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BURDEN-SHARING IN CONFLICT MEDIATION?
INTERGOVERNMENTAL SPILLOVER AND EU MEDIATION
IN GEORGIA AND UKRAINE

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ABBREVIATIONS

AA	Association Agreement
CEECs	Central and Eastern European countries
CFSP	Common Foreign and Security Policy
DCFTA	Deep and Comprehensive Free Trade Agreement
EaP	Eastern Partnership
EEAS	European External Action Service
EU	European Union
EUMM	European Union Monitoring Mission
EUSR	European Union Special Representative
GID	Geneva International Discussions
LI	Liberal Intergovernmentalism
MEP	Member of the European Parliament
OSCE	Organization for Security and Cooperation in Europe
TEU	Treaty of the European Union
UNOMIG	United Nations Monitoring Mission in Georgia

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ABSTRACT

Over the last two decades the European Union (EU) has been criticised for its rather limited role as a security actor in the conflicts in its Eastern neighbourhood, prioritizing the areas of “low politics” (Popescu 2010). It has partly been explained by the intergovernmental foreign policy and lack of a united stand versus Moscow. How do these constraints impact EU activities as a mediator and what role does the EU play in conflict mediation?

This working paper questions the widespread idea that intergovernmental setup of the EU foreign policy making, and inter-state divides hamper the Union’s ability to foster peace beyond its borders. It aims to uncover the EU’s role in conflict mediation in Georgia and Ukraine by (1) examining to what extent the theoretical approach of liberal intergovernmentalism can explain EU involvement in peace mediation; (2) focusing on the added value of EU actors in conflict mediation; and (3) explaining role-sharing between the EU and its member states acting in their individual capacities in conflict mediation.

The paper argues about complementarity between the EU and its member states which can be observed across the conflict cycle (the case of Georgia) and around the mediation format (the case of Ukraine). It also emphasizes the need to further clarify role-sharing between the EU and its member states and capitalize on the potential of the member states in a more effective and coordinated manner. In particular, institutionalisation of information flows could address the problem of information asymmetry between the EU and its member states. Moreover, further reflection on the “division of labor” between the EU and its member states is needed to effectively cultivate the member states’ attachment to the practice of conflict mediation and jointly tackle the problem of national ownership. Methodologically, the paper relies on theory-driven process-tracing and qualitative interviews.

KEYWORDS: The European Union, mediation, liberal intergovernmentalism, Geneva International Discussions, the Normandy Format.

INTRODUCTION

The conflicts in Georgia (2008) and the ongoing war in Eastern Ukraine have far-reaching implications for the future of Europe and European security architecture. They significantly affected the relations between the EU and Russia which will not return to the pre-war state in the foreseeable future and, as such, the two crises became one of the biggest tests for EU foreign policy. The EU's inability to consolidate a common policy toward Russia has caused its vulnerability and hampered the Union's activities as a security actor in the Eastern neighbourhood (Schmidt-Felzmann 2014, 40). In the absence of a harmonized crisis management framework, the conflicts in Georgia and Ukraine have vividly demonstrated low level of the EU's internal cohesiveness, constrained engagement with the contested territories, further complicated by the presence of Russia as both a party and a spoiler to the peace processes. As a result, some of the scholars argued that the cacophony of national preference portended the EU's failure to establish itself "as a real mediator" (for example: (Shelest 2010, 481)).

This state of play does not only thwart the attempts of the European Union to play a bigger role in its Neighbourhood. It also negatively affects the EU's image and perceptions of its role as a security actor and transformative power in the neighbouring countries (Delcour 2020, 17-18). At the same time, portrayed as "the most successful peace project in history", the European Union arguably has a vocation to engage in conflict prevention, mediation and dialogue (European Commission 2019). In January 2020 Ursula von der Leyen, the President of the new "geopolitical" Commission, highlighted that the opportunities for the European Union to "become a bigger player on the global level" lie in "its power in trade and reputation in mediating between conflicting parties" (Total Croatia News 2020). The designated ambiguity poses a challenge to the EU activities in its Eastern neighbourhood. On the one hand, the European Union has a variety of tools and experience to gain more credibility in conflict mediation. On the other hand, conflict mediation often seems to be an uphill struggle in light of the intergovernmental nature of EU foreign policy, sometimes dodging a bullet when the EU member states' positions converge.

