

The EU Member States and the Crisis in Ukraine: Towards an Eclectic Explanation

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Abstract: *The decision of the European Union (EU) to adopt and extend far-reaching sanctions against the Russian Federation came as surprise to many critics of the Common Foreign and Security Policy (CFSP). Especially in light of the history of EU-Russian relations and the deep divisions between member states when it comes to Russia-policy the Ukraine Crisis has become a turning point. This article tries to trace the roots of the EU's response to the crisis by looking at the level of the member states. In analysing three «most unlikely» cases (Germany, Italy, Austria) one-dimensional IR explanations are rejected. One needs to look for an eclectic approach instead. I argue here that Germany's surprising leadership role during the crisis can be understood by personal, learning-based and normative factors. Italy and Austria did not change national Russia-policy and their «critical consent» to EU-sanctions is based on a yet firm but increasingly more fragile commitment to the European project and order. Based on the findings the article concludes with a sceptical note on both the sustainability of the EU's current Russia-policy and European foreign policy development as such.*

Keywords: *EU, Germany, Italy, Austria, EU-Russia relations, foreign policy, sanctions, intergovernmentalism, Ukraine*

Introduction

The so-called Ukraine Crisis² and especially the annexation of Crimea in March 2014 and the Russian intervention in parts of Ukraine's Donbas of the same year represent the hitherto biggest crisis in European foreign policy since at least the war in Kosovo.

Contrary to other crisis situations, the EU has come up with a unified and as of yet sustainable position based on a sanctions regime towards Russia. This departure from earlier behaviour is all the more puzzling because of two facts: First, European foreign policy still represents a sort of conglomerate of different actors'

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² The debate about terminology is as old as the conflict itself. The formulation «Ukraine Crisis» (see f.e. Wilson 2014) has been predominantly used in Western discourses from 2014 onwards (with the EU now using «conflict in and around Ukraine») although it is rightly criticized for creating the wrong impression that the conflict is mostly homegrown («civil war») and that the events unfolding inside Ukraine from late 2013 onwards caused everything that followed. The author prefers the formula «Ukraine-Russia conflict», but decided here to follow the scholarly mainstream for comparability reasons.

foreign policies and is as of today heavily intergovernmentalized as an EU policy area. Second, EU-Russian relations have traditionally been very divisive for the EU because of diverging and in some cases diametrically opposed member state interests, different historical and cultural ties, and consequently also policies (Leonard and Popescu 2007). Therefore, the central question analysed here is: *Why and how did EU member states in the case of the Ukraine Crisis find to a unified and as of now sustainable policy?*

Challenging existing research, I will argue here that explanations looking at the EU from a unitary perspective and highlighting either interest-based or normative aspects are not convincing. Instead I will argue that the EU's surprisingly coherent policy in the Ukraine Crisis can be understood best by analysing the policies of those member states which we would traditionally have expected to counter any anti-Russian measures. Therefore the EU's position is the result mainly of policy change in the most important Russia-friendly EU-state (Germany) and the «critical consent» of smaller Russia-friendly states (such as Italy and Austria). Only such an intergovernmental perspective allows us to assess both the eclectic nature of foreign policy-making during the Ukraine Crisis and the degree of fragility inherent in the EU's current policy consensus on Russia and Ukraine.

The article stands at the crossroads of several debates in the field: First, it contributes to ongoing discussions on the maturity and «actorness» of European Foreign policy in light of new geopolitical circumstances. Second, the article takes clear side in the debate on the dynamically evolving structure of EU foreign policy-making, in which the level of the individual member states and their national foreign policies is assumed to be still paramount for any analysis. It tries to add to current research analysing the relationship between national and supranational foreign policy-making. Third, a regional or policy-specific perspective is obvious. The article contributes to an understanding of the EU's policy-making and crisis management on the intersection of both EU-Russian relations and the European Neighbourhood Policy (ENP).

The article is divided into three sub-sections. The first one will briefly discuss the role of EU member states in the Common Foreign and Security Policy (CFSP) in general and in EU-Russian relations more specifically. In a next step existing explanations for the EU's behaviour in the Ukraine Crisis will be critically evaluated. In the third and central section an alternative eclectic explanation will be outlined using a «most unlikely»-methodology by analysing the cases of Germany, Italy and Austria.

The EU Member States and the European Foreign Policy Conglomerate

The nature of EU foreign policy is one of the most interesting debates in IR and will remain so for the foreseeable future (f.e. Aggestam 2016; Białasiewicz 2016; Delreux 2016). On the one hand most observers remain critical of the EU's capacity to act as an autonomous actor beyond external trade relations and especially in the security field. The mainstream of the discipline would, on the other, now object to Henry Kissinger's famous «telephone-number»-critique. The EU is active with missions in many world regions and has developed an impressive range of international policies in fields such as climate policies, development or human rights. It is also increasingly perceived as an actor in its own right by other major powers (Giegerich 2010, p. 454). Russia's harsh reaction to the EU's offer of an Association

Agreement to Ukraine in 2013 has been only one example for the attention others increasingly have to pay to the EU as a foreign policy actor over the last years.

However, when it comes to decision-making a standard volume's characterization of the EU's foreign policy as «multilevel», emphasizing that there is no necessary zero sum-game between the level of the EU's supranational institution's and those of its member state's foreign policies, sounds still a bit euphemistic (Keukeleire and Delreux 2014, p. 17). Even the Treaty of Lisbon, which aimed at making the Union a more «coherent and effective actor» in the foreign policy domain, does not in any significant way change the «Grundnorm» of CFSP. All member states are still equal and decisions have to be taken in unanimous fashion (Ibid.). Among EU specialists foreign policy is therefore consequentially subsumed under the policy-mode of «intensive transgovernmentalism» (Wallace and Reh 2010, p. 109), meaning it represents one of those EU policy areas where the Council (meaning the member states) sets the active direction and dominates clearly over a marginal Commission and Parliament.

