden" started to exert pressure on Ukraine "for the release of Ukrainian opposition politician Yulia Tymoshenko" (ECFR 2014, p. 78), on 13 October 2013 the Ukrainian President finally declared that he would have signed a bill "allowing the jailed former Prime Minister Yulia Tymoshenko to travel abroad for medical treatment" (Gaydazhieva 2013). While on 21 October 2013 the FAC "took stock of developments" in the EaP, in preparation for the 28–29 November 2013 summit in Vilnius, at their following meeting foreign ministers declared that, for the EU-Ukraine AA to be signed, "determined action and tangible progress" would be "needed" in the country's political and judicial system (Council of the EU, FAC 2013e, p. 6). The final conclusions of the European Council's meeting held before the November Vilnius Summit did neither mention Russia nor the trade sanctions established by Moscow on Kiev. On the contrary, the EU leaders' official document reports that they looked forward to the November EaP Summit, and underlined "the importance" of the EaP "for building a common area of democracy, prosperity and stability across the European continent" (24–25 October 2013; European Council 2013b, p. 17). In this context, the intergovernmental forum reiterated the Union's intentions to sign the AA/DCFTA with Ukraine at the Vilnius Summit provided that there would be "tangible progress in line with the Council Conclusions of 10 December 2012" (European Council 2013b, p. 17). Remarkably, while Commissioner Füle had declared that "he expected Ukraine to allow Tymoshenko to go to Germany for medical treatment" before the November summit (EU Bulletin 2013), HR Ashton did not release any individual statement on this specific matter in the months preceding it.

On 14 November 2013, the Ukrainian Parliament voted against six bills that would have allowed the release of former Prime Minister Yulia Tymoshenko for medical treatment abroad (Spiegel Online 2013). A few hours later, Yanukovych stated that it would not have signed the trade and political association with the EU because of Ukraine's "complex economic situation" (Mortensen 2014). One may argue that as the events unfolded, the HR did not manage to foster *consensus* among member states' foreign policies on a specific direction of policy action. Thus, the conclusions of the first FAC held after these declarations on 18–19 November 2013, report the same words of the final document of the foreign ministers' gathering held on 21 October 2013. Delivering

a similar message to the one enshrined in the European Council's final conclusions released beforehand, after the meeting, the HR "emphasized that the main outstanding case of selective justice needed to be addressed" (Council of the EU, FAC 2013f, p. 7). The events that followed also showed that the HR did not play a proactive role in ensuring the unity, consistency and effectiveness of EU foreign policy action. On the eve of the date set for the Vilnius EaP Summit (28–29 November 2013) the "pro-European intelligentsia and opposition parties" managed to organize a gathering of between 50,000 and 70,000 in Kiev (Samokhvalov 2015). When the Ukrainian police violently dispersed students and journalists who had chosen to stay overnight on *Maidan* on 30 November 2013 (Samokhvalov 2015), the first reactions to the clashes came from Lithuania, Poland and Sweden, which swiftly condemned the government repression (Garcés de los Fayos 2013). Ashton and Füle followed on 30 November 2013 with a joint statement calling on the Ukrainian authorities to respect the freedom of expression and assembly (High Representative and Commissioner for Enlargement 2013). Furthermore, while the German foreign minister, Guido Westerwelle "met Ukrainian opposition leaders at their protest camp in Kiev" on 5 December 2013 (*Kiev Post* 2013a), the HR travelled to Ukraine to negotiate an agreement between Yanukovych's government and pro-European protesters only on 10 December 2013. On 12 December 2013 after having talked to the Ukrainian President, the HR declared that Yanukovych still wished "to sign the association agreement with the European Union" (Mortensen 2014). Yet, on the following day, Russia "offered a steep discount on gas, and promised to buy $15 billion worth of the nation's bond in a deal struck during President Viktor Yanukovyckh's trip to Moscow" (*Kiev Post* 2013b).

The HR was unable to foster a *consensus* among member states on a precise policy approach during the first FAC after the violent repression of protests in *Maidan*. On 16 December 2013 foreign ministers limited themselves to exchange "views on recent developments in Ukraine following the visit of the High Representative to Kiev" (Council of the EU, FAC 2013g, p. 8). In the absence of a propensity towards voluntary cooperation among member states, the European Council imposed strict control on the HR, the FAC and the Commission, essentially turning them into its operative branches (Interview A, C, F). Indeed, the tone of EU response to Ukraine's refusal to sign the AA in the months to come was set by EU leaders at the first European Council held after the Vilnius

Summit (19–20 December 2013). On that occasion, while EU leaders reiterated the Union's readiness to sign the AA/DCFTA, as soon as Ukraine would have been "ready" to do so, they also called "for restraint, respect for human rights and a democratic solution to the political crisis in Ukraine that would meet the aspirations of the Ukrainian people"; and emphasized "the right of all sovereign states to make their own foreign policy decisions without undue external pressure" (European Council 2013c, p. 24). An EU official describes these developments as follows:

> The FAC was not the level that could produce anything. There was no leadership from Ashton. She went to FAC meetings saying that she was just an honest broker […] In addition to this, things were evolving so fast that in the end it was on the top level that things were decided. (Interview C)

Yanukovych's refusal to sign the AA and the beginning of the protests in Ukraine provided the functional pressure for the alignment of national governments' preferences, and for the ideational convergence over this policy *dossier* to be disrupted. Consequently, member states claimed strong control over this case of foreign and security policy. In 2014 the heads of state and government discussed the crisis in Ukraine eight times, namely during each of their gatherings (see Fig. 1). Thus, as an official with long-term experience in Brussels explained:

> When the crisis occurred a renationalization of the policy towards Ukraine took place. Since then, the European Council has had an agenda-setting power and the other institutions have decided within the rules that were already set by the member states. (Interview F)

Eventually, Ashton's statements on Ukraine integration into the EU reflected a much more cautious approach than the ones released jointly with Commissioner Füle in the past. On several occasions these declarations clearly mirrored the tone set by the European Council beforehand. For instance, in response to anti-protest laws passed in Ukraine, the HR called "on the President of Ukraine to ensure that these divisions" would be "revised and brought in line with Ukraine's international commitments" (17 January 2014; High Representative 2014a, p. 1). At the same time, the Commissioner for Enlargement Füle abandoned the antagonistic narrative between Brussels and Moscow. On 26 February 2014 he went as far to declare: "Ukraine needs Russia, and Russia needs

Ukraine. […] We are ready to work very closely with Russia, the neighbor of our neighbor […] with whom Russia has traditional ties which we support" (Commissioner for Enlargement 2014a, p. 2). The December 2013 European Council conclusions also influenced the intergovernmental forum reuniting foreign ministers. During their first meeting of the year (20 January 2014) the FAC called "on the Ukrainian authorities to ensure that these developments" would be "reversed" and that the legislations would be "brought in line with Ukraine's European and international commitments". At the same time, foreign ministers reiterated the Union's engagement to "Ukraine's political association and economic integration, based on the respect for common values" and to signing the AA with its DCFTA "as soon as Ukraine" would be "ready" (Council of the EU, FAC 2014a, p. 1).

Under these conditions, the HR was not able to create a *consensus* among member states' foreign ministers on a specific course of action in her capacity as chair of the FAC. On her first visit to Kiev on 5 February 2014, Ashton declared: "the first item that I've put on the [FAC] agenda is a discussion about the situation here in Ukraine" (High Representative 2014b, p. 1). As promised, on 10 February 2014 the FAC discussed the Ukrainian policy *dossier* in details. Nevertheless, foreign ministers' approach continued to be consistent with the December 2013 European Council's conclusions. Hence, the FAC limited itself to reiterate its commitment to signing the AA/DCFTA as soon as Ukraine would be "ready" and added that this Agreement would "not constitute the final goal in EU-Ukraine cooperation" (Council of the EU, FAC 2014b, p. 1). In this respect, a high-ranking EEAS official though that:

> The main decision-making body has been the European Council because the main actors in this crisis have been leaders at the European Council level. As a result, the FAC has been relegated to have some exchange of views without too many consequences. (Interview E)

Against the backdrop of a general lack of *consensus* among EU member states and institutions on the last developments in the Eastern country, the HR was unable to ensure the representation of the Union's views on the situation in Ukraine. It was the President of the European Commission, José Manuel Barroso, who held EU bilateral relations with Ukrainian and Russian representatives.[10] Barroso generally tasked and mandated the HR to conduct visits in Ukraine (European Commission,

The President 2014c). Moreover, when Putin was reported to encourage Yanukovych's continuous repression of protesters (Way 2015), it was the so-called Weimar Triangle[11]—composed by the German foreign minister, Frank-Walter Steinmeier, the French foreign minister, Laurent Fabius, and the Polish foreign minister, Radoslaw Sikorski, that acted as mediator of a peace deal between Yanukovych and opposition forces. While on 18 February 2014 violent clashes led to 18 civilian casualties, the spiral of violence reached its apex on 20 February 2014 as 88 people lost their lives in the demonstrations (BBC 2017). Under the brokering of these member states' representatives the Ukrainian President signed the peace deal with opposition leaders on 21 February 2013. Yet, as Yanukovych left Kiev and fled to Russia against the background of increasing protests (Polityuk and Robinson 2014) on 22 February 2014, the Ukrainian Parliament voted for the removal of the President in power, and established a date for new elections (25 May 2014).

Within this tense international atmosphere, on 1 March 2014 the Russian Parliament approved President Putin's request to "use force in Ukraine to protect Russian interests" (BBC 2014a). At last, Russia openly began its invasion of Crimea, using the support for Russian-speaking populations to justify its intervention (Way 2015) and to ignite "a rebellion in much of eastern Ukraine" (ECFR 2015, p. 20). Promptly, the HR called upon Moscow "to promote its views through peaceful means" (High Representative 2014c, p. 1) and announced a special FAC meeting to discuss the situation in Ukraine. On 3 March 2013 the FAC strongly "condemned the violation of Ukrainian sovereignty and territorial integrity by Russia" calling "for dialogue between Ukraine and Russia". Foreign ministers also agreed that, "in the absence of de-escalating steps by Russia", they would have decided "about consequences such as suspending bilateral talks on visa matters as well as on the New Agreement" and would have considered further targeted measures (Council of the EU, FAC 2014c, p. 1). "We are firmly convinced that there needs to be a peaceful solution to this current crisis, in full respect of international law" declared Ashton (High Representative 2014d, p. 1). On 6 March 2014 EU leaders, gathered in Brussels for an extraordinary meeting on the situation in the Eastern country, strongly condemned "the unprovoked violation of Ukrainian sovereignty and territorial integrity by the Russian Federation" and called on it "to immediately withdraw its armed forces to the areas of their permanent

stationing, in accordance with the relevant agreement". Stressing the EU's "special responsibility for peace, stability and prosperity in Europe" and the Union's willingness to "pursue these objectives using all available channel", the European Council asked "the EU representatives to take all necessary initiatives" (European Council 2014a, pp. 1–2).

At their following meeting (17 March 2014), foreign ministers "strongly condemned the holding on 16 March of an illegal 'referendum' in Crimea on joining the Russian Federation". As mandated by the March 2014 European Council, they "approved the arrangements for the signing of the political provisions of the Association Agreement on 21 March in Brussels" and confirmed "EU's commitment to proceed to the signature and conclusions of the remaining parts of the agreement". At the same time, the FAC put forth the first series of EU sanctions imposing "travel restrictions and an asset freeze against 21 persons responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine" (Council of the EU, FAC 2014d, p. 2). On the day after the sanctions were imposed (18 March 2014), the Russian President announced the annexation of the Crimean Peninsula. As an EU official put it: "Of course, those who had doubts in the first place stared saying: 'Look that's what we told you. Russia is not a teddy bear!'" (Interview A).

2.2   *The Russian Variable*

Whilst an alignment of preferences existed among EU member states and institutions over the need to react to the Russian aggression in Ukraine, an ideational convergence on the strategies to adopt was missing. While Poland and Romania became increasingly outspoken on the Russian policy *dossier*, the Baltic States requested additional forces from NATO to station in their territories (Waterfield and Paterson 2014). Tellingly, when the US deployed military reinforcement in these regional settings the then-Lithuanian President, Dalia Grybauskaité, was reported to have overtly "thanked God that her country – unlike Ukraine – was a member" of NATO (ECFR 2015, p. 11). Divisions persisted however, among member states on whether the latter should maintain troops permanently in Central and Eastern Europe (CEE). While Poland had been calling for this stable deployment, Germany had firm intentions to respect the 1997 NATO-Russia Founding Act.[12]

Ex adverso, an ideational convergence emerged soon among EU political *élites* over the need to use the Organization for Security and Cooperation in Europe (OSCE) as an operative branch of EU reaction to the developments in Ukraine (Interview C, E, F). In principle, the HR should have coordinated EU member states within this organization (TEU, Art. 32). Yet, the European Council mostly exerted this coordinating role throughout his activity as an agenda-setter with the administrative support of the HR. On 20–21 March 2014, the Heads urged that an "agreement" would be "promptly reached on an OSCE mission to be deployed in Ukraine as soon as possible" and asked Ashton "to urgently draw up plans for a EU contribution to facilitate the work" of this mission (European Council 2014b, p. 14). On the same day (21 March 2014) the 57 OSCE participating states agreed to deploy "an unarmed civilian special monitoring mission of international observers to Ukraine for three months" (Swiss Confederation, FDFA 2016, p. 1). As an EU official explained:

> The EU diverted its action through OSCE. Member states understood that if they had undertaken a military action in Ukraine, the Russians would have gone totally nuts. Because the Russian position had always been that there was no Russian soldiers in Ukraine but only volunteers, they could not openly reject it. They had to cooperate somehow and the EU pushed a lot, especially Germany, to provide funds for this OSCE mission on the ground. (Interview C)

As mandated by the March 2014 European Council, the HR implemented the Union's approach in her capacity as chair of the FAC and representing EU views in international gatherings. At the following FAC (14–15 April 2014) foreign ministers "took stock of the latest events in Ukraine" and adopted three-pages long detailed conclusions on this policy *dossier*. Calling "on all parties to engage in a dialogue in view of a peaceful solution", the intergovernmental forum decided to expand "the list of those subject to assets freeze and visa ban". In addition to this, foreign ministers stated that the EU would have been "ready to assist Ukraine in the field of civilian security sector reform" and "approved macro-financial assistance" to the Eastern country (Council of the EU, FAC 2014e, p. 2). On the other hand, on 17 April 2014 a group of representatives from Ukraine, Russia, the EU and the US agreed on a deal intended to "de-escalate tensions and restore security for all citizens"

through the OSCE mission in Ukraine (Borger and Luhn 2014). After the gathering Ashton declared "we have agreed a number of concrete steps that we can see implemented immediately [...] The OSCE Special Monitoring mission will play a leading role in this" (High Representative 2014e, pp. 1–2). As weeks went on, the HR also ensured the consistency of the approach outlined by the Heads through public statements. In response to reports of kidnapping, tortures and killings in Ukraine, on 24 April 2014 she called on all parties to ensure that the terms of the April 17 Joint Geneva Statement on Ukraine would be "fully implemented" (High Representative 2014f, p. 1). Later on, given that the security situation in the Eastern part of the country was not improving, the HR declared that the Union would be "looking into requests for further assistance to allow the Mission to fully play the role confined on it in the Geneva Statement and count on the OSCE participating States to do the same" (High Representative 2014g, p. 2).