This working paper examines the challenges and opportunities of the European Union's intergovernmental foreign policy for its mediation activities. It argues about complementarity between the European Union and its member states while emphasizing the need to capitalize on the potential of the EU member states in a more effective and coordinated manner. To substantiate this claim, the paper analyses EU mediation in Georgia and Ukraine.

Thus, the paper contributes to understanding the role and influence of the European Union in conflict mediation both theoretically and empirically. From the theoretical viewpoint, as Julian Bergmann and Arne Niemann have noticed, the potential of European integration theories to explain EU external action has not been fully uncovered yet (Bergmann & Niemann 2015, 177). Consequentially, the paper contributes to the “vibrant debate about the rise of intergovernmentalism” by looking at its outcome- and process-level implications for EU conflict mediation (Smeets 2020, 1137-1138). As the 2013 Report submitted to the European External Action Service (EEAS) concludes, “EU Member States may either limit or open up space for EU mediation” (Sherriff et al. 2013, viii). However, interpretations of how this materialises in practice have centered around the ability of the EU to speak with a single voice, which overshadowed the study of EU mediation in the cases where the member states’ positions diverge.

The paper focuses on conflict mediation in Georgia and Ukraine. The 2016 EU Global Strategy has highlighted the Union’s “interest in peace in [the] neighbouring and surrounding regions” and committed the EU to further engage “in the resolution of protracted conflicts in the Eastern Partnership (EaP)” (European External Action Service 2016). Mediation is an integral part of the EU’s conflict resolution toolbox. At the same time, the EU’s specific role, its policy initiation and mediation alongside the national governments require a look beyond individual institutions and actors, such as EU Special Representative, at the amalgam of national and supranational actors: from the member states, their positions and particular roles to the EU or member states representatives directly engaged in a mediation process.

The present paper is structured as follows. First, it unfolds theoretical framework and explains the research methodology. Second, the paper analyses EU mediation in Georgia, then Ukraine, through the prism of liberal intergovernmentalism (LI) and discusses its limitations by introducing the neofunctionalist concept of spillover. Finally, the conclusion summarizes the main findings of this paper and explains how liberal intergovernmentalism and neofunctionalism can contribute to understanding EU peace mediation in the Eastern Neighbourhood and what theoretical and policy implications this might have.

THEORETICAL FRAMEWORK OF THE ANALYSIS: LIBERAL INTERGOVERNMENTALISM AND EU CONFLICT MEDIATION

Under the Lisbon Treaty, EU Common Foreign and Security Policy (CFSP) is “subject to specific rules and procedures” (European Union 2012). In the literature, the intergovernmental CFSP goes beyond the legal procedure for EU foreign policy-making (Smeets 2020). It refers to the dominance of the EU member states in the shaping and taking decisions in EU foreign policy. Likewise, as Antje Herrberg notes, “mediation [hitherto] was not a displayed function of the EU: it was, on the whole, left to member states” (Herrberg 2012, 7). This state resulted “in a lack of strategic policy thinking and overall reflection” and precluded mediation from taking the center stage in EU foreign policy (Herrberg 2012, 11).

However, the EU has a gradually growing track record of acting as a mediator in some cases (e.g. Georgia) or stepping in via its member states in others (e.g. Ukraine). To examine the added value, the challenges the EU faces in conflict mediation and its alignment with the member states’ actions, this working paper applies liberal intergovernmentalism which has become a somewhat parsimonious theory for explaining EU foreign policy-making, and discusses its limitations (Moravcsik and Schimmelfennig 2019, 67).