In practice this has understandably led to a procedurally complex area of EU politics where the member states are clearly predominant, and consensus-searching coordination is paramount. Empirically we can observe that as in other areas of formal unanimity, effective policy-making needs strong coalitions including at least two of the so called «big three», i.e. Germany, France, and Great Britain (Keukeleire and Delreux 2014, p. 134). In crisis situations smaller informal groupings, such as headed by France during the Russian-Georgian War and Germany in the Ukraine Crisis, take the lead with others silently agreeing and often being even happy to delegate policy-making (Seibel 2015). There is also ample reason to speak about a Europeanization of national foreign policies during the last years and therefore a basis for improved cooperation (Wong and Hill 2011). Yet, a possible veto is always looming in the background and therefore determines policy.

Especially in terms of its relationship towards Russia, the EU – due to the member states' diverging interests on the matter – is famous for its inexplicit policy designs and lack of strategy (Forsberg & Haukkala 2016, p. 228). The influence of EU internal rifts has been most obvious in crisis situations of EU-Russian affairs. During the Second Chechen War from January to June 2000 the EU could only agree on «limited» and mostly symbolic sanctions in the form of a reshuffling of TACIS funding and the suspension of a new science and technology cooperation agreement. In 2008, during the Russian-Georgian War, and especially after the subsequent Russian recognition of Abkhazia and South Ossetia, the EU could converge only on the freezing of negotiations on a follow-up to the Partnership and Cooperation Agreement but not on any sanctions (Ibid., p. 129/162).

Paradigmatic Explanations of EU State Behaviour in the Ukraine Crisis

How have scholars so far explained the behaviour of the EU and its member states during the Ukraine Crisis? The existing approaches can be roughly categorized using the central IR-theoretical dichotomy between the «logics» of «consequentialism» and «appropriateness».

The logic of «consequentialism»

In the «logic of consequentialism» realists and neo-realists occupy a predominant position. Scholars using this framework explain the EU's reaction and

the emerging, surprising consensus among the member states on a relatively tough sanctions regime with the «shock» caused by the annexation of Crimea and the Russian intervention in Donbas. Russia, according to this logic, was finally recognised as a revisionist power willing to change Europe's post-Cold War order by force – even by formerly friendly EU governments (Auer 2015; Rynning 2015). However, the degree to which Russia was seen as a genuine security threat immediately after its outbreak and during the Ukraine crisis in reality varied considerably. Whereas some (but notably not all) states geographically exposed and with ample historical experience of Russian imperialism such as Poland and the Baltic states were willing to put security first and pushed the issue on NATO's and the EU's foreign policy agenda (Zajackowski 2017; Vilson 2017), other and especially older EU states were much more hesitant at first (with the exceptions of the United Kingdom and Sweden) and arguably did not feel very much threatened directly by Moscow (Sjursen 2017, p. 26).

From a neo-liberal perspective the EU's reaction seems odd or irrational at first – a reason why scholars use it mostly to explain the somewhat «softer» reaction of Brussels to events in Ukraine in comparison to that of Washington (Serhan 2017). Central here is the relatively strong dependence of many EU member states on Russian energy commodities, amounting to almost 100% for some, and the high degree of interdependence between the Russian and many European economies. Indeed the neo-liberal approach does not go easily together also with the often prescribed «primacy of economics» in EU foreign policy and with the more general trend of an «economization» of many member state's foreign policies. On the other hand, some scholars have shown that the Ukraine Crisis, contrary to expectations, has not only shown that the vulnerability of EU energy interests vis-à-vis Moscow has been somewhat overstated (the Russians need to sell too and have so far not included energy deliveries in counter-sanctions) but that it has also given new momentum to debates and policy frameworks aimed at more energy autonomy and effectiveness such as the Energy Union (NYT 2014; Treffer 2015). Furthermore, the temporary success of EU-facilitated schemes to make Ukraine more autonomous from Russian gas deliveries (via redirection of capacities from Slovakia) seems to have convinced EU policy-makers that even the regional (geo-)economic fallout from the crisis can be managed.

Part of the explanation why the EU and its member states were able to manage the economic consequences of the crisis and therefore prioritize the (geo-) political dimension is institutional in nature. It is argued here that other than for example during the Russian-Georgian war EU institutions were not as easily brushed aside this time and played an important role in the coordination and management of sanctions-vulnerabilities via general equal distribution of risks, compensation schemes for farmers, stress test gas supply disruptions and intelligence provision. That, together with the pivotal German contribution to keep everyone informed about the high-level coordination of the response, in turn created the necessary trust and expectancy security for smaller or doubtful member states to come along (Natorski & Pomorska 2017).

The logic of appropriateness

The so far dominant explanation for the EU's response however fits a constructivist framework and hints at the influence of a shared normative script and the direct challenge Russian policies in Ukraine posed to it. Helene Sjursen for

example speaks about a moment of «normative convergence» of EU governments on principles such as sovereignty, self-determination and human rights of Ukrainians preparing the ground for a coherent and firm EU reaction to the crisis. This normative script, says Sjursen, convinced even sanctions-critical states such as Austria or Hungary that there was no alternative to the proposed policy line. Furthermore, it is hinted here at certain dynamics in the gradual development of a European foreign policy identity in which compliance with international law and a prior coordination on the level of the EU's institutions (before the national level) is allegedly already part of many national decision makers' cultural script (Sjursen 2017).