The end of the mandate of EU pivotal institutional actors in 2014 played a key intervening variable in EU reaction to the crisis. As an EU official working at the European Parliament (EP) put it: "The crisis happened at a pretty inconvenient time for the EU. There were Commissioners that were involved and the HR as well. But they knew that they were going to go" (Interview F). A former EEAS official confirmed that the end of the HR's mandate has represented a factor which determined the HR's role in EU reaction to the crisis. The civil servant explained:

> At one point she said: "Ok, I am no longer making any statement. I will leave it for the next post-holder". It was a very bad junction. EU structures were so weak that, naturally, member states had to take over the whole crisis. (Interview C)

Empirical evidence validates this interpretation. In the second half of 2014—starting from the end of April 2014—, besides declarations made at official gatherings, the HR made statements on Ukraine's developments only through her spokesperson.[13] With this in the background, due to persisting divisions among member states on the role of Russia in the post-Soviet space, national governments reunited in the European Council and in the FAC imposed strict control on the HR and on the Commission, by means of very detailed instructions on the implementation and the timing of EU policies on Ukraine (see Figs. 1 and 2). Following two referendums, pro-Russian separatists in Donetsk

and Luhansk declared independence on 11 May 2014 (BBC 2014b). In response to these declarations, the FAC (12 May 2014) "expressed its alarm at the continued efforts to destabilize Eastern and Southern Ukraine" and stressed its support for the holding of "free and fair presidential elections in Ukraine". Foreign ministers also agreed "to broaden EU sanctions" expanding "the criteria allowing visa bans and asset freezes" and exchanged views on "the OSCE Special Monitoring Mission". Further, they tasked the EEAS "to work on elements for a possible civilian CSDP[14] mission" in the field of civilian security sector reform (Council of the EU, FAC 2014f, p. 2). At the end of the meeting, the HR reiterated the importance of the Geneva Statement's implementation (High Representative 2014h, p. 1).
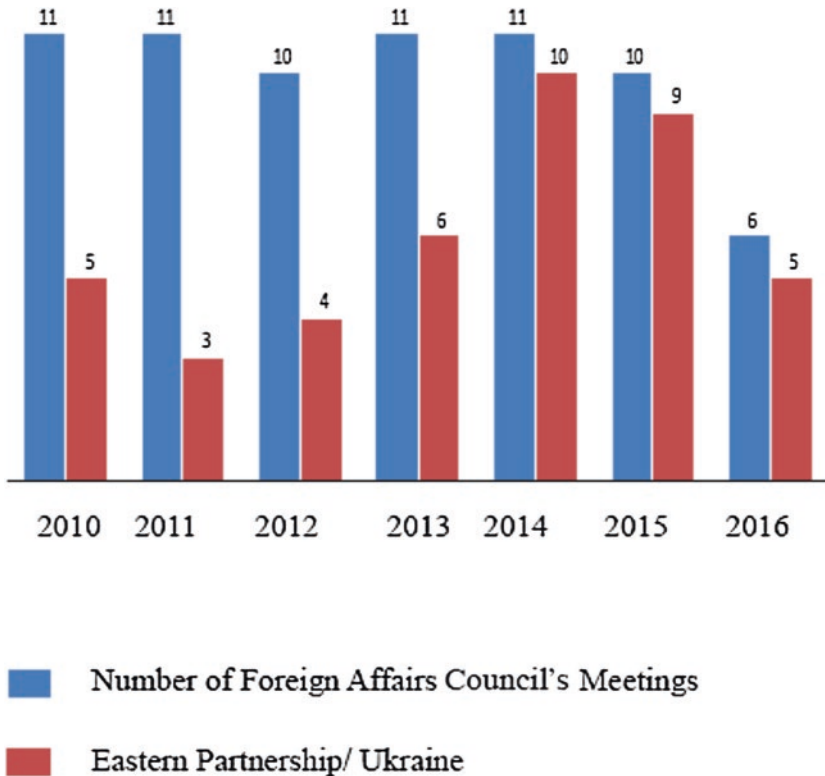
Fig. 2 The Foreign Affairs Council and Ukraine

Eventually, the sidelining of the HR by the member states within the European Council became evident. When on 25 May 2014 Petro Poroshenko won the Ukrainian presidential elections (Walker and Luhn 2014) the Heads "discussed the situation" in Ukraine in very detailed, three pages long conclusions (27 May 2014; European Council 2014c, p. 1). They reaffirmed the Union's "commitment to the Geneva Joint Statement of 17 April" and commended "the role of the OSCE Special Monitoring Mission in assisting in its implementation, as well as the efforts undertaken so far by the Ukrainian authorities to implement it" (European Council 2014c, p. 2). At the same time, they announced the "establishment of a Support Group for Ukraine created by the Commission to help the Ukrainian authorities implement a jointly agreed European Agenda for Reform, in coordination with the Member States, international donors and civil society". They also welcomed the formation of an EU "led international donors platform and the intention to hold, before the summer, a high-level coordination meeting in Brussels". Furthermore, the intergovernmental forum noted "that preparatory work by the Commission and the EEAS on possible targeted measures" and agreed "to continue preparations for possible further steps" (European Council 2014c, p. 3). Remarkably, however, on no occasion was a reference made to the HR potential role in coordinating this work.

In this context, the HR acted as a traditional diplomatic representative and as a policy executor of the European Council and the FAC. On 23 June 2014 foreign ministers supported President Poroshenko's peace plan calling "on all sides to honor a ceasefire and create the conditions needed" for its implementation. On the same occasion, the FAC agreed to establish a CSDP mission "to assist Ukraine in the field of civilian security sector reform, including the police and the rule of law", with a view to "an early deployment in the summer"; and "completed the preparatory work for the full signature" of the AA with Ukraine (Council of the EU, FAC 2014g, p. 2). "We want to see the spiral of violence ending and we called on all sides to do their maximum to protect civilians and to let humanitarian organizations do their job", declared Ashton with regard to the meeting (High Representative 2014i, p. 1). Three days later, the EU signed the economic part of the AA with Ukraine.

Later on, the European Council also stated "its support to the peace plan announced" by President Poroshenko and called "upon all parties to genuinely commit" to its implementation (27 June 2014; European Council 2014d, p. 12). EU leaders also expressly approved the approach

undertaken by EU institutions until that moment with reference to "the two recent significant Commission disbursements", to the upcoming "high level donor coordination meeting", and to "the work undertaken by the Commission to give effect" to EU policy of non-recognition of the illegal annexation of Crimea and Sevastopol (European Council 2014d, p. 13). Within their intergovernmental deliberation, they also listed in detail a number of "steps" that the European Council would expect to be taken in the field "by Monday 30 June" by the parties involved in the conflict, including the OSCE. To this end, they expressively tasked the Council to "assess the situation and, should it be required, adopt necessary decisions" (European Council 2014d, p. 13). Notably, while the European Council's final conclusions expressively ask the Council, the Commission, the EEAS, the member states and even the OSCE to implement its policy guidelines, not even on this occasion reference was made to the HR and her coordinating prerogatives in the official document.

Against this background, EU foreign and security policy started to function according to the logic of *directoires* or of policy differentiation (Fabbrini 2014). On 6 July 2014 during "the 70th anniversary of the D-Day allied landings in Normandy", the representatives of France, Germany, Ukraine and Russia launched "the Normandy Format" (de Galbert 2015) to "secure a peaceful settlement of the conflict in Ukraine" (Hardy 2016). Most notably, this format did not include EU representatives, and was not formed on the basis of an agreed mandate. A Commission official describes these developments as follows:

Some member states picked up the torch to be in the forefront of the European answer. This fits with the way Russia operates. In Russia there is one guy who decides. That is Putin. It is not Lavrov, the Russian foreign minister. Putin speaks to equals. Equals are Merkel and François Hollande. (Interview A)

A similar reasoning is detectable in the following statement by an EEAS official:

There is not much trust in what the representatives of the EU are supposed to do in dealing with Ukraine. The only person who is trusted by almost everyone to be able to take care of Russia is the German Chancellor, joined by the French President who took the initiative by himself and provided a helpful support to the role that Merkel was already playing. «…» It is not even intergovernmental, it is "minilateral". It is not ideal, but if it helps to better deal with this potentially very dangerous

situation, we can only welcome it. We cannot change it and we will not change it. (Interview E)

In the meantime, the European Council continued to exert strong control over other EU institutions, giving extensive and detailed mandates to them. At their first meeting following the launch of the Normandy format (16 July 2014), the heads of state and government agreed "to expand the restrictive measures" tasking the Council "to adopt the necessary legal instruments" to do so; invited the Commission to "re-assess EU-Russia co-operation programmes"; and requested this institution and the EEAS "to present proposals for additional measures" (European Council 2014e, pp. 1–2). At the same time, they commended the OSCE's "readiness to establish a border-monitoring mission, to which" the Heads declared, the Union would have been ready to contribute substantially. Finally, while reiterating "the importance" of Ukraine ratification of the AA, the intergovernmental forum also stressed the Union's "commitment to pursue trilateral talks on the conditions of gas supply from the Russian Federation to Ukraine" (European Council 2014e, p. 2). On this occasion as well, no reference was made to the HR.

On the day after the EU leaders' gatherings in Brussels (17 July 2014) a Malaysia Airlines flight (MH17) from Amsterdam was shot down in the Ukrainian territory controlled by the rebels (BBC 2014c). At the FAC (22 July 2014) foreign ministers "observed a minute of silence to pay tribute" to the 298 victims (Council of the EU, FAC 2014h, p. 2). The HR's lack of autonomy seemed clear in her declarations at the meeting. "The politics of today will be first of all ensuring that we're working absolutely in step with particularly the Netherlands [...] and then to instruct ambassadors, instruct COREPER[15] and the PSC,[16] and myself in how we go forward", Ashton stated (High Representative 2014j, pp. 1–2). As previously mandated by the European Council, the FAC decided "to accelerate the preparation of the sanctions" and "to expand restrictive measures". To this end, the intergovernmental forum tasked the Commission and the EEAS "to finalize preparatory work on possible targeted measures and to present proposals for action". On the same occasion, foreign ministers "established the EU Advisory Mission for Civilian Security Sector Reform Ukraine" to "advise on a revised strategy for the civilian security sector in Ukraine" (EUAM; Council of the EU, FAC 2014h, p. 2; see EEAS 2015a). Questioned about the format of the CSDP mission in the Eastern European country, one official argued:

We picked one angle, police, which is civilian. There is already a civil war going on there to send European troops. Even observers, we left that to the OSCE. We don't do that because of Russia. We don't want to irritate them even further. (Interview A)

As another interviewee asked about the factors determining EUAM's mandate emphasized,

It was too dangerous to employ any forces in the post-Soviet territory for geopolitical reasons. Member states were afraid that this could cause some kind of reaction from Russia. That is the political reason. The second reason is that we don't have any tools. I mean, what could we provide? We can give the technical advice, maybe we can train the soldiers, the policemen and so on. But what can we actually deploy? (Interview F)

Rather than the HR, it was Germany that—backed by Sweden, the Netherlands, Poland, Romania, UK, and the Baltic states—built an EU-US alliance on sanctions targeting Ukraine and Russia (Interviews A, C, E, H, and Q). Slovakia, Hungary, Italy, and Spain were initially reluctant to support sanctions against Moscow (Neuger 2015). Yet, in collaboration with the EEAS (Interview F and O), the Commission succeeded "in preparing a package of sanctions acceptable to major member states" (ECFR 2015, p. 2). Ultimately, as instructed by the July 2014 European Council, the EU unanimously adopted "sectoral sanctions" on 31 July 2014 (Bond et al. 2015, p. 3). Notably, while the UK voluntarily put forth measures restricting Moscow's access to capital to sustain EU's concerted effort (Waterfield 2014), it was mostly under American pressure (BBC 2014d; Dolgov 2014) that France decided to halt the sale of Mistral warships (Hirst 2014).

In the absence of a propensity towards voluntary coordination among member states, the intergovernmental forum reuniting foreign ministers continued to hold the reins of EU reaction to Ukraine tightly (see Fig. 2). On 15 August 2014 the FAC welcomed the "Commission's decision to allocate an additional EUR 2.5 million to meet the most urgent needs" in Ukraine and called "upon all states and actors in the region to ensure immediate, safe and unrestricted access to the crash site of MH17". Foreign ministers also "noted that the grounds for the imposition of restrictive measures against the Russian Federation" remained valid and regretted Moscow's "announcement of measures targeting imports of certain agricultural products originating in the EU". Finally,

the intergovernmental forum "welcomed the ongoing progress" in the AA with Ukraine and stressed its support to "the Commission's efforts to facilitate a resumption of the negotiations between Ukraine and Russia on the conditions of gas supply" (Council of the EU, FAC 2014i, pp. 2–3). In the meantime, Ashton continued to act as a policy executor of the member states' guidelines. Following the foreign ministers' informal meeting in Milan (29–30 August 2014) she declared: "I will be reporting on our discussions to the European Council this evening, and I will meet President Poroshenko who is currently in Brussels. And European leaders will then decide how to react to the latest events" (High Representative 2014k, pp. 1–2). As expected by the HR, the day after the European Council provided clear and detailed guidelines on how EU institutions should react. After having stressed member states' "support for the valuable efforts" of OSCE, the official conclusions of EU leaders' gathering (30 August 2014), tasked the Commission "to urgently undertake preparatory work, jointly with the EEAS, and present proposals for consideration within a week" (European Council 2014f, pp. 4–5).

On 5 September 2014 Ukraine, Russia and representatives of the Donetsk People's Republic and of the Lugansk People's Republic agreed on a ceasefire with the "Minsk Protocol" under the mediation of the "Trilateral Contact Group on Ukraine"—composed by representatives from Ukraine, Russia and the OSCE—. The deal did come with a price for the consistency of EU approach to Ukraine. Not long after the agreement was reached, on 12 September 2014 the Commissioner for Trade, De Gucht, declared that the implementation of the DCFTA between the EU and Eastern European country[17] would have been delayed "until 31 December 2015" while "autonomous trade measures of the EU to the benefit of Ukraine" would have continued (Commissioner for Trade 2014, p. 1). Remarkably, this decision was reported to have been made upon pressure of "some EU leaders" wanting "to accommodate the Kremlin" and give Moscow "an additional incentive" to respect the Minsk Protocol (Speck 2014).[18]

One may argue that, as soon as the HR understood that her room of manoeuvre was limited in the Ukrainian *dossier*, she chose to dedicate her efforts to less divisive foreign policy cases, where she could play a more autonomous role. As time went by, the HR would often send deputies to inform the EP on the progress of EU reaction to the crisis in Ukraine *as per* TEU,[19] Art. 36 (Interview F). On one of these occasions, in his

contribution at the EP plenary debate of EU-Ukraine AA ratification, Commissioner Füle made clear what the HR's approach on Ukraine was: "Catherine Ashton is not here not because she wants to avoid the debate in EP. She is dealing also with Russian diplomats on the very complex Iranian issue [...] And she is moving in the right direction also because of good and constructive cooperation with Russian diplomats" (16 September 2014; Commissioner for Enlargement 2014b, p. 2).

As the end of most of EU institutional actors' mandate in autumn 2014 was approaching, the EU intergovernmental forums' control over EU foreign and security policy on Ukraine reached its apex. On 20 October 2014 the FAC released extensive and meticulous conclusions on the situation in the Eastern country, which can be summed up as follows. In essence, member states' foreign ministers: welcomed "the Minsk Protocol of 5 September and the Minsk Memorandum of 19 September"; they underlined the Russian "responsibility" calling for an end of all hostilities in the region and declaring its non-recognition of "the local elections held on 14 September in the illegally annexed Crimea and Sevastopol"; they invoked "access to the crash site of MH17"; they welcomed "the deployment of the OSCE/ODIHR Election Observation Mission" for the early parliamentary elections in the Eastern country; they stressed member states' support the Commission's "efforts in seeking an interim agreement for the resumption of gas supplies by Russia to Ukraine"; they approved the Operational Plan of the EUAM Ukraine; and welcomed the Ukrainian Parliament's ratification of the AA and the consent given by the EP (Council of the EU, FAC 2014j, pp. 17–20). A few days later on 24 October 2014, the European Council announced that since "the holding of 'presidential' and 'parliamentary' elections, called by the self-appointed authorities, would run counter to the letter and the spirit of the Minsk Protocol" these would "not be recognized". Reiterating their "call for immediate, safe and unrestricted access to the MH17 crash site", EU leaders urged the Russian Federation to support the "OSCE verification efforts" (European Council 2014g, p. 13); stated that the EU would "remain fully engaged in support of a political solution to the Ukrainian crisis, including through contributions to enhance the OSCE monitoring capacity"; and welcomed "progress in the resolution of the Ukrainian energy crisis". Most notably, at the end of the very detailed conclusions the intergovernmental forum stressed that it would "remain

seized with the situation in Ukraine in order to provide further direction as required" (European Council 2014g, p. 14).

Ukraine was also the main focus of the first FAC held under the chairmanship of the new HR, Federica Mogherini,[20] on 17–18 November 2014. On that occasion foreign ministers "once more urged all parties to fully implement the Minsk documents", welcomed the Ukrainian elections held on 26 October 2014, called on the EEAS and on the Commission "to present a proposal on additional listings targeting separatists" and "set 1 December as the launch date" of EUAM Ukraine (Council of the EU, FAC 2014k, p. 2). Following the meeting Mogherini gave a detailed statement on Ukraine in which she put forth the main aspects of her future approach. "The agreement among us is to define our action along three lines": first, "a major EU political role on the way to find effective means to have a political solution to the crisis, engaging in dialogue with Russia"; second, an increase of "economic pressure with sanctions" through "additional listings of individuals"; and third "support, asking for commitment on the Ukrainian side on internal reforms" she explained (High Representative 2014l, pp. 1–2).

It is reasonable to believe that, eventually, the new HR succeeded in fostering a *consensus* among member states' foreign ministers on specific directions of policy action. Upon her arrival at the following FAC (15 December 2014) Mogherini declared that the EU-Ukraine Association Council would have opened a new page for the Union's relations with the Eastern country and that she would have travelled to Kiev in the following days (High Representative 2014m). Ultimately, the FAC "confirmed agreement in principle to the High Representative's proposals for additional EU restrictive measures in response to the illegal annexation of Crimea and Sevastopol" (Council of the EU, FAC 2014l, p. 11). At the same time, EU foreign ministers "endorsed the EU position on the rules of procedure of the Association Council with Ukraine and those of the Association Committee and of Sub-Committees" (Council of the EU, FAC 2014l, p. 11). At their last 2014 meeting, even though their official conclusions contained relatively limited provisions on Ukraine, on 18 December 2014 the Heads declared that "the situation in eastern Ukraine" remained "a strong concern"; stated readiness "to take further steps if necessary"; and renewed their call "for unhindered access to the crash site of MH17 in the interest of the ongoing investigations" (18 December 2014; European Council 2014h, p. 3).