This paper claims that while LI gives important insights into explaining EU mediation, this approach has its shortcomings. While policy lines and positions toward the conflicts are formed according to the intergovernmental logic, a closer look at EU conflict mediation, in particular in Georgia, illustrates a bigger role acquired by the EU in mediation without the extension of EU competences. In this case, the mediation process is better described as complementarity and burden-sharing with the member states rather than a pure outcome of their intergovernmental bargaining or the lowest common denominator.

In relation to conflict mediation, a liberal intergovernmentalist theory, developed by Andrew Moravcsik (Moravcsik 1993), considers it as the product of national preferences’ accommodation, while underestimating the ability of the institutions to shape decisions. This process proceeds in the following **three stages**:

First, individual member states, being rational, formulate their national preferences. These domestic preferences, or interests, are “neither invariant nor unimportant” as they form the policy line advanced later on by the governments at the multilateral level (Moravcsik 1993, 481). Formulation of national positions is influenced by a set of factors, ranging from societal groups which articulate their interests to the countries’ geographical proximity to the conflict areas (Popescu 2011, 8). At the same time, if societal pressure or additional factors are ambiguous and divided, the governments have more room for maneuver and flexibility to decide. In this regard, LI gives special attention to economic interdependence which, in its view, is one of the main incentives for inter-state coordination and cooperation (Moravcsik 1993, 476). On the contrary, this argument is not fully applicable to EU conflict mediation for the latter largely stems from broader security and geopolitical considerations and mediation itself depends on the acceptance of the conflicting parties.

At the second stage, the national governments start acting on the formed preferences, and inter-state bargaining games and negotiations commence (Andersson 2016, 41). At this stage, member states, with their different vulnerabilities and sensitivities, seek to foster their vision of how a crisis situation should be addressed. Since EU foreign policy (in most cases) operates under the principle of unanimity, where all member states have a veto power, none of the decisions can be taken until everyone at the table agrees (Andersson 2016, 47). Developing within a non-coercive system, the EU engagement in mediation is seen as the result of voluntary cooperation and communication among the national negotiators who foresee the added value of EU role and representation on their behalf.

Depending on the intensity of preferences, it might be easier or harder to develop a middle-ground position on a specific conflict (Moravcsik 1993, 480-481). In addition, the potential alternative, consequences of no-agreement and resort to unilateralism have to be considered (Moravcsik 1993, 486). In the end, according to LI, the diverging positions among the member states face constraints from the most “extreme” positions and often ultimately result in the lowest common denominator (Moravcsik 1993, 487).

When formulating individual positions, actors’ resources, capacities and historical experience influence the outcome of negotiations. In the EU context, bigger member states (France, Germany, and before Brexit the UK) have traditionally been considered as the drivers of EU foreign policy (Lehne 2012). Considered from the LI perspective, EU engagement in mediation process is seen as dependant on the bigger states’ entrepreneurship and capacities. Besides, possessing bargaining leverage, bigger states can more easily promote their position and decide whether to open space for mediation for other actors.

At the same time, due to the intergovernmental institutional setup, an EU-wide consensus is necessary to act on behalf of all the member states, which automatically augments the bargaining power of the smaller states, to a certain extent equalizing their standing with bigger countries (Moravcsik and Schimmelfennig 2019, 68). Otherwise, should profound disagreements occur, member states might threaten with non-cooperation and block the opportunity for the EU, as an intergovernmental formation, to potentially step in as a mediator (Andersson 2016, 50). This does not only affect the EU’s presence a la table but negatively influences other peacebuilding and peacemaking efforts of the Union.

Finally, LI considers the role of supranational institutions. From this theoretical perspective, they do not play an independent role but express the average of interest of the member states (Moravcsik and Schimmelfennig 2019, 68). The countries keep controlling and influencing the institutions seeking to influence their policy and win over other states’ positions.