A second, complementary constructivist explanation is more centred on the reflexive impact and the nature of Russian domestic and foreign policy. Here it is argued that the events of 2014 and the subsequent actions of both sides represent only the climax of a longer process of alienation between the EU and Russia – a «reinforced normative contest». The Ukraine Crisis, it is argued, has led to a sharpening and perceived irreconcilability between two types of orders: here the EU with its self-image of a «civil power» seeing itself more and more in a fight against the apologetics of illiberal democracy inside and outside its borders, there a Russia which tries to project its domestic vision of a Russian-ethnicity centred authoritarianism («Russkij mir») abroad. Especially Russian foreign policy, building on a strategic vision of a pluralistic international order, for whose implementation the use of force has become a legitimate instrument, nowadays presents the starkest normative contrast to the EU's values (Kurowska 2014). From this perspective, Russia under Putin has developed into an anti-thesis to «civil power Europe» creating a negative spiral between both actors.

Yet, the normative script comes with two severe fallacies. First, it does ignore the sheer size of the EU and the many different perspectives and also normative scripts especially in regard to Russia. In a situation where, at least theoretically, any smaller member state might bring the sanctions regime to the brink, it is far from enough to look upon convictions and beliefs in a superficial or across-the-board manner. Additionally, a concentration on the year 2014 and the aftermath of the «shocks» of annexation, the downing of MH17 or Russian intervention might be misleading. As the conflict in Ukraine goes on it also normalizes, which might lead to a reversion of earlier observable normative trends. Second, the above mentioned positions do negate the existence of normative contests inside many EU member states. Here, we can observe a clear overlap between positions on the crisis (or Russian imperialism and authoritarianism more specifically) and a larger cultural contest between globalized liberal groups and nationalist globalization sceptics (Shekhovtsov 2018). In some EU member states, such as in Austria, this contest and with it a clear normative ambiguousness on EU-Russia policy has arrived on the level of government already (see below). Furthermore, there seems to be considerable debate about norms in regard to the conflict even inside the Western and European political mainstream, where a faction adhering unambiguously to international norms clashes with a position convinced of a «norm» demanding «respect» for traditional Russian great power interests and zones of influence.³ The latter position is exemplified by the renewed debate about Russia's alleged

³ I owe this insight to Rafael Biermann of Friedrich-Schiller University Jena and the discussions at the Workshop «Legal Norms, Moral Values and National Interests» in Berlin, February 2018.

«humiliation» after the end of the Cold War (f.e. Klußmann 2009; Sarotte 2014; Majumdar 2017), when the West – arguably against earlier agreements – decided to expand NATO eastwards, recognized the independence of Kosovo and (temporarily) supported Georgian and Ukrainian NATO membership.

Towards an Eclectic Explanation

Current explanations for the EU's and its member states' behaviour during the Ukraine Crisis share different problematic aspects. First, they mostly remain inside the strict framework of one IR theoretical approach and miss upon the opportunity to combine several approaches operating on different levels (such as system- and individual) in order to find a more sophisticated explanation for the EU's surprising decision to adopt a sanctions regime against Russia and stick to it over the years. Second, none of the above outlined approaches emphasizes the personal component, although it has become rather obvious during the Ukraine Crisis that several key personalities, such as Angela Merkel and Vladimir Putin, have played a pivotal role in determining the course of events despite significant structural constraints and political opposition. Furthermore, current approaches outlined above also lack a more dynamic perspective regarding EU foreign affairs, member states' foreign policies, and the conflict as such. Especially after years into a conflict the chance for missing out on significant «real time»-developments and a foreign policy-learning curve on behalf of actors is very high. Last but not least, the very significance of the level of the individual member states' foreign policies towards Russia and Ukraine is not reflected here and the EU is mistakenly treated too often in state-like or unitary fashion (see preceding chapter). If we take the permanent, structurally induced chance of a sanctions-collapsing single veto serious we have to look deeper into the decision-making of specific key member states for an answer on our central question.

Therefore, this paper heads towards a more eclectic explanation for the EU's policy-making during the Ukraine Crisis by analysing member state policy deliberation using three different case studies – Germany, Italy and Austria. All cases are «most unlikely» in character since they cover countries which traditionally belong to the more Russia-friendly group among EU member states and were less expected at the beginning of the crisis to prefer (or even propagate and upload to the EU-level) a policy-approach based on political and economic sanctions. The case of Germany is given priority here due to the central role the country plays inside the EU and European foreign policy in general and specifically during the Ukraine Crisis. All cases will be analysed using a simple strategy: first, naming the sources of the special relationship of the country under scrutiny with Russia; second, a short overview on the observable domestic policy debate and the development of policy; and, third, a discussion of the question why the specific country chose to support EU policy and the sanctions regime.

Germany's Pivotal Position and Policy-Change

Among the EU's big three Germany is by all means the European powerhouse less expected to easily compromise its relationship with Russia. Both countries are connected by close political and economic bonds, built upon a tragic bilateral history, and a strong sense for how much European stability hinges upon their peaceful interaction. With their so called «Ostpolitik» Social Democratic

Party-governments of the late 1960s and 1970s provided a paradigmatic shift and ultimately a policy tradition in the relationship between Soviet Union/Russia and Western Europe. «Ostpolitik» was building on the hope that economic and political concessions would bring long-term change (Mischke & Umland 2014; Härtel 2014). The late Soviet regime's constructive role in Germany's reunification and the gratitude coming with it then paved the way towards a special relationship between Germany and the post-Soviet Russian state (Stent 2000). Moreover, close political relations were and are supplemented by economic ones: Germany not only consumes around 40% of its gas and oil from Russia and is one of its biggest investors, projects such as North Stream 1 and the planned North Stream 2 have raised the spectre of an exclusive German-Russian geostrategic partnership ignoring (again) Central European interests (Szabo 2015).