2.3   *Towards Solving the Crisis?*

Despite the continuous fighting in Eastern Ukraine and the prolonged occupation of Crimea only two of the eigth European Councils held in 2015 discussed this policy *dossier* (see Fig. 1). Throughout the year the Eurozone crisis, the migrant and refugee emergency and the unceasing civil war in Syria overcrowded the EU leaders' agenda. While member states continued to hold divergent preferences over the policy approach to be adopted on Russia (DW 2015), their preferences were aligned and an ideational convergence existed over the illegality of the annexation of Crimea and over the need to stop the spiral of violence in Eastern Ukraine. In this context, member states put forth a concerted effort towards putting the fighting in Eastern Ukraine to an end and towards a limitation of Moscow's pressure on Kiev. On the one hand, a group of national governments consisting of Denmark, Germany, Lithuania, Poland and Sweden, provided considerable political and financial support to sustain the Ukrainian state's reform process, showing a propensity towards voluntary cooperation. On the other hand, Slovakia offered reverse flow to the Eastern country in an attempt to temper its energy crisis (ECFR 2016). This ideational convergence is reflected also outside the EU institutional context. While Lithuania put forth EU common positions within the United Nations Security Council (UNSC; Ministry of foreign affairs of the Republic of Lithuania 2016), European diplomats were reported to use the United Nations (UN) human rights mechanisms to denounce abuses in Ukraine (ECFR 2016). A similar concerted effort was also evident within NATO. Whilst divisions over the permanent deployment of NATO's troops in CEE continued to exist, a *consensus* had emerged over a constant rotation of the troops in those countries.

Nevertheless, the HR's autonomy in the Ukrainian policy *dossier* continued to be limited by the positions of member states' representatives reunited in EU intergovernmental forums. On 15 January 2015 the HR circulated among member states a paper offering "food-for-thought" for opening a "fruitful conversation" with Russia. Among other proposals, Mogherini suggested a "differentiation between Crimea-related sanctions and sanctions related to the destabilization of Ukraine" (Reuters 2015). Upon arrival at the FAC on 19 January 2015 the HR declared that foreign ministers would have discussed how to increase the coordination and the effectiveness of EU tools and instruments a part from sanctions (High Representative 2015a). However, a "peak of fighting

in the Donbas" (ECFR 2016, p. 47) provided fertile ground for divisions among member states on Russia to re-emerge.[21] After having "held an in-depth debate on EU relations with Russia", the FAC "underlined that relations" with Moscow could "only be changed if and when the Minsk commitments" would have been implemented, although "options for selected sectorial dialogues with Russia" would have been "explored at technical level" (Council of the EU, FAC 2015a, p. 3). Later on, Mogherini acknowledged the European Council's role as ultimate decision-maker. In a statement released by the HR at a joint press conference with US Secretary of State, John Kerry, in Washington on 21 January 2015, she declared the following: "not only we developed our sanctions policy together, but we're going to follow up our sanctions policy together in a coordinated way […] Obviously, that is going to be a head of state and government decision in March" (21 January 2015; High Representative 2015b, p. 1).

Rather than having a "leading role", the HR "went along" with the approach set by the heads of state and government beforehand (Interview E). Unlike her predecessor, Mogherini was active in maintaining bilateral diplomatic relations with the Russian and Ukrainian counterparts and generally released declarations in person and individually. In doing so, she often mentioned her coordination with the President of the European Council, the President of the European Commission and the member states. For instance, following the attacks on Mariupol on 24 January 2015 and the escalation of violence in the Donbass, the HR declared that she had "spoken on the phone to the President of Ukraine, Petro Poroshenko" and to the "foreign minister of the Russian Federation Sergei Lavrov", while being "in close contact with the President of the European Council Donald Tusk, President of the European Commission Jean Claude Juncker, the Member States and international partners" (High Representative 2015c, p. 1).[22] Mogherini particularly ensured that her efforts would be channelled into the Minsk process and the OSCE's monitoring work, in coordination with the activities of the Normandy format. Commenting on the "spiral of increasing violence in Eastern Ukraine", on 4 February 2015 the HR joined "the call by the OSCE Chairperson in Office on all actors in and around the Debaltseve area to establish a local temporary truce for a minimum of three days, taking immediate effect" (High Representative 2015d, p. 1). While responding to the declarations of Merkel and Hollande over their visits to Kiev and Moscow to negotiate another truce on 5 February 2015, she stressed that the

EU would support "all the initiatives aimed at bringing political solution to the ongoing conflict in Eastern Ukraine" and argued that the efforts of Merkel and Hollande "clearly" went "in this direction" (High Representative 2015e, p. 1).

Within the strategic guidelines provided by the European Council, the intergovernmental forum chaired by the HR sustained the Normandy format as well. As mandated by the October 2014 European Council, on 9 February 2015 foreign ministers "fully supported and endorsed the political process towards a meeting in Minsk" (Council of the EU, FAC 2015b, p. 20), while adopting "a set of additional listings concerning separatists in Eastern Ukraine and their supporters in Russia". Yet, "to give space for on-going diplomatic efforts, the Council put the entry into force of the measures on hold until Monday 16 February" (Council of the EU, FAC 2015b, p. 20). "Over the last days we have discussed, coordinated on these initiatives with the four actors of the Normandy format", the HR commented (High Representative 2015f, p. 1). In spite of her attempts, Mogherini was unable to promote a *consensus* among the heads of state and government while participating in the European Council meetings and to bridge the two intergovernmental forums. As the continuous fighting hindered the implementation of the September 2014 Minsk Agreement, Paris and Berlin negotiated another truce within the Normandy Format on 11 February 2015, namely the Minsk II Agreement. Commenting on the ceasefire upon her arrival at the informal meeting of the European Council (12 February 2015) the HR declared, "I will propose today to the Heads of State and Government some concrete measures that, from the European Union side we can put in place to monitor and implement the agreement" (High Representative 2015g, p. 1). Eventually, after Merkel and Hollande "presented the results of the Minsk agreement to the members of the European Council", the intergovernmental forum "gave the agreement cautious support" until the ceasefire would be "respected" and "a real de-escalation of the conflict" would happen (European Council 2015a, p. 1). However, no reference was made to monitoring measures in the Head's final conclusions.

As time went by, under the coordination of the HR, the Commission as well continued to implement the EU leaders' mandate. This implementation occurred on two levels. On one side, Directorate General for Trade (DG Trade) brokered trilateral negotiations with Moscow and Kiev over the implementation of the AA/DCFTA between Ukraine and the

EU (European Commission, DG Trade 2015). On the other side, the Directorate General for Energy (DG ENER) mediated "the follow-up to the "winter package" deal on gas supplies to Ukraine" between Russia and Ukraine (Pirani and Yafimava 2016). Remarkably, the Commission's activities in this area took place in coordination with a group of member states, which showed high propensity towards voluntary cooperation. Thus, on 9 February 2015 Austria, Bulgaria, Croatia, Greece, Hungary, Italy, Romania, Slovenia and Slovakia established, together with the Commission, "the Central East South Europe Gas Connectivity High Level Group" (European Commission 2015a). Commenting on the trilateral meeting EU-Ukraine–Russia on energy, Mogherini declared that its outcome could "help bridge differences over the supply of gas between Ukraine and Russia" underling that "these efforts" were part of the concrete EU support to the implementation of the Minsk Agreements" (European Commission 2015b, p. 1). Not long afterwards, on 6 March 2015 at their informal meeting (Gymnich) in Riga, foreign ministers debated with the Secretary General of the OSCE, over the latest events in Ukraine. In what seemed like a call for the continuation of an integrated effort among EU member states and institutions, upon her arrival at the meeting, the HR stated: "We will obviously also discuss about the European Union's support for not only the OSCE but the entire implementation of the Minsk agreement, starting from the trilateral talks that the EU has together with the Ukrainians and Russians both on energy and gas and on trade" (High Representative 2015h, p. 1).

As divisions persisted among national governments over the policies to be adopted on Russia, member states' representatives continued to exert strong control over the HR. While at the following FAC (16 March 2015) foreign ministers approved "the EU position for the EU-Ukraine Association Council" (Council of the EU, FAC 2015c, p. 15), on 19 March 2015 the European Council's conclusions provided detailed strategic guidelines on the policy approach to be adopted on the Ukrainian *dossier*. Stating they would look "forward to the earliest possible ratification by all Member States" of the AA/DCFTA with Ukraine, the Heads declared that the Union would stand "ready" to sustain the OSCE's "capacity to monitor and verify the implementation of the Minsk agreements" and that it would "continue efforts in the trilateral processes on energy and EU-Ukraine DCFTA implementation". Most notably and on the same occasion, the European Council "agreed that the duration of the restrictive measures" against Russia would be "clearly linked to the complete implementation of the Minsk agreements"

(European Council 2015b, p. 1), and called on the Commission "for the third Macro-Financial Assistance package for Ukraine to be adopted as a matter of urgency" (European Council 2015b, p. 2). Furthermore, in response to the joint proposal made by Britain, Denmark, Estonia and Lithuania in January 2015, the intergovernmental forum "stressed the need to challenge Russia's ongoing disinformation campaigns" and mandated the HR, "in cooperation with Member States and EU institutions, to prepare by June an action plan on strategic communication", specifying that "the establishment of a communication team" would have been "a first step in this regard" (European Council 2015b, p. 2).[23] On 20 April 2015 foreign ministers adopted a series of detailed decisions on the Review of the ENP encouraging the HR and the Commission "to make EU support under the ENP instruments more flexible and responsive to changing situations on the ground", and to continue "to encourage effective donor coordination". Foreign ministers also invited the HR and the Commission to present reform proposals for Council's consideration by autumn 2015 (Council of the EU, FAC 2015d, p. 9).

The HR responded on time to the invitation of the March 2015 European Council. On 22 June 2015 the East StratCom Team—a team established within the EEAS—presented a plan envisaging: the "effective communication and promotion of EU policies and values towards the Eastern neighborhood"; the "strengthening of the overall media environment"; the "increased public awareness of disinformation activities by external actors"; and the improvement of "EU capacity to anticipate and respond to such activities" (EEAS 2015b, p. 1). On the following day, the FAC decided to extend EU economic sanctions on Russia until 31 January 2016 (Council of the EU, FAC 2015e, p. 8). Recalling that the March 2015 European Council Conclusions had recognised the importance of the external dimension of the Energy Union, foreign ministers adopted a series of detailed instructions for the HR and for the Commission on climate diplomacy and energy related matters at the next FAC (20 July 2015; Council of the EU, FAC 2015f, p. 14). In this context, the intergovernmental forum stressed the need for integrated efforts between "the on-going trilateral talks, the long-term energy supplies to and transit through Ukraine" and "the Energy Community", in which Ukraine is a Member (Council of the EU, FAC 2015f, p. 15).

Meanwhile, Mogherini maintained diplomatic relations with the Ukrainian government to ensure the consistency of the approach set by the Heads beforehand. On 27 August 2015, after a meeting with President Poroshenko during his visit to Brussels, the HR reiterated

the EU's "continued support for the full implementation of the Minsk agreements", for the OSCE, for "the facilitation of ongoing trilateral discussions with Ukraine and Russia on energy security". She also stressed the importance of continuing trilateral talks on the implementation of the AA's provisions on a DCFTA with Ukraine, and she called for the release of "Ukrainian prisoners in the Russian Federation and their safe return to Ukraine" (High Representative 2015i, p. 1). Along the same lines, when on 31 August 2015 the Ukrainian parliament passed constitutional amendments on decentralization (*Kiev Post* 2015), Mogherini called these an "important step" that could facilitate "the implementation of the Minsk Agreements" (High Representative 2015j, p. 1).

On 18 November 2015 as mandated by the April 2015 FAC, the HR and the Commission presented the "Review of the European Neighborhood Policy". While the document stated that Ukraine had chosen to be economically integrated into the EU and politically associated with it, it stressed that "relations with the Russian Federation [have] deteriorated as a result of the illegal annexation of Crimea and Sebastopol and the destabilisation of eastern Ukraine". At the same time, the Review envisaged that the EU approach to Ukraine would have remained focused on greater connectivity, energy security, integration, and increased flexibility in the provision of funding (High Representative and European Commission 2015, p. 19). At the following FAC (27 November 2015) after being briefed by the Commission "on preparations for a trilateral meeting with the Ukrainian and Russian trade ministers on 1 December 2015", foreign ministers adopted "the EU's position in view of the second meeting of the EU - Ukraine Association Council on 7 December 2015" (Council of the EU, FAC 2015g, pp. 13–14).

At the end of 2015, Italy "objected to another automatic rollover [of sanctions] and demanded a political discussion" (ECFR 2016, p. 51). Rome's opposition was reported to have taken place as a protest against Berlin's intention to proceed with the construction of the Nord Stream 2 gas pipeline from Russia (Interview H). On 14 December 2015 foreign ministers reunited in the FAC "discussed political developments in the EU's eastern partner countries and how best to take forward" the EaP. In this respect, they "emphasized the need to have a tailor-made differentiated approach for each of the six partner countries, in order to cater to their very different situations" and "took stock" of the "start of implementation in Ukraine on 1 January 2016" of the DCFTA (Council

of the EU, FAC 2015h, p. 3). In spite of the above-mentioned tensions, only a few weeks later, the Council chose to extend sanctions on Russia until 31 July 2016, asserting the lack of implementation of the Minsk Agreements (31 December 2015) (Council of the EU 2015).

In the first half of 2016 the EU leaders gathered in Brussels four times but briefly discussed the Ukrainian policy *dossier* only once. Given the absence of renewed details over the policy direction to be adopted, foreign ministers retained the strategic directions set by the European Council beforehand. At the beginning of the year, while the FAC (18 January 2016) "discussed Ukraine, with a focus on the country's reform process", foreign ministers "shared their views on how the EU could best support the reforms, shortly after provisional application" of the DCFTA (1 January 2016) part of the AA with Ukraine (Council of the EU, FAC 2016a, p. 5). The HR too maintained the general strategic approach set by the heads of state and government, ensuring bilateral diplomatic relations with the Ukrainian government. For instance, in her meeting with the Speaker of the Ukrainian Parliament, Volodymyr Groysman, on 2 March 2016 Mogherini "stressed the need for full implementation of the Minsk Agreements" (High Representative 2016a, p. 1). At the same time, she referred to the implementation of these agreements in her calls for the release of Nadiya Savchenko (see High Representative 2016b, c, d) and on the occasion of the appointment of the new Ukrainian government on 14 April 2016 (High Representative and Commissioner for ENP and Enlargement Negotiations 2016, p. 1).

On 15 February 2016 the FAC placed the Ukrainian policy *dossier* among the EU priorities at "UN human rights fora in 2016". What is interesting however, is that the mandate given by foreign ministers appears to provide extremely clear and detailed guidelines, for the HR to have some room of maneuver in coordinating EU position in the UN, *as per* TEU, Art. 32. On that occasion, foreign ministers declared that the EU would have highlighted "the serious human rights violations and abuses linked to the conflict in eastern Ukraine and the deeply concerning human rights situation on the Crimean peninsula". To this end, the Union would have lent "full support to the UN Human Rights Monitoring Mission in Ukraine". Furthermore, the intergovernmental forum stressed that "the overall strengthening of the rule of law" would have remained "of fundamental importance for the observance of human rights and fundamental freedoms in Ukraine" (Council of the EU, FAC 2016b, p. 16).

The perception that fighting in Eastern Ukraine would have not been easily halted through the Minsk Process (Pifer 2016) was added to tensions among member states over the unbalanced distribution of the costs deriving from sanctions (Rosato 2016). As a result, member states agreed to reconsider the approach on Moscow the HR had proposed at the beginning of her mandate. When the FAC "took stock of EU-Russia relations" again on 14 March 2016, the HR recalled what she defined the "five principles guiding the EU's policy towards Russia". While the "implementation of the Minsk agreement" were considered "the key condition for any substantial change in the EU's stance towards Russia", Mogherini also proposed the strengthening of "relations with the EU's eastern partners and other neighbours" and of "the resilience of the EU" in sectors such as "energy security, hybrid threats, or strategic communication". In line with her January 2015 proposal, Mogherini put forth "the possibility of selective engagement with Russia on issues of interest to the EU" and the "need to engage in people-to-people contacts and support Russian civil society". Notably, the "ministers unanimously supported the guiding principles", including the suggestion on selective engagement (Council of the EU, FAC 2016c, p. 4). Foreign ministers discussed "political developments in the Eastern partner countries and how best to take forward" the EaP again on 18–19 April 2016. With a view to preparing the coming annual EaP ministerial meeting (23 May 2016) the FAC "assessed the EaP framework in the context of increased differentiation of bilateral relations"; and the "ways to support EaP countries to continue reforms", including the potential EaP's contribute to stability in the area (Council of the EU, FAC 2016d, p. 5). At the FAC which followed (23 May 2016) "ministers discussed the progress made in the implementation of the cooperation agenda, as well as the progress in reforms, and noted the contribution of the EaP to stability in the region". Notably, the HR "concluded the meeting by commending the unity of all ministers and their collective commitment to the partnership" (Council of the EU, FAC 2016e, p. 8).