To move beyond the level of the member states and examine the EU’s role in conflict mediation, the paper introduces the neofunctionalist concept of spillover which refers to “the (gradual) increase in terms of level and scope of EU competences and action in the external policy domain” (Bergmann & Niemann 2018). EU conflict mediation does not envisage the change of the Union’s competence in the field. However, under the influence of external factors (external spillover) and entrepreneurial role of EU institutional (cultivated spillover), the European Union finds its own “niche” in peace mediation, not parallel to the member states’ but contributing to the latter’ coordination and effectiveness.

RESEARCH DESIGN AND METHODOLOGY

In order to examine the challenges and opportunities of intergovernmentalism for EU mediation, the working paper relies on a case-centric process tracing method elaborated by Derek Beach and Rasmus Pedersen (Beach and Pedersen 2013). This paper focuses on EU mediation in two particular cases - Georgia and Ukraine. The two countries are frontrunners in their relations with the EU, and the Union both has had a high interest to engage and has been constrained by external factors and internal divergences. These two cases encompass some of the major decision-making processes in the European Union, the similarities of the events and the differences in the EU’s response demand further investigation.

In the analysis, the working paper follows the intergovernmentalism approach in identifying diverging positions of EU member states and finding a middle ground among them. It looks at the national preferences and their uploading to the EU level. Finally, the paper specifically focuses on the limits of this approach by using the neofunctionalist concept of spillover for uncovering the role played by the EU in the whole process. Hence, by focusing on the specific outcome of the EU ongoing mediation in Georgia and Ukraine, it examines the prospects and the EU's "niche" in the practice of peace mediation in the two cases, the domain traditionally reserved by the member states.

Given that there is little record on EU internal negotiations and inter-state bargaining, the working paper also relies on a number of interviews I conducted both in person and via phone and email. Although not all the relevant actors were reached, the working paper benefits from the insights and comments of the officials from the European Commission and EU member states, both in the national capitals and in the embassies in Georgia and Ukraine, as well as representatives of the conflict-ridden countries. Despite the fact that not all the EU Member states' positions were considered in depth, the conducted interviews have a relatively equitable geographical distribution and interests' representation all across the Union.

EU MEDIATION IN GEORGIA: BEYOND LIBERAL INTERGOVERNMENTALISM?

The working paper now discusses EU conflict mediation in the Georgian conflicts, starting from consideration of national positions of the EU member states. It will do so without an in-depth analysis of all the positions; instead, it will look into the main motivations, dividing lines and rationales behind the policy lines of the member states. The paper then analyses inter-state negotiations and concessions. Finally, it examines the role of the EU in peace mediation which is the main interest of this working paper.

THE MOSAIC OF NATIONAL PREFERENCES: EU MEMBER STATES AND THE RUSSO-GEORGIAN WAR

Tensions in Georgia date back to at least the 1920s when South Ossetia made an attempt to declare independence but ended up with a special status after the Red Army's invasion of Georgia in 1921 (Nichol 2009, 2). Georgia's declaration of independence from the Soviet Union in 1991 became a trigger for a conflict with hostilities between Georgia and South Ossetia breaking out in 1991. Since then, the issue of territorial integrity has become one of the top priorities of the Georgia leadership, and one of the key program points of former Georgian President Saakashvili, together with Euro-Atlantic integration (Panchulidze 2020, 8). Georgia's turn to the West has become one of the contributing factors to the 2008 Russia's aggressive reaction to the long-simmering conflict in what Russia considers to be its "Near Abroad" (and the EU consider to be "shared neighbourhood"). The EU's and its member states' efforts to contribute to conflict management in the breakaway regions of Abkhazia and South Ossetia have been long-standing. However, the intra-state nature of the conflict (with direct engagement of Russia) and Russia's unilateral recognition and, thus, isolation of Abkhazia and South Ossetia as well as EU internal divisions have limited the EU's effectiveness in attaining its goals.