Against this background, the leading role of Germany inside the EU framework in managing the Ukraine crisis as such and in organizing a legalist-inspired response to Russian aggression has to be interpreted as a significant policy change. Germany's course is even more remarkable if one takes fair account of three facts: First, the country's economic sensitivity to Russian counter-sanctions. Second, an unconvinced public. Third, a mostly critical if not openly defiant role of the Merkel-CDU's smaller coalition partner, the SPD. In the shadow of their «Ostpolitik»-tradition and the more recent «modernization policy» both Frank-Walter Steinmeier and his successor Sigmar Gabriel only half-heartedly implemented the chancellery's course. They frequently criticized the tougher US approach (Gabriel 2017) and called for moderation and even conciliatory steps towards Moscow (Schuller and Sattar 2017). Yet, Angela Merkel managed to successfully upload her unequivocal political approach to the level of the European institutions. Furthermore, she was also successful in managing an OSCE-monitored ceasefire agreement (although only in the second try); in ensuring additional NATO deployment towards the Baltics; in generating unprecedented bilateral and multilateral political and economic support for Ukraine's sovereignty; and finally in upholding the sanctions accord ever since.

Explaining German Policy-Change

Trying to answer the question what kind of reasoning lay behind German foreign policy during the Ukraine crisis and why an almost turnaround in Russia-policy had been initiated both normative and interest-based, and even a combination of both approaches do not take us very far. First, Angela Merkel's legalistic arguments in support of her own policy during the Ukraine crisis («principles and not the right of the stronger») (Bundeskanzlerin 2014) are at first sight very much in line with the post-unification German foreign policy consensus emphasizing the primacy of international law and multilateral cooperation. However, they did not guide or were of second priority for German policy in earlier instances such as after the Russian recognition of both Abkhazia and South Ossetia in 2008 (SpiegelOnline 2008). Second, there is also no indication that Germany's threat perception vis-à-vis Russia significantly changed during the Ukraine crisis. Never mind some alternative voices inside the security apparatus and even in the SPD-led foreign ministry, there seems to be a consensus that Russian strategy in Ukraine is regionally focused and that the country might return to «calculable rivalry» (Seibel 2015). This to some degree contrafactual thinking very much

corresponds with the economically focused nature of German foreign policy and the Bundesrepublik's «Handelstaat»-tradition (Hellmann et. al. 2014), and with the increasingly debated lack of Realpolitik-thinking (Mauß 2014; Özdemir 2017). Following this reasoning, an alternative explanation could of course be found in a new, dynamically evolving and crisis-accelerated role perception of German foreign policy. Such a development towards «more responsibility, no idle pacifism» (Gauck 2014) and strategic thinking is demanded by German intellectuals already for some years. However, such voices are still underrepresented and more conservative German policy-makers, such as defence minister Ursula van der Leyen or Norbert Röttgen, the head of the Bundestag's Foreign Affairs Committee, still find it hard to convince both colleagues and public to match NATO's defence spending target, not to speak of engaging Germany in additional theatres, such as Syria.

A more convincing explanation has to integrate additional aspects and levels of analysis ignored in the literature so far. Much speaks for thesis that a combination of personal factors and policy learning processes provide a much deeper understanding of Germany's policy choice during the Ukraine Crisis than others. First, there is Angela Merkel's personal involvement that ultimately placed her in the role of key decision-maker and broker between the parties to the conflict and the EU member states. To some degree that leadership role came natural to her after the reputation she had acquired internationally and in managing several international crises before. However, given Germany's extraordinary relationship with Russia and the domestic opposition Angela Merkel's policy choices faced, especially at the beginning of the crisis, a central role for the German chancellor was unexpected here and seems to have been Ms. Merkel's deliberate choice. Her motivation can be understood looking at her peculiar personal background, socialization and belief system (Packer 2014). Here, she contrasts much more sharply with the Russian president than any of her post-unification predecessors. Both Helmut Kohl and Gerhard Schröder developed close personal relationships with their Russian counterparts and were willing to put the value of a close strategic partnership above all other concerns (Rahr 2005). Therefore, German and with it EU policy towards Russia might have looked much different in case of other personal constellations – a thesis much supported by the unchanged and highly debated professional occupation and staunch public support of late chancellor Gerhard Schröder for Vladimir Putin even during the Ukraine Crisis (Joffe 2017).

Still, in terms of policy change also Angela Merkel had earlier resisted to fully enact the strictly legalist approach – characterized by her insistence on international law, territorial integrity, support for human rights, state building and democratization – in the framework of EU-Russian relations or in cases of Russian interference in the countries of the Eastern Partnership. Therefore certain events or developments occurring in EU-Russian, German-Russian relations or in the international and domestic conduct of the Russian regime seem to have changed Angela Merkel's earlier, more ambivalent Russia-policy and convinced her in formulating the unequivocal approach we could observe from March 2014 onwards.

A complementary learning-perspective makes best sense here, a process during which the chancellor «updated [earlier] beliefs based on lived or witnessed experiences, analysis or social interaction» (cited in Dunlop and Radaelli 2013). From the beginning of her chancellorship in 2005 a range of events seem to have gradually eroded the belief of Merkel and her foreign-policy staff in the chancellorship