One may argue that the HR had managed to foster a *consensus* among the heads of state and government over a strategy of selective engagement. On 28 June 2016, five days after Britain's decision to leave the EU, Mogherini presented the EU Global Strategy on foreign and security policy to the EU leaders. Acknowledging that "Russia's violation of international law and the destabilization of Ukraine […] challenged the European security order at its core", the strategy states that while "substantial changes" in EU-Russia relations should be "premised upon full respect for international law", the EU would "engage Russia to discuss

disagreements and cooperate if and when" reciprocal "interests over-lap" (High Representative 2016e, p. 33). The European Council (2016, p. 7) welcomed the presentation of the strategy and invited the HR, "the Commission and the Council to take the work forward". Three days later, "having assessed the implementation of the Minsk agreements", the Council (1 July 2016) agreed "to renew the sanctions for a further six months, until 31 January 2017" (Council of the EU 2016, p. 1). On 20 July 2016 the HR met the Ukrainian Prime Minister Groysman to discuss the state of play of Ukraine's reform process. After having debated the implementation of the Minsk process, in light of a recent upsurge of violence in Eastern Ukraine, Mogherini reassured the Ukrainian Prime Minister that the ratification and full entry into force of the AA with Ukraine would have remained a "top priority" for the EU. "A solution to the current situation is being sought as announced by the European Council in June" the HR declared (High Representative 2016f, p. 1).

3   CONCLUSIONS

By examining patterns of institutional practices taking place in the post-Lisbon foreign and security policy, the chapter has found positive evidence in favor of a number of hypotheses stemming from the theoretical framework described in the second chapter of this book. From the coming into force of the LT until the immediate aftermath of the Vilnius Summit in November 2013 an alignment of preferences provided fertile ground for an ideational convergence among European political *élites* on the strategies to promote economic integration in Ukraine. Under these conditions, while the intergovernmental forum reuniting the heads of state and government continued to be the main agenda-setter in this foreign policy case, the European Council did not impose a strict control on the HR, the FAC and even the Commission. Consequently, the HR had a favorable ground to act as an autonomous policy actor and to play an important role both as a policy instigator and policy enforcer.

Throughout time Ashton maintained bilateral relations with the Ukrainian authorities and promoted integrated modes of governance, fostering *consensus* among member states' foreign ministers on specific directions of policy action. The HR also fostered an active role of the Commission in EU foreign policy on Ukraine. However, it is important to note that the coordination of EU foreign and security policy on this country was essentially left to the Commissioner for Enlargement and Neighborhood policy Füle, who generally adopted an antagonistic

approach between Brussels and Moscow. Frequently, the activities of the HR and of the Commission were supported by national governments. As hypothesized, since member states believed that a collective EU action would be required to spread EU influence in the post-Soviet space, they showed high degrees of cohesion and a propensity towards voluntary cooperation. By doing so, they engaged in integrated modes of governance without further delegation to supranational actors.

This chapter as well shows that an alignment of member states and institutions' preferences is a pre-condition for the HR to play a pro-active role in EU foreign and security policy broadly defined. The November 2013 events in Ukraine have interrupted member states' alignment of preferences and ideational convergence over this policy *dossier*. Since then, as reflected in the frequency of its meetings and in the wordings of its final conclusions, the European Council had claimed strong control over EU foreign and security policy on the Eastern European country, and particularly over the activities of the HR, of the FAC and of the Commission. The latter were essentially turned into operative branches of the heads of state and government reunited in this intergovernmental forum. On the one hand, the HR was unable to preserve the decision-making role of the Commission in her capacity as VP of this institution. On the other hand, her activities were limited to paying diplomatic visits to Ukraine when mandated by the President of the European Commission and to play a very limited role as *consensus* seeker within the FAC. The analysis also demonstrates that an alignment of preferences does not necessarily lead to integrated practices when an ideational convergence is not in place among political *élites* on the strategies to adopt. EU member states and institutions' preferences were aligned over the illegality of the annexation of Crimea, and over the need to halt the spiral of violence in Eastern Ukraine since the beginning of 2015. And yet, because of a lack of *consensus* on the role of Russia in Ukraine, when Mogherini circulated a paper proposing the opening of a "fruitful conversation" with Moscow an ideational convergence over a change of strategy in EU-Russia relations did not emerge among them.

To conclude, the activities of the Weimar Triangle in the first phase of the Ukrainian crisis and—at a later stage—the establishment of the Normandy format, in turn, testify the rise of an integrated mode of governance taking place outside of the EU institutional system, without an increase of supranationalization. The latter consists of an engagement of EU member states and institutions to integrated practices through the formation of *ad hoc* multinational coalitions that operate in coordination and with the full support of EU institutions.

Notes

1. The count includes informal meetings of the European Council but does not include Euro Summits.
2. Conclusions of the European Council's meetings held on 16 September 2010; 28–29 October 2010; 24–25 March 2011; 23–24 June 2011; 23 October 2011; 7–8 February 2013; and on 24–25 October 2013.
3. The European Council meetings were held on 11 February 2010; on 25–26 March 2010; on 16 September 2010; on 28–29 October 2010; and on 16–17 December 2010.
4. Conclusions of the European Council's meetings held on 16 September 2010 and on 28–29 October 2010.
5. North Atlantic Treaty Organization.
6. The European Council meetings were held on 4 February 2011; on 11 March 2011 (extraordinary meeting); on 24–25 March 2011; on 23–24 June 2011; on 23 October 2011; on 26 October (informal meeting); and on 8–9 December. The count does not include Euro Summit meetings.
7. Conclusions of the European Council's meetings held on 24–25 March 2011; 23–24 June 2011; and on 23 October 2011.
8. It is worth noting that this count includes informal and extraordinary gatherings. Heads of states and government met on 30 January 2012; 1–2 March 2012; 23 May 2012 (informal meeting); 28–29 June 2012; 18–19 October 2012; 22–23 November 2012 (extraordinary meeting); and on 13–14 November.
9. See High Representative, Spokesperson and Commissioner for Enlargement (2012a, b).
10. See European Commission, The President (2014a, b, c, d, e, f, g, h, and i).
11. On the Weimar Triangle see Ministry of Foreign Affairs of the Republic of Poland (2016).
12. In the NATO-Russia Founding Act, NATO had reiterated that "in the current and foreseeable security environment, the Alliance would have carried out its collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces" (North Atlantic Treaty Organization 1997, p. 1).
13. See High Representative of the Union for Foreign Affairs and Security Policy, Spokesperson (2014a, b, c, d, e, f, g, h, i, and j).
14. Common Security and Defence Policy.
15. Committee of Permanent Representatives.
16. Political and Security Committee.
17. The DCFTA was originally set to be temporarily implemented starting from 1 November 2014.

18. Since the ceasefire was not respected by both parties on 19 September 2014 the Minsk Memorandum was adopted to specify the implementation of the Protocol, agreed not long before, namely of the ceasefire to be monitored and verified by the Special Monitoring Mission of the OSCE (OSCE 2014).
19. Treaty on the European Union.
20. The Italian former foreign minister, Federica Mogherini began her mandate as new HR on 1 November 2014.
21. Whilst at the beginning of 2015, pro-Russian separatists controlled the Donbas region of Eastern Ukraine (Way 2015), in January 2015 separatist forces seized remaining parts of Donetsk airport in a renewed attack (BBC 2017).
22. See also High Representative, Spokesperson (2015a).
23. On 8 January 2015 Britain, Denmark, Estonia and Lithuania had sent a non-paper to the HR arguing that Moscow was "rapidly increasing its disinformation and propaganda campaign". The four foreign ministers asked the HR and the EEAS to put forth proposals to counter Moscow's propaganda in the post-Soviet space (Minister for Foreign Affairs of Denmark et al. 2015, p. 2) reporting the preeminence of Russian media throughout the former Soviet Union (Pomerantsev and Weiss 2014).

References

AFP. (2013, June 21). Germany discuss treating Yulia Tymoshenko with Ukraine. *The Telegraph*. Available from http://www.telegraph.co.uk/news/worldnews/europe/ukraine/10134869/Germany-discuss-treating-Yulia-Tymoshenko-with-Ukraine.html.

BBC. (2013, December 17). Russia offers Ukraine major economic assistance. *BBC News*. Available from http://www.bbc.com/news/world-europe-25411118.

———. (2014a, March 1). Russian Parliament approves troop deployment in Ukraine. *BBC News*. Available from http://www.bbc.com/news/world-europe-26400035.

———. (2014b, May 11). Ukraine rebels hold referendums in Donetsk and Luhansk. *BBC News*. Available from http://www.bbc.com/news/world-europe-27360146.

———. (2014c, May 23). Profile: Yulia Tymoshenko. *BBC News*. Available from http://www.bbc.com/news/world-europe-15249184.

———. (2014d, June 5). Obama warns France on Russia Mistral ship deal. *BBC News*. Available from http://www.bbc.com/news/world-europe-27722256.

———. (2017, August 3). Ukraine Profile—Timeline. *BBC News*. Available from http://www.bbc.com/news/world-europe-18010123.

Bond, I., Odendahl, C., & Rankin, J. (2015). *Frozen: The politics and economics of sanctions against Russia*. Centre for European Reform, March 2015. Available from https://www.cer.org.uk/sites/default/files/publications/attachments/pdf/2015/frozen_sanctions-10787.pdf.

Borger, J., & Luhn, A. (2014, April 17). Ukraine crisis: Geneva talks produce agreement on defusing conflict. *The Guardian*. Available from https://www.theguardian.com/world/2014/apr/17/ukraine-crisis-agreement-us-russia-eu.

Cenusa, D., Emerson, M., Kovziridse, T., & Movchan, V. (2014, September 25). *Russia's punitive trade policy measures towards Ukraine, Moldova and Georgia* (CEPS Working Document). Available from https://www.ceps.eu/publications/russia%E2%80%99s-punitive-trade-policy-measures-to-wards-ukraine-moldova-and-georgia.

Council of the European Union. (2015). *EU restrictive measures in response to the crisis in Ukraine*. Available from http://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/.

———. (2016). Russia: *EU prolongs economic sanctions by six months*, Brussels, 1 July 2016. Available from http://www.consilium.europa.eu/en/press/press-releases/2016/07/01-russia-sanctions/?utm_source=dsms-auto&utm_medium=email&utm_campaign=Russia%3A%20EU%20prolongs%20economic%20sanctions%20by%20six%20months.

Council of the European Union, Foreign Affairs Council (FAC). (2010a). *Press Release. 2996th Council meeting*. Foreign Affairs, Brussels, 22 February 2010. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/112999.pdf.

———. (2010b). *Press Release. 3005th Council meeting*. Brussels, 22 March 2010. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/113482.pdf.

———. (2010c). *Main results of the council*, Luxembourg, 14 June 2010. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/115185.pdf.

———. (2010d). *Main results of the council*, Brussels, 26 July 2010. Available from http://data.consilium.europa.eu/doc/document/ST-12622-2010-INIT/en/pdf.

———. (2010e). *Press Release. 3041st Council meeting*. Foreign Affairs, Luxembourg, 25 October 2010. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/117367.pdf.

———. (2011). *Council conclusions on the European Neighborhood Policy*, Luxembourg, 20 June 2011. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/122917.pdf.

———. (2012a). *Press Release. 3166th Council meeting*. Foreign Affairs, Brussels, 14 May 2012. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/130248.pdf.

———. (2012b). *Press Release. 3179th Council meeting*. Foreign Affairs, Luxembourg, 25 June 2012. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131188.pdf.

———. (2012c). *Press Release. 3183rd Council meeting*. Foreign Affairs, Brussels, 23 July 2012. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/131990.pdf.

———. (2012d). *Press Release. 3199th Council meeting*. Foreign Affairs, Brussels, 19 November 2012. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/133604.pdf.

———. (2012e). *Press Release. 3209th Council meeting*. Foreign Affairs, Brussels, 10 December 2012. Available from https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134152.pdf.

———. (2013a). *Press Release. 3222nd Council meeting*, Brussels, 18 February 2013. Available from http://europa.eu/rapid/press-release_PRES-13-55_en.htm.

———. (2013b). *Press Release. 3236th Council meeting*, Luxembourg, 22–23 April 2013. Available from http://europa.eu/rapid/press-release_PRES-13-154_en.htm.

———. (2013c). *Press Release. 3250th Council meeting*, Luxemburg, 24 June 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137593.pdf.

———. (2013d). *Press Release. 3254th Council meeting*, Brussels, 22 July 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/138317.pdf.

———. (2013e). *Press Release. 3267th Council meeting*, Luxembourg, 21 October 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/139093.pdf.

———. (2013f). *Press Release. 3273rd Council meeting*, Brussels, 18–19 November 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/139633.pdf.

———. (2013g). *Press Release. 3286th Council meeting*, Brussels, 16 December 2013. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/EN/foraff/140119.pdf.

———. (2014a). *Press Release. 3288th Council meeting*, Brussels, 20 January 2014. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/140673.pdf.

———. (2014b). *Press Release. 3291st Council meeting*, Brussels, 10 February 2014. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/EN/foraff/140973.pdf.

———. (2014c). *Press Release. 3305th Council meeting*, Brussels, 3 March 2014. Available from http://webcache.googleusercontent.com/search?q=cache:Gyj4L8uKkpIJ:www.consilium.europa.eu/it/workarea/downloadasset.aspx%3Fid%3D15519+&cd=1&hl=it&ct=clnk&gl=it.

———. (2014d). *Press Release. 3304th Council meeting*, Brussels, 17 March 2014. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141614.pdf.

———. (2014e). *Press Release. 3309th Council meeting*, Luxembourg, 14–15 April 2014. Available from http://www.consilium.europa.eu/en/meetings/fac/2014/04/14-15/.

———. (2014f). *Press Release. 3312th Council meeting*, Brussels, 12 May 2014. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142563.pdf.

———. (2014g). *Press Release. 3325th Council meeting*, Luxembourg, 23 June 2014. Available from http://webcache.googleusercontent.com/search?q=cache:NW0P7BCTEuEJ:www.consilium.europa.eu/en/press/press-releases/2014/06/pdf/press-release—3325th-council-meeting—foreign-affairs—luxembourg,-23-june-2014/+&cd=1&hl=it&ct=clnk&gl=it.

———. (2014h). *Press Release. 3330th Council meeting*, Brussels, 22 July 2014. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/144098.pdf.

———. (2014i). *Press Release. 3332nd Council meeting. Press Release. 3340th Council meeting*, Brussels, 15 August 2014. Available from http://www.consilium.europa.eu/en/meetings/fac/2014/08/15/.

———. (2014j). *Press Release. 3340th Council meeting*, Luxembourg, 20 October 2014. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/145218.pdf.

———. (2014k). *Press Release. 3346th Council meeting*, Brussels, 17–18 November 2014. Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/EN/foraff/145816.pdf.

———. (2014l). *Press Release. 3361st Council meeting*, Brussels, 15 December 2014. Available from https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/146293.pdf.

———. (2015a). *Press Release. 3364th Council meeting*, Brussels, 19 January 2015. Available from http://webcache.googleusercontent.com/search?q=cache:RvFclWwn1csJ:www.consilium.europa.eu/en/meetings/fac/2015/01/st05411_en15_pdf/+&cd=3&hl=it&ct=clnk&gl=it.

———. (2015b). *Press Release. 3367th Council meeting*, Brussels, 9 February 2015. Available from http://webcache.googleusercontent.com/search?q=cache:wLUXAjHWq3IJ:www.consilium.europa.eu/en/meetings/fac/2015/02/outcome-of-the-council-meeting_fac_150209_pdf/+&cd=1&hl=it&ct=clnk&gl=nl.

———. (2015c). *Press Release. 3379th Council meeting*, Brussels, 16 March 2015. Available from http://webcache.googleusercontent.com/search?q=cache:4P4nvIgp9AoJ:www.consilium.europa.eu/en/meetings/fac/2015/03/

outcome-of-the-council-meeeting-fac-16-march-en_pdf/+&cd=2&hl=it&ct=↖
clnk&gl=nl.

———. (2015d). *Press Release. 3382nd Council meeting*, Luxembourg, 20 April 2015. Available from http://webcache.googleusercontent.com/search?q= cache:odn9kVAnCigJ:www.consilium.europa.eu/en/meetings/fac/2015/04/ outcome-of-the-council-meeting-fac-20-april-en_pdf/+&cd=1&hl=it&ct=↖ clnk&gl=nl.