EU foreign policy-making starts from defining the positions of member states and examining their overlaps. In the case of the Georgian conflicts (post-2008), member states have varying positions on Russia which is, on the one hand, determined by their specific historical experiences, on the other hand - by economic factors and energy dependence. In 2009 former EU Commissioner for Trade, Peter Mandelson, claimed: "No other country reveals our differences as does Russia" (Leonard and Popescu 2007, 16). Consequently, different factors and varying degrees of sensitivity and vulnerabilities come into play here. For the EU to be able to act as a mediator, a common position to which all the 28 countries agree has to be found. In many cases it results in the lowest common denominator. As one member states official pointed out, "the EU can only be as strong in international politics as we [member states] allow it to be" (Interview with an EU member state official, April 2020). There is also a pre-existing balance of interests of some states against the others which is reflected politically at the EU level.

There are several distinct policy approaches that can be identified in the EU response to the 2008 Russo-Georgian war. These divides are rooted not simply in the old and new members' divides. Other factors, such as chairmanship in Organisation for Security and Cooperation in Europe (OSCE), energy dependency and others, come into play (Leonard and Popescu 2007, 2). Table 1 briefly summarizes the main identified groups of countries, their positions and underlying interests.

Table 1. EU Member states' positions during the Russo-Georgian war[1]

Country	Position	Interests / Motivations
COMPROMISING DEAL BROKERS		
France	Moderate: support of dialogue	<ul style="list-style-type: none"> • EU Presidency • Oostpolitik tradition • energy dependence • OSCE Chairmanship
Germany		
Finland		
URGING FOR ACTION HARDLINERS		
Poland, the Czech Republic, Sweden, the UK; Latvia, Lithuania and Estonia	Critical: open criticism of Russia for the 'imperialist and revisionist policies'; scepticism about the French-negotiated deal; calls for the suspension of negotiations with Russia	<ul style="list-style-type: none"> • historical experience: common Soviet past; • tense bilateral relations with Russia (e.g. UK after the 2006 Litvinenko affair)

[1] The table maps the EU member states positions and interesting during the Russo-Georgia war based on the content analysis of the relevant literature, official statements as well as a number of interviews conducted by the author. Similar attempts to categorize EU countries with respect to the Russo-Georgia war were made by Leonard and Popescu (2007). Sources: (Bennhold 2008); (Carbone 2009); (Delcour & Tulmets 2014); (Foucher & Giuliani 2008); (Joint Statement 2008); (Leonard & Popescu 2007); (SME 2008); (Shagina 2017); (Valasek 2008); (Vogel 2008).

CRITICIZERS		
Belgium, Spain	Critical but less pro-active: Support of Compromising Deal Brokers	<ul style="list-style-type: none"> • different historical experience; • lesser energy dependence; • non-permanent members of the UNSC at the time of the conflict
Hungary		<ul style="list-style-type: none"> • historical experience similar to most of the “Urging for Action Hardliners” but the political landscape became more fragmented
PRAGMATIC DIALOGUE PROMOTERS		
Austria, Luxembourg, Portugal, Malta, Bulgaria, Romania, Cyprus, Slovenia, Denmark, Ireland, the Netherlands and Greece	Moderate: Support of the dialogue but not at the forefront	<ul style="list-style-type: none"> • economic and energy dependence on Russia; • tradition of neutrality (Austria); • Russia’s position in the UNSC (role for Cyprus)
TROJAN HORSES		
Italy and Slovakia	Critical stance toward Georgia (at the start of the conflict)	<ul style="list-style-type: none"> • economic and energy-dependence on Russia; • fragmented political landscape.

BUILDING A COMMON POSITION: OPENING UP SPACE FOR EU MEDIATION?

As Table 1 shows, EU member states took different positions on the 2008 Russo-Georgia war, ranging from the calls on halting relations with Russia to almost openly blaming the Georgian side for starting the war (SME 2008).