that Russia can finally be reconciled with Europe's post-Cold War order and be engaged to «modernize» (or better Europeanise) domestically (Rahr 2017). Among these events are first of all the war in Georgia and the subsequent Russian recognitions of both Abkhazia and South Ossetia, which Angela Merkel already back then coined as a «violation of international law» and «unacceptable» (Bundeskanzlerin 2008). Only shortly after it became obvious to her and the conservative German foreign policy-establishment that Russia was increasingly paying lip service to the agreed «modernization policy» domestically (Bundestag 2012) and to pan-European designs internationally. Instead Vladimir Putin strove to build an exclusive political-economic project in the Post-Soviet Space (Merkel: «Russia's behaviour points into another direction» (Süddeutsche 2010; Guardian 2011)) and also assertively began to use key economic assets in neighbourhood countries to enforce political compliance (Tagesspiegel 2013). In the years preceding the Ukraine Crisis more frequent violations of human rights amounting to their complete disregard and defamation (SpiegelOnline 2010; Welt 2012; BBC 2015) occurred in Russia. These and the pressure on German political foundations operating in Russia were not lost on the chancellor, whose direct critique (RP-Online 2012) led to a significant deterioration of the relationship already before 2013. The Ukraine Crisis was then nothing less here than the final tipping point at the end of a chain of events: both the annexation of Crimea and Russian military intervention in the Donbas destroyed what was left of trust between Putin and Merkel and even left the latter with a strong feeling of having been «deceived» by the Russian president (Barkin 2014; Bundesregierung 2017). In short, Merkel had painfully learned that Russia had developed into a revisionist power which had to be contained.

Finally, the learning-based approach and the lack of trust Merkel felt toward Putin strongly interact with the above mentioned and now widespread perception in the European political mainstream that Russian domestic and foreign revisionism have led to an ideational contestation between two kinds of normative orders. That crucial change in the normative environment for German Russia-policy made a range of new policy options – essentially a replacement of the long-standing «primacy of economics» by a «primacy of politics» in German-Russian relations⁴ and a focus on the preservation of European and international order – possible. Although significant parts of the German political elite⁵, business community (Härtel 2014; WiWo 2018) and public⁶ were still willing to hold on to a special treatment for Russia and therefore critically assessed the sanctions-regime, Russian actions in Ukraine left them with few arguments in the public discourse.

⁴ That has been the way Stefan Meister, DGAP Berlin, was summarising Germany's changing Russia policy at a joint closed workshop with the author in Kyiv in November 2017.

⁵ Critical towards sanctions is a majority of the Social Democratic Party, the AfD, Linke and some influential Free Democrats such as Wolfgang Kubicki (Schult and Weiland 2018). A solid support for sanctions can only be found among the Christian Democrats and the Greens. An East-West divide reflecting public opinion has been manifesting itself in an East German Laender Prime Ministers call for the termination of sanctions (Eichhorn 2018).

⁶ Public opinion on Russia and German/EU-Russia policy has been very dynamic since early 2014 and seems to correlate significantly with attitudes towards other international actors such as the United States. In 2014 and 2015 a majority of Germans supported sanctions, although only one third of East Germans. Since 2016 overall support for sanctions and a distancing from Russia seems to get weaker (Die Zeit 2014; Reuters 2016).

Other most unlikely cases: Italy and Austria's Policy of «Critical Consent»

The German position and the leadership provided by Angela Merkel have been pivotal for finding an agreeable policy on the level of the EU, to mobilize bigger member states more hesitant at the beginning (France) and to convince those smaller member states which would under different circumstances be unlikely candidates for a support of anti-Russian sanctions. The logic here is obvious: To reject German and later German-Franco leadership on the Ukraine Crisis as a policy issue – especially given the priority with which Germany has been treating it from the beginning – would have its prize for other member states, leading eventually to isolation or even some form of punishment. Much also speaks for the fact that the early agreement on sanctions has also been a result of the shock waves the annexation of Crimea sent through the Union (as the downing of MH 17 helped to bring consensus on 3rd stage sanctions in August 2014). Yet, with the crisis lingering on for almost four years in 2018 the shadow of these early events is withering and a certain normalization and call for *business as usual* has set in. There must therefore be additional explanations for why all 28 member states, and especially the traditionally more Russia-friendly, agreed to prolong the sanctions regime every six months.

Italy traditionally had a very strong relationship with Russia especially due to the considerable trade flows, its investments, and the energy partnership which Rome developed with Moscow after Silvio Berlusconi came to power in 2001. When it comes to the economic partnership Italian decision-makers of both the centre-right and centre-left had been happy even to work with the Russians outside the EU framework, such as in the case of South Stream with an intense cooperation between ENI and Gazprom (Brighi 2011). Yet, only the centre-right under Berlusconi, who very fast became a true friend of Vladimir Putin, went so far to defend Russia's Chechnya policy in light of strong EU criticism (Ibid.). Another country belonging to the most unlikely category when it comes to anti-Russian policies and sanctions is Austria. Whereas both Germany and Italy belong to the group of «strategic partners» of the Russians according to the 2007 ECFR classification Austria was put into the category of «friendly pragmatist». However, certain, especially domestic developments have since distanced Austria further from Brussels and thereby opened a strategic space for Russia to further «cultivate» the traditionally close relationship.

Initial Positions on the Ukraine Crisis

It is no surprise then that Italy from the very beginning of the Ukraine Crisis had been a very reluctant supporter of anti-Russian sanctions, not the least because economic measures were expected to hit the Italian economy with losses of approximately 5 billion US-Dollars. Even in light of its eventual consent the government of Matteo Renzi did what it could to avoid giving Moscow the impression of a more than temporary measure. Rather, Italy – exemplified by Matteo Renzi's courting of Vladimir Putin at the Expo 2015 – perceived itself as a moderator and open channel during the conflict (Bonacquisti 2015). For example, both Renzi and foreign minister Gentiloni suggested autonomy-solutions for the Donbas based on the example of certain Italian regions (Economist 2015). Additionally the country put its hopes on Italian EU High Representative for Foreign Affairs and Security Policy Federica Mogherini to act in Italy's interest in

non-confrontation.⁷ However, over time and especially after the emotional fallout from the annexation of Crimea and the downing of MH 17 had been somewhat alleviated voices speaking out more openly against the sanctions became ever stronger. Especially the rising populist left and right (Five Star Movement, Lega Nord) did not hide their pro-Russian leanings with the Lega's Matteo Salvini even demanding the recognition of Crimea as part of Russia (Bonacquisti 2015). Among more mainstream forces the former Prime Minister Silvio Berlusconi called for Italy ending its support for anti-Russian measures (Horowitz 2018).