———. (2015e). *Press Release. 3400th Council meeting*, Luxembourg, 23 June 2015. Available from http://webcache.googleusercontent.com/search?q= cache:NW0P7BCTEuEJ:www.consilium.europa.eu/en/press/press-releases/2014/06/ pdf/press-release—3325th-council-meeting—foreign-affairs—luxembourg,-23-ju ne-2014/+&cd=2&hl=it&ct=clnk&gl=nl.

———. (2015f). *Press Release. 3404th Council meeting*, Brussels, 20 July 2015. Available from http://webcache.googleusercontent.com/search?q=cache:x-39CeBz-gWIJ:www.consilium.europa.eu/en/meetings/fac/2015/07/ outcome-of-the-council-meeting_en_pdf/+&cd=1&hl=it&ct=clnk&gl=nl.

———. (2015g). *Press Release. 3430th Council meeting*, Brussels, 27 November 2015. Available from http://www.consilium.europa.eu/en/meetings/fac/ 2015/11/27/.

———. (2015h). *Press Release. 3438th Council meeting*, Brussels, 14 December 2015. Available from http://www.consilium.europa.eu/en/meetings/ fac/2015/12/14/.

———. (2016a). *Press Release. 3433rd Council meeting*, Brussels, 18 January 2016. Available from http://www.consilium.europa.eu/en/meetings/fac/ 2016/01/18/.

———. (2016b). *Press Release. 3447th Council meeting*, Brussels, 15 February 2016. Available from http://www.consilium.europa.eu/it/meetings/fac/2016/02/ 15/.

———. (2016c). *Press Release. 3457th Council meeting*, Brussels, 14 March 2016. Available from http://www.consilium.europa.eu/media/22914/st07042en 16.pdf.

———. (2016d). *Press Release. 3460th Council meeting*, Luxembourg, 18–19 April 2016. Available from http://www.consilium.europa.eu/en/meetings/ fac/2016/04/18-19/.

———. (2016e). *Press Release. 3466th Council meeting*, Brussels, 23 May 2016. Available from http://www.consilium.europa.eu/it/meetings/fac/2016/05/ 23/.

Council of the European Union, Ukraine-EU Summit. (2011). *Joint Statement*, Kiev, 19 December 2011. Available from http://www.consilium.europa.eu/ uedocs/cms_Data/docs/pressdata/EN/foraff/127064.pdf.

de Galbert, S. (2015). *The impact of the Normandy format on the conflict in Ukraine: Four leaders, three cease-fires, and two Summits*. Centre for Strategic and International Studies, 23 October 2015. Available from https://www.csis.org/analysis/impact-normandy-format-conflict-ukraine-four-leaders-three-cease-fires-and-two-summits.

Delcour, L., & Wolckzuk, K. (2013). *Beyond the Vilnius Summit: Challenges for deeper EU integration with Eastern Europe*. European Policy Centre Policy Brief, 31 October 2013. Available from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2445922.

Deutsche Welle (DW). (2015). *EU foreign ministers reluctant to impose new EU sanctions*, DW, 7 March 2015. Available from http://www.dw.com/en/eu-foreign-ministers-reluctant-to-impose-new-russia-sanctions/a-18301874.

Ditrych, O. (2013). *The Tymoshenko case*. European Union Institute for Security Studies, May 2013. Available from http://www.iss.europa.eu/uploads/media/Alert_Ukraine.pdf.

Dolgov, A. (2014, June 6). Obama urges France to halt sale of Mistral warships to Russia. *The Moscow Times*. Available from https://themoscowtimes.com/articles/obama-urges-france-to-halt-sale-of-mistral-warships-to-russia-36235.

Dragneva, R., & Wolczuk, K. (2015). *Ukraine Between the EU and Russia. The Integration Challenge*. Basingstoke: Palgrave Macmillan.

Eastern Partnership (EaP), Foreign Ministers Meeting. (2010). Eastern Partnership Foreign Ministers Meeting. Chair's conclusions, Brussels, 13 December 2010.

Eastern Partnership (EaP), Summit. (2011). *Joint Declaration of the Eastern Partnership Summit*, Warsaw, 29 –30 September 2011. Available from http://ec.europa.eu/europeaid/where/neighbourhood/eastern_partnership/documents/warsaw_summit_declaration_en.pdf.

EU Bulletin. (2013). Tymoshenko to be released before EU-Ukraine Association Agreement sealed. *EU Bulletin*, 18 October 2013. Available from http://eubulletin.com/1139-tymoshenko-released-eu-ukraine-association-agreement-sealed.html.

EurActiv. (2010). Ukraine's Yanukovich pledges to work for EU integration. *EurActiv*, 2 March 2010. Available from http://www.euractiv.com/section/europe-s-east/news/ukraine-s-yanukovich-pledges-to-work-for-eu-integration/.

European Commission. (2015a). *Joint Press Statement by Ministers and Representatives of Austria, Bulgaria, Croatia, Greece, Hungary, Italy, Romania, Slovenia and Slovakia and the European Commission*, Brussels, 9 February 2015. Available from http://europa.eu/rapid/press-release_STATEMENT-15-4281_en.htm.

———. (2015b). *Statement by Vice-President Šefčovič following the trilateral meeting EU-Ukraine-Russia on 2 March*, Brussels, 2 March 2015. Available from http://europa.eu/rapid/press-release_STATEMENT-15-4533_en.htm.

European Commission and High Representative of the European Union for Foreign Affairs and Security Policy. (2012). *Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*. Eastern Partnership: A Roadmap to the Autumn 2013 Summit, Brussels, 15 May 2012. Available from https://publications.europa.eu/en/publication-detail/-/publication/0c54590f-dac4-44d8-91e2-45f92826a828/language-en.

European Commission, Directorate General (DG) for Trade. (2015). *The trilateral talks on DCFTA implementation*, Brussels, 21 December 2015. Available from http://trade.ec.europa.eu/doclib/docs/2015/december/tradoc_154126.pdf.

European Commission, The President. (2014a). *Phone call between President Barroso and President Yanukovych on the situation in Ukraine*, Brussels, 23 January 2014. Available from http://europa.eu/rapid/press-release_MEMO-14-53_en.htm.

———. (2014b). *Phone call between President Barroso and President Yanukovych on the situation in Ukraine*, Brussels, 19 February 2014. Available from http://europa.eu/rapid/press-release_STATEMENT-14-14_en.htm.

———. (2014c). *President Barroso's phone call with the Prime Minister of Ukraine Arseniy Yatseniuk*, Brussels, 28 February 2014. Available from http://europa.eu/rapid/press-release_STATEMENT-14-40_en.htm.

———. (2014d). *Ukraine elections: President Barroso called today Petro Poroshenko and Prime Minister Arseniy Yatseniuk*, Brussels, 26 May 2014. Available from http://europa.eu/rapid/pressrelease_ MEMO14279_en.htm.

———. (2014e). *President Barroso: Phone call with President Poroshenko*, Brussels, 12 June 2014. Available from http://europa.eu/rapid/press-release_MEMO-14-421_en.htm.

———. (2014f). *President Barroso: Phone calls with President Poroshenko and President Putin on the Situation in Ukraine*, Brussels, 11 August 2014. Available from http://europa.eu/rapid/press-release_IP-14-921_en.htm.

———. (2014g). *President Barroso: Phone call with President Putin on the situation in Ukraine*, Brussels, 14 August 2014. Available from http://europa.eu/rapid/press-release_STATEMENT-14-253_en.htm.

———. (2014h). *President Barroso spoke with President Poroshenko on the phone yesterday and today to discuss the latest events in Ukraine*, Brussels, 19 August 2014. Available from http://europa.eu/rapid/press-release_STATEMENT-14-254_en.htm.

———. (2014i). *President Barroso's call with President Putin*, Brussels, 15 September 2014. Available from http://europa.eu/rapid/press-release_STATEMENT-14-279_en.htm.

European Commissioner for Enlargement and Neighbourhood Policy. (2010). *Five years of European Neighbourhood policy: More trade, more aid, more*

people-to-people contacts, Brussels, 12 May 2010. Available from http://europa.eu/rapid/press-release_IP-10-566_en.htm?locale=en.

———. (2011a). *Eastern Partnership of the EU*, Brussels, 3 March 2011. Available from http://europa.eu/rapid/press-release_SPEECH-11-148_en.htm?locale=en.

———. (2011b). *Speech at the inaugural session of the Conference of the Regional and Local Authorities of the Eastern Partnership (CORLEAP)*, Poznan, 8 September 2011. Available from http://webcache.googleusercontent.com/search?q=cache:GuJN377kxDkJ:cor.europa.eu/en/activities/corleap/Documents/activity_till_vilniuns.pdf+&cd=2&hl=it&ct=clnk&gl=it.

———. (2011c). *Speech at the inaugural session of the Conference of the Regional and Local Authorities of the Eastern Partnership (CORLEAP)*, Poznan, 8 September 2011. Available from http://webcache.googleusercontent.com/search?q=cache:GuJN377kxDkJ:cor.europa.eu/en/activities/corleap/Documents/activity_till_vilniuns.pdf+&cd=2&hl=it&ct=clnk&gl=it.

———. (2013). *Address of Commissioner Füle to the Members of the Ukrainian Cabinet*, Kiev, 7 February 2013. Available from http://europa.eu/rapid/press-release_SPEECH-13-106_en.htm.

———. (2014a). *EU response to events in Ukraine*, Strasbourg, 26 February 2014. Available from http://europa.eu/rapid/press-release_SPEECH-14-162_en.htm.

———. (2014b). *EU-Ukraine: There is no time to rest. Contribution at the EP plenary debate of EU-Ukraine Association Agreement ratification, on behalf of the HR/VP*, Strasbourg, 16 September 2014. Available from http://europa.eu/rapid/press-release_SPEECH-14-601_en.htm.

European Commissioner for Trade. (2014). *Joint Ministerial Statement on the Implementation of the EU-Ukraine AA/DCFTA*, Brussels, 12 September 2014. Available from http://europa.eu/rapid/press-release_STATEMENT-14-276_en.htm.

European Council. (2010a). *Conclusions*, Brussels, 16 September 2010. Available from https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/116547.pdf.

———. (2010b). *Conclusions*, Brussels, 28–29 October 2010. Available from https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/117496.pdf.

———. (2011a). *Conclusions*, Brussels, 20 April 2011. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/120296.pdf.

———. (2011b). *Conclusions*, Brussels 24 June 2011. Available from http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2023%202011%20INIT.

———. (2011c). *Conclusions*, Brussels, 30 November 2011. Available from http://data.consilium.europa.eu/doc/document/ST-52-2011-REV-1/en/pdf.

———. (2011d). *Conclusions*, Brussels, 8–9 December 2011. Available from http://data.consilium.europa.eu/doc/document/ST-139-2011-REV-1/en/pdf.

———. (2013a). *Conclusions*, Brussels, 7–8 February 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/135344.pdf.

———. (2013b). *Conclusions*, Brussels, 24–25 October 2013. Available from http://data.consilium.europa.eu/doc/document/ST-169-2013-INIT/en/pdf.

———. (2013c). *Conclusions*, Brussels, 19–20 December 2013. Available from http://data.consilium.europa.eu/doc/document/ST-217-2013-INIT/en/pdf.

———. (2014a). *Statement of the Heads of State or Government on Ukraine*, Brussels, 6 March 2014. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/141372.pdf.

———. (2014b). *Conclusions*, Brussels, 21 March 2014. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/141749.pdf.

———. (2014c). *Statement of the Heads of State or Government on Ukraine*, Brussels, 27 May 2014. Available from http://www.eliamep.gr/wp-content/uploads/2014/03/Statement-of-the-Heads-of-State-or-Government-on-Ukraine27.5.2014.pdf.

———. (2014d). *Conclusions*, Brussels, 26–27 June 2014. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143478.pdf.

———. (2014e). *European Council conclusions on external relations (Ukraine and Gaza)*, Brussels, 16 July 2014. Available from http://www.consilium.europa.eu/en/meetings/european-council/2014/07/16/.

———. (2014f). *Conclusions*, Brussels, 30 August 2014. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/144538.pdf.

———. (2014g). *Conclusions*, Brussels, 24 October 2014. Available from http://webcache.googleusercontent.com/search?q=cache:FET1tvHa1n-4J:www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/145397.pdf+&cd=1&hl=it&ct=clnk&gl=nl.

———. (2014h). *Conclusions*, Brussels, 18 December 2014. Available from https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/146411.pdf.

———. (2015a). *Informal meeting of heads of state or government*, Brussels, 12 February 2015. Available from http://www.consilium.europa.eu/en/meetings/european-council/2015/02/12/.

———. (2015b). *European Council Conclusions on external relations*, Brussels, 19 March 2015. Available from http://www.consilium.europa.eu/en/press/press-releases/2015/03/conclusions-russia-ukraine-european-council-march-2015/.

———. (2016). *Conclusions*, Brussels, 19 February 2016. Available from http://www.consilium.europa.eu/en/press/press-releases/2016/02/19-euco-conclusions/.

European Council on Foreign Relations (ECFR). (2014). *European Foreign Policy Scorecard 2014.* London: ECFR.

———. (2015). *European Foreign Policy Scorecard 2015.* London: ECFR.

———. (2016). *European Foreign Policy Scorecard 2016.* London: ECFR.

European External Action Service (EEAS). (2010). *Vademecum on financing in the frame of the Eastern Partnership*, Brussels, 24 September 2010. Available from http://www.eeas.europa.eu/eastern/docs/eap_vademecum_en.pdf.

———. (2015a). *EUAM Ukraine. Factsheet*, Brussels, June 2015. Available from http://webcache.googleusercontent.com/search?q=cache:YgNuS17Z-1VYJ:www.euam-ukraine.eu/data/file_db/docs/EUAM_Factsheet%2520_June_2015_ENG%2520NEW.docx+&cd=1&hl=it&ct=clnk&gl=it.

———. (2015b). *Action Plan on Strategic Communication*, Brussels, 22 June 2015. Available from http://eap-csf.eu/assets/files/Action%20PLan.pdf.

European Investment Bank (EIB). (2011). *At Warsaw Eastern Partnership Summit, Poland Announces Contribution to Eastern Partnership Technical Assistance Trust Fund*, Luxembourg/Warsaw, 29 September 2011. Available from http://www.eib.org/infocentre/press/releases/all/2011/2011-139-at-warsaw-eastern-partnership-summit-poland-announces-contribution-to-eastern-partnership-technical-assistance-trust-fund.htm.

Fabbrini, S. (2013). Intergovernmentalism and its limits: Assessing the European Union's answer to the Euro crisis. *Comparative Political Studies, 49*(9), 1003–1029.

———. (2014). The European Union and the Libyan crisis. *International Politics, 51*(2), 177–195.

Garcés de los Fayos, F. (2013). *Continuing protests in Ukraine strain the president and his party*, European Parliament, DG Expo, 5 December 2013. Available from http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2013/522311/EXPO-AFET_SP(2013)522311_EN.pdf.

Gaydazhieva, S. (2013, August 13). Possible treatment of former PM in Germany high on the agenda. *New Europe*. Available: https://www.neweurope.eu/article/eu-talks-ukraine-over-tymoshenko%E2%80%99s-release/.

Harding, L. (2010a, February 14). Yulia Tymoshenko to appeal against Ukraine election results. *The Guardian*. Available from https://www.theguardian.com/world/2010/feb/14/tymoshenko-appeals-ukraine-elections.

———. (2010b, March 5). Viktor Yanukovych promises Ukraine will embrace Russia. *The Guardian*. Available from https://www.theguardian.com/world/2010/mar/05/ukraine-russia-relations-viktor-yanukovych.

Hardy, C. (2016). Normandy format meeting in Berlin. *Euronews*, 11 May 2016. Available from http://www.euronews.com/2016/05/11/normandy-format-meeting-in-berlin.

High Representative of the Union for Foreign Affairs and Security Policy. (2010a). *Statement by HR Catherine Ashton, on the Ukrainian presidential election*, January 17th and February 7th, 2010, Brussels, 8 February 2010. Available from https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/112805.pdf.

———. (2010b). *Remarks by HR/VP Ashton after EU-Ukraine Ministerial*, Brussels, 26 October 2010. Available from http://webcache.google-usercontent.com/search?q=cache:pxZkmP460kYJ:europa.eu/rapid/press-release_SPEECH-10-595_en.pdf+&cd=1&hl=it&ct=clnk&gl=it.

———. (2012a). *Remarks by HRVP Catherine Ashton at the presentation of the ENP package 2012*, Brussels, 15 May 2012. Available from http://europa.eu/rapid/press-release_MEMO-12-352_en.htm?locale=en.

———. (2012b). *Remarks by High Representative Catherine Ashton following the Eastern Partnership Ministerial Meeting*, Brussels, 23 July 2012. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131993.pdf.

———. (2013a). *Statement by High Representative Catherine Ashton following her meeting with the Ukrainian Foreign Minister Leonid Kozhara*, Brussels, 30 January 2013. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/135122.pdf.

———. (2013b). *Remarks by EU High Representative Catherine Ashton before the Foreign Affairs Council*, Brussels, 18 February 2013. Available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/135519.pdf.