In the coordination process, the “Compromising Deal Brokers” became the main channels of communication. The French Presidency immediately put the question on the agenda in Brussels to discuss it with other EU member states (Delcour and Tulmets 2014). However, the whole coordination and consultations, led by France, were not flawless and encountered asymmetry of information flows and unilateral decision-making (Delcour and Tulmets 2014).

Close coordination, which could be observed among other member states, did not produce opposing coalitions. Despite the calls of some groups (e.g. Urging for Action Hardliners) for a more critical stance toward Russia, the launch of the Eastern Partnership in 2009 became a “negotiations facilitator” and the main gain for the hardliners who focused on enhancing cooperation with Georgia.

The conditionally referred to as “Pragmatic dialogue promoters” and “Criticizers” are softer in their response and prioritized dialogue. As an official from a member state of the group noticed, “we will not block such decisions out of European solidarity. We always align ourselves” (Interview with an EU member state official, April 2020).

Nevertheless, these countries seemed to experience lack of ownership of the process and problems in coordination with the Presidency (Delcour and Tulmets 2014). As an EU official put it, “Georgia was not at all on our agenda before 2008. We didn’t have a clear picture and regular structured information but we just supported the majority on this” (Interview with an EU member state official, April 2020).

Finally, the group of the “Trojan Horses” characterized by closer relations with Russia generally supported the French mediation. Specific linkages of Italy to the Russian establishment allowed it to use its communication channels with Moscow to foster negotiations and conflict de-escalation, thus supporting the efforts of the French Presidency (Interview with an Italian diplomat in Tbilisi, April 2020). Thus, with the differences in the initial reaction to the crisis, it is pertinent to note the idea of dialogue with the conflicting parties was supported by the overwhelming majority of EU countries. The compromises and “facilitators” introduced opened up space for the European Union to step in.

WHAT ROLE FOR THE EU IN PEACE MEDIATION?

Georgia became a test case for EU foreign policy and its activities as a mediator. Before the 2008 war, the main facilitators of dialogue in Georgia were the United Nations (UN) via its United Nations Observer Mission in Georgia (UNOMIG) and OSCE. However, following the Russo-Georgia war, the EU’s role in the peace process began to increase and the Union “somewhat unexpectedly, impose itself as peacemaker” (Merlingen and Ostrauskaite 2009, 10). The role of the EU was determined by the pre-Lisbon institutional setup. Following the LI logic, bigger Member states had “a particular role which is hard to neglect” (Interview with a Georgian diplomat in Brussels, April 2020).

The French Presidency played the leading role in the aftermath of the crisis. It managed to broker peace negotiations and keep the other member states on course. Furthermore, the French Presidency brokered the agreements on the establishment of the European Union Monitoring Mission (EUMM) to “contribute to the stabilisation of the situation on the ground” (EEAS 2009); and the appointment of EUSR to represent the Union in the Geneva International Discussions (GID), a format created to facilitate dialogue (Whitman and Wolff 2012). However, EU-level coordination faced challenges in the inter-states and institutional coordination. At the level of the member states, the cooperation did not always go smoothly and encountered inter-state divides, information asymmetry and lack of ownership (Frichova Grono 2010, 16-17). At the institutional level, the EU faced problems in coordination among the different EU institutions, even “turf wars” between them (Frichova Grono 2010).

This is not to say that there is no space for EU mediation in such conflicts. First of all, there is the need expressed by the Georgian side “to have a more vocal and firm support from the EU side, although there is a simultaneous work happening with the individual Member states and the EU institutions” (Frichova Grono 2010). For the Georgian side, there is value-added in having close bilateral contacts with individual Member states since it is faster to get a reaction from them in case a conflict situation deteriorates. At the same time, the EU’s reaction is said to have “a particular importance” (Frichova Grono 2010, 16-17). The added value of EU engagement is expressed by its member states. While upholding bilateral contacts and promoting confidence-building measures individually, the EU’s institutionalisation of their representation in peace negotiations by the EU Special representative was described as “a next logical step” (Interview with an Italian diplomat in Tbilisi, April 2020). The necessity to follow the conflict developments on a day by day basis and engage directly in technical negotiating processes from a long-term perspective made the EU’s role in peace mediation indispensable for its member states (Interview with an Italian diplomat in Tbilisi, April 2020).