Austria took a very critical approach from the very beginning in terms of anti-Russian EU sanctions, highlighting first of all its considerable economic interests in both Russia and Ukraine especially in agriculture, banking, machine building and the energy sector (Lahodinsky 2017). Much of the blame for the Ukraine crisis was accredited by Austrian politicians to Ukraine's weak governmental structures and failed EU neighbourhood policies rather than to Russian aggression (Pollak 2015). This critical approach is shared by the wider political spectrum in Austria although it has been especially the right-wing populist FPÖ which lately openly agitated against the sanctions. It should not come as a surprise then that in this kind of Russian-friendly political climate frequent visits of FPÖ-politicians to Crimea or the safe heaven Vienna provided to pro-Russian Ukrainian oligarch Dmytro Firtash have not caused much public havoc (Kurier 2017). In 2017 however many experts expected Austria to become a serious problem for the EU's consensus on sanctions. Sebastian Kurz, the new ÖVP-chancellor and former foreign minister, had been closer to the German Social Democrat's position than to Merkel's line even before the election and in 2017 supported Sigmar Gabriel's proposal for a one-sided step-by-step reduction of sanctions. On top of that, his new coalition partner, the FPÖ, outright promised to veto anti-Russian sanctions (Mayer 2017).

In contrast to Germany, both Italy and Austria never intended to change their Russia-policy significantly after the outbreak of the Ukraine Crisis. Instead both governments called for moderation, at least rhetorically criticized sanctions as a policy-approach and tried to keep up formal appearances in their relationships with Russians through state visits etc. Yet, a vetoing of the EU's Russia-policy seems never to have been a serious option. What are the underlying causes of this policy of «critical consent» towards the EU? I will argue here that both Italy and Austria's positioning during the Ukraine Crisis are the consequence of two competitive trends: First, a dominating trend characterized by both countries prior self-definition as EU members and consequently supporters and beneficiaries of Europe's post-cold war international order. Second, a weaker but nevertheless significant trend characterized by growing elite-level anti-EU sentiments and a connected ambition to regain lost autonomy in international affairs.

Trend 1: Europeanization, Marginalization and Foreign Policy Provincialization

Italy has since the Second World War been keen to balance between its ambition of being accepted among the bigger European powers and the reality of

⁷ I owe many insights here to Dario D'Urso, an Italian public consultant, and his presentation entitled „Italy and the Conflict in Ukraine: a Reluctant Approach“ at a December 2015 workshop at the National University of Kyiv-Mohyla Academy.

being a medium power in need of a stable international environment and order (Brighi 2011). Although on the surface European integration was enthusiastically supported, in fact Italy always tried to make as much use of both EU membership and a good relationship with the US to enhance its own status and autonomy. After the Cold War however Italy's ambition and relative geopolitical position gradually came under pressure from two sources: First, German unification and EU enlargement relativized the country's geopolitical weight as one of the bigger founding states of the EU and manifested its status as a middle-sized member state. Second, Italy's growing economic troubles and weakness made it, especially after the Euro crisis, part of a southern EU crisis belt. Under the current conditions of increased multipolarity and US withdrawal from Europe one can argue that Italy's «balancing act» has become even harder to perform. Therefore, the EU has become Italy's only geopolitical stability anchor (Tocci 2018) and chance to «punch above weight». Indeed, Italian policy-makers' answer to the increased international marginalization of their country has been a quest for more, not less European integration, especially in the field of foreign and security policy (Italian Presidency 2014, p. 11). A remarkable evidence for that trend has been Italy's insistent lobbying for a joint EU permanent seat in the UN Security Council, a strategy meant to counter German designs for an own seat and to increase Italy's weight via the EU (Falchi 2006). At the same time scholars argue that Italian foreign policy has especially under Matteo Renzi become less ideologized and more globalization-oriented and «neo-liberal» (Brighi 2016), a tendency easily explained by both Italy's economic worries and the growing influence of the EU as a political and economic standard-setter. A second major consequence of Italy's reduced international weight is the limitation of its foreign policy agenda. Here the Ukraine Crisis and even bilateral relations with Russia are a fringe topic. Instead, migration and international financial governance or debt management are the major concerns. The dominant current foreign policy discourse is the management of Libya's failed state and the refugee influx it meant for the country. All those topics are furthermore highly interconnected with both EU-policy and a successful CFSP (Tocci 2018).

In Austria's case scholarly debates on its foreign policy have long been dominated by the neutrality clause inscribed in the country's constitution since it regained its sovereignty in 1955. Over time however Austrian neutrality has become a very flexible concept. «Active neutrality» allowed Austria already in the 1950s to join international organizations such as the UN or the Council of Europe. The concept was even more narrowed down when the country joined the EU in 1995 and thereby also agreed to fully participate in the CFSP (Luif 2003). Today a convincing argument can be made that Austrian neutrality has in fact been reduced to «military impartiality» since it does not correspond to the challenges of the Post-Cold War World such as globalization and competitiveness (Gebhard 2013). Instead the EU has become Austria's main international focus even before becoming a member in 1995. In many ways this development was without alternative for Austria, which ceased to be a frontline state of the Cold War and for which the envisaged enlargement of the EU opened up significant economic opportunities. At the same time the loss of its «special status» meant that Austria shared the Italian experience of marginalization becoming just one of several smaller EU states without significant economic or political weight. Although