———. (2013c). *Remarks by EU High Representative Catherine Ashton following the Foreign Affairs Council*, Brussels, 18 February 2013. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/135546.pdf.

———. (2014a). *Statement by the EU High Representative Catherine Ashton on developments in the Ukrainian Parliament*, Brussels, 17 January 2014. Available from https://eeas.europa.eu/statements/docs/2014/140117_01_en.pdf.

———. (2014b). *Remarks by EU High Representative Catherine Ashton at the end of her visit to Kiev*, Kiev, 5 February 2014. Available from http://eu-un.europa.eu/ukraine-remarks-by-eu-hr-ashton-at-the-end-of-her-visit-to-kyiv-ukraine/.

———. (2014c). *Statement by EU High Representative Catherine Ashton on the developments in Ukraine's Crimea*, Brussels, 1 March 2014. Available from http://eu-un.europa.eu/statement-by-eu-hr-ashton-on-developments-in-crimea-deploring-todays-decision-by-russia-on-the-use-of-armed-forces-in-ukraine/.

———. (2014d). *Remarks by EU High Representative Catherine Ashton following the extraordinary Foreign Affairs Council on Ukraine*, Brussels, 3 March 2014. Available from http://eeas.europa.eu/archives/docs/statements/docs/2014/140303_02_en.pdf.

———. (2014e). *Remarks by High Representative Catherine Ashton following the Geneva meeting on Ukraine*, Brussels, 17 April 2014. Available from http://www.eliamep.gr/wp-content/uploads/2014/03/Remarks-by-High-Representative-Catherine-Ashton-following-the-Geneva-meeting-on-Ukraine-17.4.2014.pdf.

———. (2014f). *Statement by EU High Representative Catherine Ashton on the latest situation in Ukraine*, Brussels, 24 April 2014. Available from http://www.eliamep.gr/wp-content/uploads/2014/03/Statement-by-EU-High-Representative-Catherine-Ashton-on-the-latest-situation-in-Ukraine-24.4.2014.pdf.

———. (2014g). *Statement by EU High Representative Catherine Ashton on the worsening security situation in Eastern Ukraine*, Brussels, 29 April 2014. Available from http://www.eliamep.gr/wp-content/uploads/2014/03/Statement-by-EU-High-Representative-Catherine-Ashton-on-the-EU-response-to-the-worsening-security-situation-in-Eastern-Ukraine29.04.2014.pdf.

———. (2014h). *Remarks by EU High Representative Catherine Ashton following the Foreign Affairs Council*, Brussels, 12 May 2014. Available from https://unispal.un.org/DPA/DPR/unispal.nsf/0/778B30E3D71A065085257CD6006744A0.

———. (2014i). *Remarks by EU High Representative Catherine Ashton following the Foreign Affairs Council*, Luxembourg, 23 June 2014. Available from https://tvnewsroom.consilium.europa.eu/video/press-conference-part-1655196226939157.

———. (2014j). *Remarks by EU High Representative Catherine Ashton upon arrival at Foreign Affairs Council*, Brussels, 22 July 2014. Available from https://tvnewsroom.consilium.europa.eu/event/foreign-affairs-council-july-2014/press-conference-part-1655196226939164.

———. (2014k). *Remarks by EU High Representative Catherine Ashton at the end of the informal meeting of the European Union Foreign Ministers (Gymnich)*, Milan, 30 August 2014. Available from http://www.eliamep.gr/wp-content/uploads/2014/07/Remarks-by-EU-High-Representative-Catherine-Ashton-at-the-end-of-the-Informal-meeting-of-European-Union-Foreign-Ministers-Gymnich-30.8.20141.pdf.

———. (2014l). *Remarks by High Representative Federica Mogherini after today's meeting of the Foreign Affairs Council*, Brussels, 17 November 2014. Available from http://eeas.europa.eu/statements-eeas/2014/141117_03_en.htm.

———. (2014m). *Remarks by High Representative Federica Mogherini arriving to the Foreign Affairs Council*, Brussels, 15 December 2014. Available from https://eeas.europa.eu/headquarters/headquarters-homepage/6770/remarks-high-representative-federica-mogherini-arriving-foreign-affairs-council-brussels-15_en.

———. (2015a). *Remarks by High Representative/Vice President Federica Mogherini upon arrival at foreign affairs*, Brussels, 19 January 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150119_02_en.htm.

———. (2015b). *Remarks by the HR/VP Federica Mogherini at the joint press conference with US Secretary of State John Kerry in Washington*, Washington, 21 January 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150122_03_en.htm.

———. (2015c). High Representative Federica Mogherini to convene extraordinary Foreign Affairs Council on Ukraine on 29 January, Brussels, 24 January 2015. Available from http://collections.internetmemory.org/haeu/content/20160313172652/ http://eeas.europa.eu/statementseeas/2015/150124_02_en.htm

———. (2015d). *Statement by High Representative/Vice-President Federica Mogherini on the latest developments in Eastern Ukraine*, Brussels, 4 February 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150204_01_en.htm.

———. (2015e). *Statement by High Representative/Vice-President Federica Mogherini on the announcement by Chancellor Merkel and President Hollande*, Brussels, 5 February 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150205_01_en.htm.

———. (2015f). *Remarks by High Representative/Vice-President Mogherini following the Foreign Affairs Council*, Brussels, 9 February 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150209_02_en.htm.

———. (2015g). *Remarks by High Representative/Vice-President Federica Mogherini upon arrival at the informal meeting of the Members of the European Council*, Brussels, 12 February 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150212_01_en.htm.

———. (2015h). *Remarks by High Representative/Vice-President Federica Mogherini upon arrival at the informal meeting of Ministers for Foreign Affairs (Gymnich)*, Riga, 6 March 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150306_01_en.htm.

———. (2015i). *High Representative/Vice-President Mogherini meeting with Ukrainian President Poroshenko.* Brussels, 27 August 2015. Available from-http://eeas.europa.eu/statements-eeas/2015/150827_02_en.htm.

———. (2015j). *Statement by High Representative/Vice-President Federica Mogherini on the vote on constitutional amendments by the Parliament of Ukraine*, Brussels, 31 August 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150831_02_en.htm.

———. (2016a). *Federica Mogherini meets the Speaker of Ukraine's Verkhovna Rada, Volodymyr Groysman*, Brussels, 2 March 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160302_01_en.htm.

———. (2016b). *Statement by the High Representative/Vice-President Federica Mogherini calling for the release of Nadiya Savchenko*, Brussels, 9 March 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160309_01_en.htm.

———. (2016c). *Statement by High Representative/Vice-President Federica Mogherini on the sentencing of Nadiya Savchenko*, Brussels, 23 March 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160323_01_en.htm.

———. (2016d). *Statement by High Representative/Vice President Federica Mogherini on the release of Nadiya Savchenko and her return to Ukraine*, Brussels, 25 May 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160525_03_en.htm.

———. (2016e). *Shared Vision, Common Action: A Stronger Europe*, Brussels, 28 June 2016. Available from https://europa.eu/globalstrategy/sites/globalstrategy/files/eugs_review_web.pdf.

———. (2016f). *High Representative/Vice-President, Federica Mogherini, meets the Prime Minister of Ukraine*, Volodymyr Groysman, Brussels, 20 July 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160720_01_en.htm.

High Representative of the Union for Foreign Affairs and Security Policy and Commissioner for Enlargement. (2011). *Joint statement by EU High Representative Catherine Ashton and Commissioner Stefan Fühle on the arrest of Yulia Tymoshenko in Ukraine*, Brussels, 5 August 2011. https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/124193.pdf.

———. (2012a). *Joint Statement by EU High Representative Catherine Ashton and Commissioner Stefan Füle on the judgement by Ukraine's Higher Specialized Court for Civil and Criminal Cases in the case of Yulia Tymoshenko*, Brussels, 29 August 2012. http://europa.eu/rapid/press-release_MEMO-12-634_en.htm?locale=en.

———. (2012b). *Joint Statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on the upcoming parliamentary elections in Ukraine*, Brussels, 12 October 2012. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132805.pdf.

———. (2013). *Joint Statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on last night's events in Ukraine*, Brussels, 30 November 2013. Available from http://eeas.europa.eu/statements/docs/2013/131130_02_en.pdf.

High Representative of the Union for Foreign Affairs and Security Policy, Spokesperson. (2011). *Statement by the Spokesperson of EU High*

Representative Catherine Ashton on the case of Yulia Tymoshenko, Brussels, 26 May 2011. Available from http://www.consilium.europa.eu/uedocs/cms_ Data/docs/pressdata/EN/foraff/122218.pdf.

———. (2014a). *Statement by the Spokesperson on the recent deaths of journalists and a civic activist in Eastern Ukraine*, Brussels, 19 June 2014. Available from http://powerstormtech.com/euun_staging/statement-by-the-eeas-spokesperson-on-recent-deaths-of-journalists-and-a-civic-activist-in-eastern-ukraine/.

———. (2014b). *Statement by the Spokesperson on the release of OSCE SMM monitors*, Brussels, 29 June 2014. Available from http://www.eliamep.gr/ wp-content/uploads/2014/06/Statement-by-the-Spokesperson-on-the-release-of-OSCE-SMM-monitors29.6.2014.pdf.

———. (2014c). *Statement by the Spokesperson on media freedom and the safety of journalists in Eastern Ukraine*, Brussels, 3 July 2014. Available from http://www.eliamep.gr/wp-content/uploads/2014/07/Statement-by-the-Spokesperson-on-media-freedom-and-the-safety-3.7.2014.pdf.

———. (2014d). *Statement by the Spokesperson on kidnapped Ukrainian military pilot*, Brussels, 17 July 2014. Available from http://eeas.europa.eu/archives/ docs/statements/docs/2014/140717_01_en.pdf.

———. (2014e). *Statement by the Spokesperson on the murder of Mykola Zelenec in Luhansk*, Brussels, 22 August 2014. Available from http://eeas.europa.eu/ archives/docs/statements/docs/2014/140822_01_en.pdf.

———. (2014f). *Statement by the Spokesperson on the agreement reached on a ceasefire in Ukraine*, Brussels, 5 September 2014. Available from http://www. eliamep.gr/wp-content/uploads/2014/08/Statement-by-the-Spokesperson-on-the-agreement-reached-on-a-ceasefire-in-Ukraine-5.9.20141.pdf.

———. (2014g). *Statement by the Spokesperson on the second Russian "humanitarian convoy" dispatched to Eastern Ukraine*, Brussels, 15 September 2014. Available from http://www.eliamep.gr/wp-content/uploads/2014/08/ Statement-by-the-Spokesperson-on-the-second-Russian-humanitarian-convoy-dispatched-to-Eastern-Ukraine-15.9.20141.pdf.

———. (2014h). *Statement by the Spokesperson on the ongoing intimidation of Medzhlis of Crimean Tatars in Crimea*, Brussels, 18 September 2014. Available from http://www.osce.org/odihr/124481?download=true.

———. (2014i). *Statement by the Spokesperson on violations of the ceasefire in Eastern Ukraine*, Brussels, 2 October 2014. Available form http://www. eliamep.gr/wp-content/uploads/2014/09/Statement-by-the-Spokesperson-of-the-EU-High-Representative-on-violations-of-the-ceasefire-in-Eastern-Ukraine-2.10.20141.pdf.

———. (2014k). *Statement by the Spokesperson on early local elections in Eastern Ukraine*, Brussels, 29 October 2014. Available from http://www.eliamep.gr/ wp-content/uploads/2014/10/Statement-by-the-Spokesperson-of-the-EU-High-Representative-on-early-local-elections-in-Eastern-Ukraine-29.10.20141.pdf.

———. (2015a). *Statement by the Spokesperson on the call of High Representative Federica Mogherini with Ukrainian President Petro Poroshenko*, Brussels, 27 January 2015. Available from http://eeas.europa.eu/statements-eeas/2015/150127_03_en.htm.

High Representative of the Union for Foreign Affairs and security policy and Commissioner for European Neighbourhood Policy and Enlargement Negotiations. (2016). *Statement by High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn on the appointment of Prime Minister Groysman and the new government in Ukraine*, Brussels, 14 April 2016. Available from http://eeas.europa.eu/statements-eeas/2016/160414_02_en.htm.

High Representative of the Union for Foreign Affairs and security policy and European Commission. (2015). *Review of the European Neighbourhood Policy*, Brussels, 18 November 2015. Available from https://eeas.europa.eu/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf.

High Representative, Spokesperson and Commissioner for Enlargement. (2012a). *Statement by the spokespersons of High Representative Catherine Ashton and Commissioner Štefan Füle on the changes to the Law of the Prosecutor's office in Ukraine*, Brussels, 21 September 2012. Available from http://europa.eu/rapid/press-release_MEMO-12-699_en.htm.

———. (2012b). *Joint statement by the spokespersons of EU High Representative Catherine Ashton and Commissioner Stefan Füle on the extradition of an internationally recognized refugee from Ukraine*, Brussels, 17 August 2012. Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/132193.pdf.

Hirst, T. (2014, November 25). The Mistral warship fiasco reflects France's long history of terrible arms sales. *Business Insider UK*. Available from http://uk.businessinsider.com/mistral-warship-fiasco-reflects-frances-long-history-of-terrible-arms-sales-2014-11.

Kiev Post. (2012, February 27). Court starts announcing Lutsenko verdict. *Kiev Post*. Available from http://www.Kievpost.com/article/content/ukraine-politics/court-starts-announcing-lutsenko-verdict-123186.html.

———. (2013a, December 5). Reuters: German minister snubs Ukraine leaders in visit to Kiev. *Kiev Post*. Available from http://www.Kievpost.com/article/content/ukraine-abroad/reuters-german-minister-snubs-ukraine-leaders-in-visit-to-Kiev-333059.html.

———. (2013b, December 17). Russia gives Ukraine cheap gas, $15 billion in loans. *Kiev Post*. Available from http://www.Kievpost.com/article/content/ukraine/russia-gives-ukraine-cheap-gas-15-billion-in-loans-333852.html.

———. (2015, August 31). Ukrainian parliament passes constitutional amendments on decentralization at first reading. *Kiev Post*. Available from http://www.Kievpost.com/article/content/ukraine/ukrainian-parliament-

passes-constitutional-amendments-on-decentralization-at-first-reading-396854.
html.

Menon, A., & MacFarlane, N. (2014). The EU and Ukraine. *Survival: Global Politics and Strategy, 56*(3), 95–101.

Minister for Foreign Affairs of Denmark, Minister for Foreign Affairs Estonia, Minister for Foreign Affairs of Lithuania and Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom. (2015). *EU Strategic Communication responding to propaganda non-paper*, 8 January 2015. Available from http://club.bruxelles2.eu/wp-content/uploads/2015/02/Let-StratCommRussie-DkEstLitUk@UK150108.pdf.

Ministry of Foreign Affairs of the Republic of Lithuania. (2016). *Lithuania at UN Security Council*, 1 February 2016. Available from https://www.urm.lt/default/en/foreign-policy/lithuania-in-the-region-and-the-world/international-organizations/united-nations/lithuanias-involvement-in-activities-of-the-united-nations-security-council.

Ministry of Foreign Affairs of the Republic of Poland. (2016). *Origins of the Weimar Triangle*. Available from http://www.msz.gov.pl/en/foreign_policy/europe/wweimar_triangle1/weimar_triangle.

Mortensen, A. (2014). Ukraine protests: 5 things you need to know. *CNN*, 19 February 2014. Available from http://edition.cnn.com/2013/12/13/business/ukraine-protests-explainer/.

Neuger, J. G. (2015). Is EU support for Russia sanctions waning? See who's visiting the Kremlin, *Bloomberg*, 18 March 2015. Available from http://www.bloomberg.com/news/articles/2015-03-17/putin-s-guests-show-diminishing-eu-backing-for-sanctions.

North Atlantic Treaty Organization. (1997). *Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation signed in Paris*, France, NATO, 22 May 1997. Available from http://www.nato.int/cps/en/natohq/official_texts_25468.htm.

Organization for Co-operation and Security in Europe (OSCE). (2013). *OSCE/ODIHR Election Observation Mission Final Report*, Warsaw, 3 January 2013. Available from http://www.osce.org/odihr/98578?download=true.

———. (2014). *Memorandum of September 19 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of 5 September 2014*. Available from http://www.osce.org/home/123806.

Osborn, A. (2011, October 11). Yulia Tymoshenko says Ukraine trial 'like Stalin's Soviet Union' as she is jailed for 7 years. *The Telegraph*. Available from http://www.telegraph.co.uk/news/worldnews/europe/ukraine/8820383/Yulia-Tymoshenko-says-Ukraine-trial-like-Stalins-Soviet-Union-as-she-is-jailed-for-7-years.html.

Pifer, S. (2016). Minsk is not working but Kyiv should stay with it, *Brookings*, 21 May 2016. Available from https://www.brookings.edu/opinions/%E2%80%8Bminsk-is-not-working-but-kyiv-should-stay-with-it/.