Thus, EU mediation in Georgia is characterized by a role-sharing between the European Union and its member states across the conflict cycle. At the initial, active stages of the Georgian conflict, it was France under EU Presidency that took the lead. During this time, the EU acted as a clearing house trying to mitigate the differences among the member states and agree on a common position. After the ceasefire was agreed on, the EU’s engagement became much more institutionalized, in particular via the appointment of EUSR (Interview with a Georgian diplomat in Brussels, April 2020).

Nevertheless, EU mediation is related to a more technical process of negotiations. On the one hand, this demonstrates unwillingness of the member states to delegate more political authority to the EU bodies. On the other hand, this locks the EU in the role of low politics issues manager (Popescu 2011, 108).

EU MEDIATION IN UKRAINE

This part focuses on EU conflict mediation in Ukraine led by France and Germany acting in their individual capacities. First, it examines the different positions of the EU member states by grouping them into the categories of “like-minded” states. Second, it discusses how the differences in the national preferences have been addressed. Finally, the chapter concludes by specifying the role of the EU in conflict mediation.

POSITIONS OF EU MEMBER STATES: NATIONAL PREFERENCES FORMATION

The conflict in Ukraine have become another precedent of aggression by the Kremlin in response to further approximation of the country to the West and its choice in favour of association with the EU. The crisis started with the protests in the capital Kyiv against the decision of former Ukrainian President Yanukovych to sign the Association Agreement with the EU at the 2013 Vilnius summit. After the violent crackdown on the protesters, President Yanukovych fled the country in February 2014 (CFR 2018). In a month, Russia annexed the Crimean Peninsula and launched hybrid war in the Donbas region, Eastern Ukraine referring to the need to “protect the right of Russian citizens and Russian speakers abroad” (The Kremlin 2014). With support of Russia, in May 2014 Luhansk and Donets regions of Eastern Ukraine held referenda to declare their independence from Ukraine. Despite the reports confirming the build-up of Russian military equipment and personnel, Russia continues to deny its direct involvement in the conflict (CFR 2018). The conflict in Ukraine continues to be one of the major sources of instability and insecurity on the European continent till today.

The Russia-instigated conflict in Eastern Ukraine which followed the annexation of Crimea has encountered diverging positions among the EU member states. Although the EU responded in a unified manner by adopting a package of sanctions against Russia, EU member states were divided on how to respond to the crisis. Member states were divided not only in their position on Russia, but also with regard to the format of the EU's engagement. Thus, Polish MEP Jacek Saryusz-Wolski criticised the EU's absence at the negotiation table saying that "it should be Donald Tusk and Federica Mogherini negotiating with Moscow and Kyiv, and not Angela Merkel and Francois Hollande" (Polskie Radio 2015).

The policy approaches of EU Member states in response to the crisis in Ukraine largely followed the same trajectory as in the Georgian case. Despite an apparent need for tougher decisions in response to the violation of international law by Russia, Member states still remained divided over response to Russian actions in Ukraine.

Table 2. EU Member states positions towards the war in Ukraine[2]

Country	Position	Interests / Motivations
HARDLINERS		
Poland, Latvia, Lithuania, Estonia, Romania	Critical: calls for firmer response from the EU; overwhelming support of sanctions	<ul style="list-style-type: none"> • geographical proximity • historical links with Ukraine
Sweden, Finland		<ul style="list-style-type: none"> • historical experience; • Russia's maritime and airspace attacks in 2014
UK, Denmark, Czech Republic		<ul style="list-style-type: none"> • historical experience, earlier precedents in relations;
PRAGMATISTS		
Italy, Spain, Portugal, Cyprus, Greece, Bulgaria, Slovakia, Belgium, Croatia, Malta, Ireland, Slovenia, Austria, Luxembourg and The Netherlands	Moderate: support for the Normandy format; hesitant about sanctions	<ul style="list-style-type: none"> • economic ties with Russia
Hungary		<ul style="list-style-type: none"> • economic reasons; • internal changes in the Orban administration