support for the EU has never been as enthusiastic here as in other member states it is argued that Austrian elites were «baptized» into the EU and that especially its two Council presidencies in 1998 and 2006 contributed to a significant Europeanization of both its foreign policy and general identity (Plassnik 2013). Rather than sticking to neutrality-traditions Austrian policy-makers now perceive their country to be an unequivocal part of an EU-sponsored European order. In fact, it is telling that Austria, despite its above mentioned special relationship with Russia and much more frequent criticism of US foreign policy, did not ever «blink» in international order-relevant questions such as Kosovo or the acquisition of heavy military equipment (Malek and Luif 2013). Even the current government including the EU-critical FPÖ acknowledges that «the future of Austria is firmly connected to the project of European peace and unity» and that Austria is a «small export-oriented country in need of a functioning international legal order» (NV/FPÖ 2018, p. 22/24). In the Ukraine Crisis therefore, Sebastian Kurz, despite his calls for a moderate EU-approach towards Moscow also as chancellor, has made clear already as foreign minister that the stability of the Union and the existing international order are Austria's foremost interest: «EU states have to pull together here» (Mayer 2016). At the same time observers and scholars note that membership in the EU had a profound impact on Austrian foreign policy. Being «soaked up» by the EU, it is argued, there is a growing disinterest in foreign policy issues other than those connected to big business preferences (Bischof 2013) and a «dangerous tendency towards self-provincialization» (Plassnik 2013).

Both Italy's and Austria's lasting consent to the German-led sanctions policy in the Ukraine Crisis can be traced back to their prior self-definition as EU member countries. That relates to the EU as both Italy's and Austria's preferred framework of European and international order and to a support of EU-inspired foreign policy norms such as international law and multilateralism. At the same time both countries' preference for the EU and acquiesce on the Russia portfolio has a very rational background: Italy and Austria are marginal actors both in political and economic terms. To challenge bigger EU member states' designs on an issue lacking much priority for themselves would mean an unnecessary risk of isolation.

Trend 2: Polarization, Euroscepticism and New Foreign Policy Ambitiousness

Italy and Austria however also share certain additional characteristics which represent either very recent phenomena (the rise of populist parties to power) or recurrent features from the past (international ambitiousness) but in any case resemble an opposite trend to the one just mentioned. These developments deserve attention since they might gradually erode the above mentioned firm orientation towards the EU and a common foreign policy.

In Italy especially the frustration over the EU's handling of the migration crisis but also the ongoing economic malaise of the country have resulted in both an upsurge of populist parties and growing anti-EU sentiments (Debomy et. al. 2018). In 2018 Italy is for the first time governed by a coalition of parties, the Lega Nord and the Five Star Movement, critical of the EU and at the same time openly pro-Russian. Italian populists of the right and left perceive their country as increasingly dependent on both the EU and the US. By propagating a special relationship with Russia a counterweight is sought in order to regain lost international autonomy for Italy (Guardian 2015). A critical link between

international marginalization and the domestic situation is however seen also by moderate Italian forces. Matteo Renzi during his tenure as prime minister already sought a «more prominent role» for Italy. Playing on equal terms with France and especially a perceived neo-hegemonic Germany in a new «big three format» was mainly seen as a necessary instrument to influence EU policy along Italian economic preferences (Greco 2016).

In Austria comparable developments can be observed and might be even more manifest than in the Italian case. The Austrian public and political elite are known for their more pronounced EU scepticism (Oberkirch & Schild 2010), a feature bringing the country much closer these days to its Central East European neighbours than to the central and western «old» group of EU member states. Criticism towards the EU has even seen an upsurge in the last decade (European Commission 2015) due to widespread dissatisfaction with the ongoing crises and ineffectiveness of the Union, and partly explains the renewed success of Austria's main Eurosceptic force, the FPÖ. This ideological component should be carefully assessed. Experts see a significant increase of anti-EU, anti-Western and anti-liberal discourse in Austria especially since the beginning of the migration crisis and a reciprocally growing «understanding» for both Russian authoritarianism and foreign conduct (Gressel 2015). At the same time experts argue that the Austrian political establishment and public care much less, then for example their German neighbours, about the wider geopolitical repercussions of Russian revisionism or the general security environment.⁸ Austria therefore is a prime example for the largely globalization-related normative contest inside many member states – which often has direct repercussions for Russia's public perception – mentioned above. In front of this background the recurrent debate on Austria's neutrality is remarkable. Notwithstanding the developments mentioned above any attempts to finally rid itself of the neutrality clause after the end of the Cold War met with considerable domestic resistance as the concept is still very popular among the public and therefore sacrosanct for most political parties and especially for the centre-left. The new ÖVP-FPÖ government even promised a kind of renaissance of the neutrality-concept in Austrian foreign policy (NV/FPÖ 2017). Austria is seen here as a «historic hub between East and West» which should «promote rapprochement between the West and Russia» (Ibid., p. 22). Indeed the government seems to be willing to pay more than lip-service to that ambition. A striking example has been Austria's May 2018 offer to Russia to mediate in the Syrian conflict (Lehne 2018). Although the Russians refused the offer it seems to be a confirmation of a long-time observer's statement that Austria internationally meanders between «an inferiority complex and delusions of grandeur» (Plassnik 2013).

Contrary to the rational background of their ongoing consent with the EU's new Russia policy during the Ukraine Crisis certain, comparable developments in both Italy and Austria point towards an inherent fragility of that very consent. Both countries experience a populist upsurge running on an anti-European if not anti-Western platform. Therefore Italy's and Austria's new governments are not only more critical or openly hostile to anti-Russian sanctions but seem to intend to use the Russia portfolio for the sake of their battle against Western, EU and German

⁸ I have to thank Gustav Gressel (ECFR) for sharing his views on Austria's current political developments and culture.