Pirani, S., & Yafimava, K. (2016). *Russian gas transit across Ukraine post-2019: Pipeline scenarios, gas flow consequences, and regulatory constraints.* Oxford Institute for Energy Studies, February 2016. Available from https://www.oxfordenergy.org/wpcms/wp-content/uploads/2016/02/Russian-Gas-Transit-Across-Ukraine-Post-2019-NG-105.pdf.

Pirani, S., Stern, J., & Yafimava, K. (2010). *The April 2010 Russo-Ukrainian gas agreement and its implications.* Oxford Institute for Energy Studies, June 2010. Available from https://www.oxfordenergy.org/wpcms/wp-content/uploads/2011/05/NG_42.pdf.

Polityuk, P., & Robinson, M. (2014). Ukraine parliament removes Yanukovich, who flees Kiev in "coup", *Reuters*, 22 February 2014. Available from http://in.reuters.com/article/ukraine-crisis-parliament/ukraine-parliament-removes-yanukovich-who-flees-kiev-in-coup-idINDEEA1L04L20140222.

Pomerantsev, P., & Weiss, M. (2014). *The Menace of Unreality: How the Kremlin Weaponizes Information, Culture and Money.* New York: Institute of Modern Russia. Available from http://www.Interpretermag.Com/wp-content/uploads/2014/11/The_Menace_of_Unreality_Final.Pdf.

PR News. (2012). Former Ukrainian Interior Minister Lutsenko sentenced to four years in prison, *PR News*, 28 February 2012. Available from http://www.prnewswire.co.uk/news-releases/former-ukrainian-interior-minister-lutsenko-sentenced-to-four-years-in-prison-144612535.html.

Reuters. (2015). EU foreign policy chief's paper on EU-Russia relations-text, *Reuters*, 15 January 2015. Available from http://www.reuters.com/article/ukraine-crisis-eu-russia-idUSL6N0UU2T820150115.

Rosato, A. (2016). *A marriage of convenience? The future of Italy-Russia relations.* European Council on Foreign Relations, Commentary, 15 July 2016. Available from http://www.ecfr.eu/article/commentary_a_marriage_of_convenience_the_future_of_italyrussia_relations.

Samokhvalov, V. (2015). Ukraine between Russian Federation and the European Union: Triangle revisited. *Europe-Asia Studies, 67*(9), 1371–1393.

Speck, U. (2014). Postponing the trade agreement with Ukraine: Bad move, EU, *Carnegie Europe*, 30 September 2014. Available from http://carnegieeurope.eu/publications/?fa=56795.

Spiegel Online. (2013). *Tymoshenko Stays: Ukraine Halts Plan to Sign EU Trade Deal*, Spiegel Online International, 21 November 2013. Available from http://www.spiegel.de/international/europe/ukrainian-parliament-votes-against-bills-to-release-tymoshenko-a-934887.html.

Swiss Confederation, Federal Department of Foreign Affairs (FDFA). (2016). *OSCE Special Monitoring Mission to Ukraine. Deployment of Swiss experts.* Available from https://www.eda.admin.ch/dam/eda/en/documents/aktuell/dossiers/ams-factsheet-ukraine-SEF_EN.pdf.

Vaïsse, J., Kundnani, H., Bechev, D., Judah, B., Kobzova, D., Korski, D., et al. (2012). *European Foreign Policy Scorecard 2012.* London: ECFR.

Vaïsse, J., Dennison, S., Barnes-Dacey, J., Bechev, D., Dworkin, A., Gowan, R., et al. (2013). *European Foreign Policy Scorecard 2013*. London: ECFR.

Walker, S., & Luhn, A. (2014, May 25). Petro Poroshenko wins Ukraine presidency, according to exit polls. *The Guardian*. Available from https://www.theguardian.com/world/2014/may/25/petro-poroshenko-ukraine-president-wins-election.

Waterfield, B. (2014, July 24). City of London to bear the brunt of EU sanctions on Russia. *The Telegraph*. Available from http://www.telegraph.co.uk/news/worldnews/europe/eu/10987685/City-of-London-to-bear-the-brunt-of-EU-sanctions-on-Russia.html.

Waterfield, B., & Paterson, T. (2014, April 1). Ukraine crisis: Poland asks Nato to station 10,000 troops on its territory. *The Telegraph*. Available from http://www.telegraph.co.uk/news/worldnews/europe/ukraine/10737838/Ukraine-crisis-Poland-asks-Nato-to-station-10000-troops-on-its-territory.html.

Way, L. A. (2015). The limits of autocracy promotion: The case of Russian Federation in the 'near abroad'. *European Journal of Political Research, 54,* 691–706.

Youngs, R., & Pishchikova, K. (2013). Smart geo-strategy for the Eastern Partnership, *Carnegie Brussels*. Available from http://carnegieendowment.org/files/smart_geostrat_eastern_partnership.pdf.

Conclusions

1   General Findings

This book cast light over the nature and development of EU foreign and security policy, with specific attention to the integrated modes of governance that may develop and consolidate in this policy domain. It particularly sought to answer two main research questions: on the one hand, why does the EU member states and institutions' engagement in integrated efforts in foreign and security policies follow different patterns; on the other hand, under which conditions can the High Representative (HR) become a key figure in fostering integrated policies among EU member states and institutions. To do so the book adopted an original perspective and offered an in-depth examination of the post-Lisbon institutional practices and of their implications on EU foreign and security policy modes of governance on Kosovo and on Ukraine. Firstly, it analysed the main drivers of cooperation among member states and different institutional actors in the institutionalization of policy sectors traditionally at the core of state powers. Secondly, it attempted to increase the practical understanding of the development and conduct of EU foreign and security policy frameworks on the Western Balkans and on the Eastern neighbourhood. Thirdly, it provided an empirical analysis of the role of the HR in leading foreign and security policy broadly defined. From a theoretical perspective, the study attempted to address the lack of a theoretically informed scholarly debate on EU foreign and security

policy. This was done by means of an original analytical construct tested through an empirical analysis of the role of the HR in leading EU foreign and security policy on Kosovo and on Ukraine in the post-Lisbon era. As for the normative dimension, the book also examined the legitimacy of EU foreign and security policy on Kosovo and Ukraine (Scharpf 1999).

Bearing all this in mind, it is possible to draw a series of conclusions from the analysis conducted in this book. By examining patterns of institutional practices taking place in EU foreign and security policy on Kosovo and on Ukraine, the empirical examination has found positive evidence in favour of a number of hypotheses stemming from the hybrid analytical construct proposed in this study. As hypothesized in Chapter 2, the institutionalization of EU foreign and security policy has originated from a constant interplay between "mechanism of organizational abandonment in the face of unsatisfactory performance" and "mechanism of intra-organizational correction and recuperation" (Weiler 1991, p. 2411). Indeed, a number of exogenous and endogenous factors have provided the functional pressure for alignments of Western European national states' preferences on a common foreign and security policy to occur. When national states believed that a collective action was required, they showed higher degrees of commitment to *consensus*-seeking processes, as well as a propensity to voluntary cooperation. Generally, this commitment led to national governments' engagement to integrated modes of governance. This is the case of the beginning of the 1990s, when the impact of the interplay of exogenous and endogenous causal factors over national governments' preferences resulted in the establishment of an institutional framework embracing both supranational and intergovernmental foreign and security policies. The creation of an intergovernmental area within this institutional structure and the lack of an effective principle for organizing the multiple separations of power, however, epitomize the compromises reached by the member states in the institutionalization of their core state powers. In addition to this, it is worth mentioning that the preeminent role of the heads of state and government reunited in the European Council emerges clearly in the development of EU foreign and security policy in the post-Maastricht era. The numerous regional strategies adopted as well as the progressive framing of enlargement as a foreign policy tool and the creation of the European Neighbourhood Policy (ENP) and Eastern Partnership (EaP) are a clear reflection of the influence of this intergovernmental forum in determining EU foreign

and security policy approaches, even before its institutionalization with the coming into force of the Lisbon Treaty (LT) in December 2009. The elaboration of these integrated approaches also demonstrates that under certain conditions EU engagement to integrated practices can develop without a corresponding increase of supranationalization in the areas where these modes of governance take place.

As for the HR, the study conducted shows that this institutional actor finds herself/himself at the crossroad between EU supranational and intergovernmental foreign policies. For this reason, s/he may be able to foster the engagement of EU member states and institutions to integrated modes of governance. However, national governments' preferences can be understood as a crucial explanatory variable, conditioning whether and to which extent the HR may influence the outcomes of strategic interactions among EU member states and institutions. Thus, an alignment among EU member states and institutions' preferences, as well as the emerging of ideational convergences among political *élites* on the strategies to adopt are pre-conditions for the HR to play a pro-active role in this area. The institutional environment represents another important variable to take into consideration when analysing the circumstances under which the HR can become a key figure in fostering integrated foreign and security policies. Indeed, the HR can play an influencing role in coordinating EU foreign policy and in connecting the Foreign Affairs Council (FAC) with the Commission only when member states and institutions' preferences converge and an ideational convergence on the strategies to adopt is in place. As the immediate aftermath of the 2013 Brussels Agreement and of the November 2013 Vilnius Summit proves, in situations of policy stalemate only the European Council can take the lead. Since this is the only institution able to reduce the risk of shirking, this intergovernmental forum has a clear control over the HR, the FAC and the same Commission. This control defines the room for manoeuvre of the HR, and can turn the FAC and the Commission into implementing branches of the EU leaders' decisions.

The question of agency, particularly the personality of the incumbent, plays a major part in EU foreign policy integration as well. In this regard, one has only to consider the different roles Ashton played in the cases of Kosovo and Ukraine. As demonstrated in Chapter 3, the strategic environment within which the HR has conducted her activities in the case of Kosovo shares similar features with the one of Ukraine. In both foreign policy cases, the HR initially benefitted from a general *consensus* within

the European Council and the FAC on the direction to pursue. In the case of Kosovo, even though five member states' domestic institutions and politics have delimited national governments' set of actions, these member states' non-recognition policy has not prevented the EU from generating a relatively consistent approach aimed at the stabilization of the Western Balkan area. Indeed, beyond the question of formal recognition of Kosovo, no cleavage between member states on the crucial issue of how to deal with this country has emerged. In this context, the HR Ashton, with the support and assistance of both the European External Action Service (EEAS) and of the Commission, has played as a policy instigator and as policy enforcer. In the case of Ukraine, from the coming into force of the LT until the immediate aftermath of the Vilnius Summit in November 2013, EU member states and institutions generally agreed this was a "European country" and that economic integration should have been the main EU policy to be used towards it. Nonetheless, the Union's strategy of integration in the post-Soviet space was exacerbated by the general weak agency of the first post-Lisbon HR in this policy *dossier*. Hence, Ashton mostly left the coordination of EU foreign and security policy on Ukraine in the hands of the then-Commissioner for Enlargement and Neighbourhood policy Füle, who often challenged the role of Russia in this area throughout an assertive, antagonistic narrative.

Concerning the legitimacy of EU policies, while one may argue that in the case of Ukraine the European Parliament (EP) played an active role through monitoring missions of the Ukrainian judiciary system, in general terms, the EP's activities have been marginal in both situations. This marginality coupled with the exclusion of national parliaments from foreign policy-making processes at the national level, has led to an overall absence of the public opinion from decisions on Kosovo and on Ukraine. As epitomized by the assertive role played by Commissioner Füle in the Ukrainian case, this lack of accountability becomes even more relevant in situations where the consequences of a weak agency of the HR cannot be discarded. In this regard, one only has to think that, as the declaration made by Commissioner Füle on 16 September 2014 at the EP plenary debate shows, at the end of her mandate Ashton chose to dedicate her efforts to less divisive foreign policy cases, where she could play a more autonomous role.

Indeed, the transformation of the relations between the main member states played another major role in determining the institutional practices

taking place in both foreign policy cases. While the United Kingdom (UK) was moving away from inter-state cooperation, Germany has emerged as the only available leader of the EU foreign policy, particularly in the East towards which Berlin's strategic interests are oriented. Against this background, while France was going through an economic restructuring, Italy has been constrained by its political instability and by its high public debt. As the stalemate in the brokering of talks between Kosovo and Serbia at the end of 2011 and the disputes over the sanctions to be imposed on Russia demonstrate, another crucial question is put into the spotlight, namely the potential hegemonic role of Germany over other European national governments reunited within the European Council. An hegemonic role that, together with the tendency of EU foreign and security policy to function according to the logic of *directoires*—or of policy differentiation—, may contribute to making the criteria of democratic legitimacy (Piattoni, 2015) less likely to be satisfied in EU foreign policy.

2   Integration in Foreign and Security Policy

This book contributes to the effort recently undertaken by a number of scholars to theorize and analyse the engagement of EU member states and institutions to integrated practices in foreign and security policy. It shows that it is possible to create a hybrid analytical model of EU foreign policy integrations through a strategic choice approach (Lake and Powell 1999). The underlying logic of this expansion is that a systematic analysis of cost–benefit calculations is essential to disentangle studies of EU institutional practices from a paradigmatic supranational-intergovernmental dichotomy. At the same time, however, the volume claims that both material and ideational factors are crucial for explaining outcomes of strategic interactions among EU member states and institutions. Consequently, the proposed model also includes assumptions drawn from theories on collective identity formation.

The examination conducted in the book through the lenses of an original analytical construct shows that integration in EU foreign and security policy is neither characterized by a divide between intergovernmentalism and supranationalism, as formally enshrined in the LT, nor by a dichotomy between integration with supranationalization and integration without supranationalization, as theorized by the vast majority of existing scholarly literature. Instead, the fundamental finding emerging from this book is that EU member states and institutions may engage in different

integrated modes of governance in this policy area. As opposed to what most meta-international relations theories and European studies theoretical frameworks would have foreseen, member states and institutions have generally engaged in integrated institutional practices notwithstanding the potentially highly divisive policy *dossiers* taken into consideration. That being said, it is important to acknowledge that while EU foreign policy integration has been high in the cases of Kosovo and Ukraine, this has followed different institutional patters, resulting in the development and consolidation of different modes of governance. One *caveat* applies here. Whether the inter-institutional balance constituting these modes can lead to effective policies remains of course open to question.

The alignment of preferences and the ideational convergence on the strategies to adopt between member states and institutions on Kosovo set the basis for patterns of intergovernmental cooperation rather than delegation to supranational actors to occur. At the same time, however, these have served as a starting point for both HR Ashton and HR Mogherini to foster more integrated policies. The negotiation of the 2010 United Nations Resolution on Kosovo proposed by Serbia shows that when the HR finds favourable ground, s/he can act as an autonomous political actor. In her capacity as Vice-President (VP) of the European Commission, the HR has also been able to foster the decision-making role of this institution in EU foreign and security policy broadly defined. As epitomized by the 2012 Commission's analytical report on Kosovo, that *consensus* also made it possible for the HR to connect the enlargement policy with the common foreign and security agenda. Thus, the Kosovo case reveals the formation of an institutional practice that combines intergovernmental and supranational factors, although the EP has had only limited possibilities to participate in the decision-making process.

Also in the case of Ukraine, EU member states and institutions engaged in integrated modes of governance without greater empowerment of supranational actors. Within aligned preferences and an ideational convergence on the strategies to adopt towards this country, the first post-Lisbon HR, Ashton, ensured bilateral relations with the Ukrainian authorities and, on some occasions, managed to foster *consensus* among member states on specific policy issues, although she essentially devolved the coordination of EU foreign and security policy on Ukraine to Commissioner Füle. Yet, the beginning of the protests in Kiev, the violent repression of civilians and the annexation of Crimea disrupted the alignment of preferences among

EU member states and institutions and the ideational convergence on the strategies to adopt towards Ukraine. Because of such a disruption, national governments reunited in the European Council exerted all their control on the HR, on the FAC and on the Commission. Consequently, when the new HR Federica Mogherini took charge, her activities were constrained by the member states' representatives reunited in the European Council and the FAC, with only limited exceptions. Indeed, the EU approach on the crisis in Ukraine testifies the existence of another integrated mode of governance. The latter can be understood as a different variation of the institutional practices highlighted by the new intergovernmentalists. In fact, these scholars theorize the existence of blends of integration without increased supranationalization within the EU institutional system, but do not devote enough consideration to integrated institutional practices that may develop outside intergovernmental forums. Thus, as reflected by the activities of the Weimar Triangle in the first phase of the Ukrainian crisis and, at a later stage, by the establishment of the Normandy format, EU member states and institutions may turn to integrated practices through the formation of *ad hoc* multinational coalitions that operate in coordination and with the full support of EU institutions, but "not necessarily on the basis of an agreed mandate" (Duke 2017, p. 187). Finally, as the role of the Organization for Security and Cooperation in Europe (OSCE) in the Ukrainian case shows, under certain conditions EU member states and institutions may demand to third actors the implementation of the Union's approach on specific foreign policy cases. This is an institutional pattern that may be conceptualized as an orchestration of a third party on behalf of the EU (Abbott et al. 2015).

3   Final Remarks

Can the current EU foreign and security institutional structure grant the effectiveness and legitimacy of EU policies? In line with the proponents of the new intergovernmentalist approach and of the intergovernmental union, this book demonstrates that the EU institutional structure may not work in an efficient and legitimate way when immediate costs of intervening are not equally distributed among national governments (Fabbrini 2014; Fabbrini 2015a). Nonetheless, recent developments in EU politics have put the spotlight on what has for a long time been the ugly duckling of the EU integration process, namely foreign and security

policy. Indeed, factors such as the new American presidency's policy on the EU, BREXIT and the implementation of the 2016 EU Global Strategy, have exerted functional pressure on EU foreign policy-making processes.

The analysis conducted in this book indicates that the role of the US has been crucial in shaping the EU enlargement policy towards the Western Balkans and in the elaboration of the ENP and of the EaP. At a later stage, Washington continued to influence the Union's policy toward Kosovo and Serbia, particularly in the framework of the so-called Contact Group. Similarly, the US has acted as the main driving force behind the Western condemnation of the events taking place in the post-Soviet country and in shaping the Union's policy of sanctions. In this regard, it has been argued that the change of Washington's and NATO's[1] approach to Western Europe and to its neighbourhood with Donald Trump's presidency have already influenced member states' preferences over a further engagement to integrated efforts in this policy sectors (de Haldevang and Petzinger 2017). While the long-term effects of the UK's exit from the EU are still debatable, given the traditionally reluctant role of London to pursue integration in foreign and security policy, BREXIT certainly made a shift towards more integration in the area of foreign and security policy among EU member states more likely. Against this background, the implementation of Mogherini's EU Global Strategy provided the necessary framework, as well as further *impetus*, for an increase of cooperation among EU member states and institutions in foreign and security policy. An *impetus* supported by a reinvigorated German-French axis between the recently re-elected German Chancellor Merkel and the new French President, Emmanuel Macron (Koenig and Walter-Franke 2017). A clear reflection of this is the recent establishment of a permanent structured cooperation (PESCO) in common security and defence policy (Tocci 2017) among EU member states that fulfil higher criteria for military capabilities and are willing to make more binding commitments to pursue foreign and security policy integration (TEU, Art. 42.6).

All this considered, one may think that despite the multiple crises the EU has been experiencing, EU foreign and security policy seems to have finally found its lucky star. To be sure, differentiated integration[2] in EU foreign and security policy is now a reality (Rittberger et al. 2013). Nonetheless, it is reasonable to believe that the inefficienciess

and the general lack of accountability of EU foreign and security policy institutional framework are far from being solved. In fact, while the permanent structured cooperation may respond to the need for further integration in foreign and security policy, it is crucial to mention that the democratic legitimacy's criteria of responsiveness and effectiveness (Scharpf 1999) may be less likely to be satisfied in situations of internal differentiation (see Fabbrini 2015b, 2017; Fossum 2015; Majone 2014). After all, differentiation is a qualifying feature of the areas where Europe's crises occurred (Caporaso 2017)—namely in the monetary union (Schimmelfennig 2014), in foreign and security policy and in EU immigration and asylum sector. Furthermore, while PESCO "contains binding commitments, a mechanism to assess compliance by participating member states", as well as the "possibility that single states can be pushed out of PESCO in the event of their non-compliance" (Marrone 2017, p. 2), its successful implementation will largely depend on member states' commitment of decentralized resources. This is a commitment that, as shown by the analysis conducted in this book, may not necessarily be in place in situations when immediate costs and advantages of engaging in integrated efforts are not equally allocated among member states.

Concerning further avenues for empirical research, cross-case analysis would be advisable in order to provide more external validity and generalizable findings and to avoid the risk of contextualized judgment. For instance, the influence of the HR on the policy processes under consideration may not only be caused by institutional developments, but also strongly shaped by the personality of the incumbents. Further research may dwell on cases involving the mandates of different post holders. In this specific case, in order to ensure a truly encompassing comparative study of the mandate of the two HRs, the remaining years of Mogherini's tenure would also have to be examined. At the same time, future analysis may compare the role of the HR in leading EU foreign and security policy on a country that is part of the Southern neighbourhood of the EU and on a country, that is part of the Union's Eastern neighbourhood. A further avenue of research would be to compare the modes of governance in these policy sectors taking into consideration the relations between a foreign policy framework strictly corresponding to core state powers and a framework not corresponding to them in the same policy *dossier*.

Notes

1. North Atlantic Treaty Organization.
2. This book understands differentiated integration as an ensemble of "strategies that try to reconcile heterogeneity within the European Union and allow different groupings of Member States to pursue an array of public policies with different procedural and institutional arrangements" (Stubb 1996, p. 283). Consequently, in line with the approach adopted by Schimmelfennig et al. (2015), it conceives internal and external differentiation as characteristics of differentiated integration.

References

Abbott, K. W., Genschel, P., Snidal, D., & Zangl, B. (Eds.). (2015). *International Organizations as Orchestrators.* Cambridge: Cambridge University Press.

Caporaso, J. (2017, June 19). Europe's three crises. *EuVisions.* Available from http://www.euvisions.eu/europes-three-crises/.

de Haldevang, M., & Petzinger, J. (2017, November 15). Catalyzed by Trump and Brexit, the EU's 23-army defense pact is unlikely to enhance security. *Quartz.* Available from https://qz.com/1128999/eu-army-the-brexit-and-trump-effect-and-what-it-means-for-european-security/.

Duke, S. (2017). *Europe as a Stronger Global Actor. Challenges and Strategic Responses.* Basingstoke: Palgrave Macmillan.

Fabbrini, S. (2014). The European Union and the Libyan crisis. *International Politics, 51*(2), 177–195.

———. (2015a). *Which European Union? Europe After the Crisis.* Cambridge: Cambridge University Press.

———. (2015b). The constitutional conundrum of the European Union. *Journal of European Public Policy, 23*(1), 84–100.

———. (2017). *Sdoppiamento. Una prospettiva nuova per l'Europa.* Roma-Bari: La Terza.

Fossum, J. E. (2015). Democracy and differentiation in Europe. *Journal of European Public Policy, 22*(6), 799–815.

Koenig, N., & Walter-Franke, M. (2017, July 19). *France and Germany: Spearheading a European security and defence union?* Jaques Delors Institute, Policy Paper. Available from http://www.delorsinstitut.de/2015/wp-content/uploads/2017/07/20170719_FR-D-EU-Security_Koenig-Walter.pdf.

Lake, D., & Powell, R. (1999). *Strategic Choice and International Relations.* Princeton: Princeton University Press.

Majone, G. (2014). *Rethinking the Union of Europe Post-crisis: Has Integration Gone Too Far?* Cambridge: Cambridge University Press.

Marrone, A. (2017, November 26). *Permanent structured cooperation: An institutional pathway for European Defence*. Istituto Affari Internazionali, Commentaries. Available from http://www.iai.it/en/pubblicazioni/permanent-structured-cooperation-institutional-pathway-european-defence.

Rittberger, B., Leuffen, D., & Schimmelfennig, F. (2013). Differentiated integration of core state powers. In P. Genschel & M. Jachtenfuchs (Eds.), *Regulatory or Federal? The European Integration of Core State Powers*. Oxford: Oxford University Press.

Scharpf, F. (1999). *Governing in Europe: Effective and Democratic?* Oxford: Oxford University Press.

Schimmelfennig, F. (2014). Differentiated integration before and after the crisis. In O. Cramme & S. B. Hobolt (Eds.), *Democratic Politics in a European Union Under Stress*. Oxford: Oxford University Press.

Schimmelfennig, F., Leuffen, D., & Rittberger, B. (2015). The European Union as a system of differentiated integration: Interdependence, politicization and differentiation. *Journal of European Public Policy, 22*(6), 764–782.

Stubb, A. C. J. (1996). A categorization of differentiated integration. *Journal of Common Market Studies, 34*(2), 283–295.

Tocci, N. (2017, August). *The time for European Defence has come: Rome must step up to the task*. Istituto Affari Internazionali. Available from http://www.iai.it/sites/default/files/iaicom1707.pdf.

Weiler, J. (1991). The transformation of Europe. *The Yale Law Journal, 100*(8), 2403–2483.

Appendix A: Interview Guide Including Framework Questions for the Case of Kosovo

Short introduction

- Presentation
- Aim of interview
- Consent
- Confidentiality
- Timing

Section 1: HR and EU foreign and security policy

1. Could you briefly describe key issues related to the role of the HR *vis-à-vis* other EU institutional actors and in relation to EU member states?

Section 2: EU-Kosovo relations

2. Could you briefly list what are the specific responsibilities of the EU towards Kosovo today?
   (a) What is the specific role of the EU in Kosovo?
   (b) What is the role of the main EU institutional actors in Kosovo?
   (c) What is the role of the EU Member States in Kosovo?

Section 3: Reflections on institutional patterns in EU foreign and security policy-making

3. Who controls EU foreign and security policy on Kosovo and who should be controlling it?
    (a) If the EU institutions are controlling EU foreign and security policy on Kosovo, which is the most preeminent institution in the policy-making process? Please provide some examples.
    (b) If the EU member states are controlling EU foreign and security policy on Kosovo, which is the most preeminent national government or coalition of governments in the policy-making process?
    (c) If the EU member states are controlling EU foreign and security policy, how much is the presence of this control linked to member states' national concerns about their domestic secessionist movements, and how much is it related to other strategic concerns?

Section 4: Kosovo's stabilization process

4. Do you believe that the prospect of EU membership for Serbia and Kosovo is successfully leading to a normalization of the relationship between Belgrade and Pristina and therefore to a stabilization of Kosovo?
    (a) If so, how do you perceive the contribution of your organization to achieving such an outcome? Please provide some examples.
    (b) If not, how do you perceive the contribution of your organization in preventing such an outcome? Please provide some examples.

5. If we consider the EU prospect of membership as a tool for indirect stabilization, do you think that Kosovo could become a member of the EU without being recognized by all EU member states?
    (a) If so, do you believe that a voluntary cooperation among member states and EU institutions has taken place in this specific foreign policy case despite the divisions within member states on the recognition of this country?
    (b) If not, how much cooperation among EU member states and eventually delegation of power from national governments to EU institutions will be needed?

6. Do you think that Kosovo's accession to the EU would be "efficient" in terms of foreign policy strategy?

Section 5: The role of EU institutional actors in Kosovo's stabilization process

7. Do you believe that intergovernmental forums have played a crucial role in leading EU foreign policy on Kosovo and the stabilization of the relationship of this country with Serbia?
    (a) If so, what role would you assign to the European Council and the Foreign Affairs Council?
    (b) If not, would you say that there was a specific EU Member State or group of Member States that has acted as policy instigator or coordinator instead? Please provide some examples.

8. Do you believe the role of the HR has been crucial in initiating and leading the negotiations of the EU-brokered Agreement reached in April 2013?
    (a) If so, in which way? Please provide examples.
    (b) If not, why? Please provide examples.

9. Compared to other foreign policy cases, would you say that the European Commission has been playing an increased role in this policy *dossier*? Please provide some examples.
    (a) If so, would you attribute such increased role to the activity of the HR in her capacity of Vice-President of the Commission, or would you attribute it to an autonomous initiative of the Commission? Please provide some examples.
    (b) If yes, would you say that the role of the Commission was mainly related to the technical aspects of this policy dossier? Please provide some examples.
    (c) If, not why?

Section 6: Common security and defence policy

10. Despite the inability of member statesto reach a common position on the *status* of Kosovo, in 2008 the EU deployed EULEX with the unanimous approval of all 27 member states at the time.
    (a) EULEX is the largest civilian EU CSDP mission both in size and scope. Unlike most CSDP missions, it does also have an executive mandate. Can you briefly explain these format, tasks and size were chosen?

Section 7: Policy-oriented opinions on international context and EU foreign policy on Kosovo

11. What have been the role and eventually the influence of other relevant international actors and organizations?
    (a) How much has the US disengagement from the Western Balkans influenced the increase of EU commitment to the stabilization of the area?
    (b) Do you believe that UN and NATO activities were essential to prepare the ground for EU's current approach towards Kosovo?
    (c) To what extent is EU commitment to the stabilization of Kosovo related to security concerns in Western Balkans? In other words, would you consider EU approach to also be driven by economic interests and/or values and principles of its external action?

Section 8: Wrapping up

- What would you advise a policy-maker thinking about improving EU foreign policy approach on Kosovo?
- Thank you very much for your time, is there anything else that you would like to add?

Appendix B: Interview Guide Including Framework Questions for the Case of Ukraine

Short introduction

- Presentation
- Aim of interview
- Consent
- Confidentiality
- Timing

Section 1: HR and EU foreign and security policy

1. Could you briefly describe the key issues related to the role of the HR *vis-à-vis* other EU institutional actors and in relation to EU member states?

Section 2: EU-Ukraine relations

2. Could you briefly list what are the specific responsibilities of the EU towards Ukraine today?
   (a) What is the specific role of the EU in Ukraine?
   (b) What is the role of the main institutional actors in Ukraine?
   (c) What is the role of the EU member states in Ukraine?

Section 3: Reflections on institutional patterns in EU foreign and security policy-making

3. Who controls EU foreign and security policy on Ukraine and who should be controlling it?
    (a) If the EU institutions are controlling EU foreign and security policy on Ukraine, which is the most preeminent institution in the policy-making process?
    (b) If the EU member states are controlling EU foreign and security policy on Ukraine, which is the most prominent national government or coalition of governments in the policy-making process?
    (c) If the EU member states are controlling EU foreign and security policy on Ukraine, how much is the presence of this control linked to the uncertainties determined by the role of Russia, and how much is it related to other strategic concerns?

Section 4: EU reaction to the Ukrainian crisis

4. If we consider the Neighbourhood Policy and the Eastern Partnership as tools for indirect influence, do you think that the EU sought to establish a political association and economic integration with Ukraine without taking the Russian dimension into consideration enough?
    (a) If so, do you believe that a voluntary cooperation among member states and EU institutions has taken place in this specific foreign policy case despite the divisions among EU member states on how to deal with Russia?
    (b) If not, why? Please explain.
    (c) Do you think that pursuing a special relationship with Ukraine has been "efficient" in terms of foreign policy strategy?

5. Do you believe that EU's reaction to the crisis is successfully leading to a normalization of the relationship between Kiev and Moscow and therefore to a stabilization of Ukraine?
    (a) If so, how do you perceive the contribution of your organization to be in terms of achieving such an outcome?
    (b) If not, how do you perceive the contribution of your organization to be in terms of preventing such an outcome?

Section 5: The role of EU institutional actors in the crisis in Ukraine

6. Do you believe that intergovernmental forums have played a crucial role in leading EU foreign policy on Ukraine after the beginning of the protests in November 2013?
    (a) If so, what role would you assign to the European Council and the Foreign Affairs Council?
    (b) If not, would you say that a specific EU member state or group of member states has acted as policy instigator and coordinator instead?

7. Do you believe the role of the HR has been crucial in leading EU foreign and security policy on Ukraine during the crisis?
    (a) If so, in which way? Please provide examples.
    (b) If not, why? Please provide examples.

8. Compared to other foreign policy cases, would you say that the European Commission has been playing an increased role in this policy *dossier*?
    (a) If so, would you attribute this increased role to the activity of the HR in her capacity of Vice-President of the Commission or would you attribute it to an autonomous initiative of the Commission?
    (b) If so, would you say that the role of the Commission was mainly related to the technical aspects of this policy dossier (i.e. sanctions)?
    (c) If not, why?

Appendix C: List of Interviews

Interview A—8.12.2015. Policy Officer, European Commission.

Interview B—8.12.2015. Policy Officer, European External Action Service.

Interview C—9.12.2015. Former Policy Officer, European External Action Service.

Interview D—9.12.2015. Policy Officer, European Commission.

Interview E—9.12.2015. Policy Officer, European External Action Service.

Interview F—9.12.2015. Policy Officer, Committee on Foreign Affairs, European Parliament.

Interview G—9.12.2015. Policy Officer, European External Action Service.

Interview H—10.12.2015. Ambassador, Political and Security Committee.

Interview I—10.12.2015. Policy Officer, European External Action Service.

Interview J—10.12.2015. Foreign Policy Expert, Centre for European Policy Studies.

Interview K—11.12.2015. Policy Officer, European External Action Service.

Interview L—11.12.2015. Policy Officer, European Commission.

Interview M—11.12.2015. Policy Officer, European Commission.

Interview N—11.12.2015. Policy Officer, European External Action Service.

Interview O—11.12.2015. Policy Officer, European External Action Service.

Interview P—13.12.2015. Foreign Policy Expert, European Policy Centre.

Interview Q—14.12.2015. Policy Officer, European Commission.

Interview R—14.12.2015. Policy Officer, European Commission.

Interview S—14.12.2015. Foreign Policy Expert. European Policy Centre.

Interview T—15.12.2015. Former Civil Servant in Kosovo (Phone interview).

Interview U—16.12.2015. Former Policy Officer, European External Action Service.

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