«hegemony». For now this trend seems still far from taking the upper hand but its sustained presence and perpetuation might erode rational decision-making in the long-term.

Conclusions

The aim of this article was to answer the question why the EU was able to come up during the Ukraine Crisis with a comparatively coherent and unexpectedly firm response towards the Russians and why this policy has become sustainable over time. The analysis provided here is based on the fact that EU foreign policy is still dominated by the «Grundnorm» of the equality of all member states and that therefore the opposition of one member state to the suggested and later confirmed policy scheme would be sufficient to upend it.

Reflecting on so far existing explanations it was found that neither a purely rational nor normative account could provide a convincing answer on why the EU fundamentally changed its Russia policy during the crisis and was able to sustain this change over time. Seen from a rational perspective, threat perceptions vis-à-vis Moscow did not really change especially in the bigger member states. On the contrary, a strong interest-based bias towards a more moderate approach in a majority of EU member states explains inefficiencies of the EU's conflict management role and a lack of a long-term vision in regard to Ukraine. On the other hand, normative explanations, which emphasize the unity of Europeans as a value community («civil power Europe») challenged by Russian illiberalism and revisionism, seems too global in order to take necessary account of national differences in what is deemed appropriate if it comes to Russia. For example, there is, even if one ignores the pro-Russian right and left-wing populists, a considerable faction of elite and publics across Europe who would place the norm of their «respect» of Russian great power interests ahead of any international law- or European values-based beliefs.

If we look at Germany and the leading role it took as an earlier strategic partner of the Russians in bringing up the sanctions regime we get to a more convincing, eclectic explanation for EU policy. It concentrates on the personality, personal impact and belief system of Chancellor Angela Merkel, who took on a deliberate leadership role during the EU's management of the Ukraine crisis steering through a legalist approach, and on (her) policy learning when it comes to Russian foreign and domestic policy. Both factors – especially in light of considerable domestic and foreign opposition to Merkel's course at the beginning – were instrumental in the EU's observable policy change even if one has to admit the facilitating role of a normative context characterized by the «shock» the Russian annexation meant for almost all European governments.

At the same time the initial and ongoing consent to the EU's anti-Russian sanctions demonstrated by smaller, traditionally rather Russia-friendly member states such as Italy or Austria can only be explained if one carefully assesses both their foreign policy discourses and behaviour since the Cold War, and recent domestic developments. It has become understandable that both Italy and Austria are reluctant followers of Brussels' current Russia-policy and would prefer a more moderate or outright different course especially in terms of sanctions. Both however, despite some clear announcements and threats to the pro-sanctions camp, did not make use of their veto so far. In both countries the dominating

rational for their behaviour in the Ukraine Crisis can be found in an ongoing prioritization of the EU-sponsored continental order and connected foreign policy norms. This rational has however come under significant pressure by a more recent trend combining domestic populism and profound EU-criticism. The case of Austria in particular makes clear that one should remain cautious today especially in regard to the prevalence of material factors in interpreting state behaviour. The upsurge in Euroscepticism, nativism and anti-Western sentiment the country has experienced in recent years can have a potentially more damaging impact on Austria's EU-policy in the near future.

Regarding the debates mentioned at the beginning the analysis provided here demonstrates the following. The Ukraine Crisis on the one hand seems to confirm the thesis that European Foreign policy has grown up in spite of its structural shortcomings. In fact all the «unlikely cases» studied here prove that there is a substantial awareness on the level of member states that the EU-sponsored order and its normative foundations serve everyone's best interest. At the same time the centrality of Angela Merkel and her pivotal personal contribution to the EU's response to the Ukraine Crisis are proof of the fact that this consensus is not yet permissive. On the contrary, in face of a plurality of foreign policy interests and cultures among the member states it hinges on agency and perpetuation in comparable crisis situations. Second, it again confirms that for European foreign policy, in the absence of centralized decision-making and a pre-defined «national» interest, coherent and assertive policy designs necessitate the deliberate leadership role of at least one of the bigger member states and its foreign policy apparatus. The analysis demonstrates that this is already harder to achieve than in the past and will be even more complicated in the future. Aside from Brexit the perceived hegemonic role of Germany correlates highly with a more critical attitude of smaller member states towards common policies. Last but not least, the EU is despite its coherent approach in the Ukraine Crisis far from becoming an effective shaper of both EU-Russian relations and the ENP. For a true vision and more effective operative designs the EU foreign policy-«conglomerate's» message is still too reflective of its inner divisions.

The question remains how sustainable such a fragile policy consensus, which obviously hinges on very different factors in different national contexts such as personalities or foreign policy agendas, can possibly be. In terms of the pivotal German position and her leadership the ouster of Angela Merkel after the 2017 elections to the Bundestag would have been critical. Yet, despite her re-election the German chancellor is a somewhat weaker figure now than during her last two terms. Furthermore, German leadership on any issue could, as seen here in the Italian and Austrian cases, easily become interpreted as hegemonic ambition and therefore rejected by other member states. At another front the current facilitating normative context on the salience of international law might crumble in face of rising anti-liberal movements or a turn towards more geopolitical ambiguousness in France or Germany, especially in light of Donald Trump's increasingly anti-European policies. In terms of the necessary coalitions of EU member states in policy fields of unanimity both Brexit and the political marginalization of Poland inside the EU are dangerous blows for the cohesiveness of the pro-sanctions camp and might have severe mid-term consequences for the likelihood of a vetoing coalition. On the other hand both the EU's ability to come up with a genuine

Energy Union Strategy (2015) and an improvement of member state coordination in defence matters (joint procurement) has significantly lowered the ability for Russians to make use of diverging material interests and therefore veto potential.

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