[2] The table identifies several groups of EU member states varying in their positions on the war in Eastern Ukraine. It is based on the content analysis of the relevant literature, official statements as well as a number of interviews conducted by the author. Sources: (Gotev & Kokoszczyszski 2014); (Fischer 2019); (Mihaylova & Dimitrov 2017); (The Prime Minister 2014); (Sadecki 2014); (Vergine 2019).

MEDIATORS		
France, Germany	<p>Moderate:</p> <p>Support of dialogue and the sanctions regime</p>	<ul style="list-style-type: none"> • desire to make the format persist

BUILDING A COMMON POSITION: MANAGING DIFFERENT NATIONAL PREFERENCES

Although Russia denies its involvement in the war in Eastern Ukraine (RIA 2018), the whole conflict is considered through the prism of Ukraine-Russia and EU-Russia relations since Russia stands out as the background factor in the discussion on the security of Ukraine and the whole EaP region. Recognizing Russia's inclination to enter into bilateral relations with the EU countries instead of dealing with the institutions, EU member states have had a strong preference for a joint response to the crisis and a common decision, although contrasting interests and concerns (as table 2 shows) made inter-state negotiations extremely difficult. According to an EU Member state official, "Member states individually are much more fragile than the EU. Although the institutions can act only within certain limits" (Interview with German Ambassador in Tbilisi, April 2020).

Similar to the Georgian case, there were two main issues the EU member states had to address: their future relations with Russia and policies towards Ukraine. Regarding the first issue, all the EU countries supported sanctions which continue to be in place till today. Besides, there was no overwhelming support for dialogue with Russia, although close economic relations and understanding of the country's importance in peace negotiations was taken into account. As a former EU official put it, "Russia always wants to be part of any decision concerning the post-Soviet space. Only when it feels being included, peace negotiations and dialogue can start" (Interview with a former EU official, February 2020). Some countries, even from the group of the Hardliners, consider negotiations to be an additional leverage for the EU and another "way to put pressure on Russia" (Interview with a Lithuanian MFA official, April 2020).

However, the consensus on restricted dialogue with Russia and sanctions remains fragile. Some national governments have a propensity to maintain "business-as-usual" with Russia, without consideration of this policy's impact on the EU. This is partly rooted in their divergent historical experiences and sensitivities towards Russia. Thus, the Big Three (France, Germany and the UK) which often drive the EU policy have a historical experience very different from that of the Central and Eastern European countries. In addition, Russia's preferences to deal with France, Germany (and Italy), specifically mentioned in its Foreign Policy concepts, presupposes a special role these states will play in EU-Russia dialogue in general.

On the second issue with regard to policies in Ukraine, Member states remain divided. While for some Member states, enhancement of dialogue with Kyiv is a clear priority (Central and Eastern European countries), other countries' interests lie elsewhere. Some CEECs (mostly Poland) have had ambitions to join the Normandy format (UkrInform February 2020). However, they accepted the French and Germany-led mediation in exchange for enhancing relations between the EU and Ukraine. The signature of the AA and DCFTA in 2016 were pushed for and strongly supported by CEECs which recentered their attention from defining the perspectives for the EU-Russia dialogue to bringing Ukraine closer to the EU. Some countries, as an EU diplomat explains, remain sceptical about this enhanced cooperation, saying that its limited results caused by bad governance in Ukraine (Interview with an EU diplomat, April 2020).

While mediation in Ukraine appears to be more state-centered, the EU has an important role to play, as discussed in the next chapter.

MEMBER STATES-LED MEDIATION: WHAT ROLE FOR THE EU?

Although the EU is not a mediator in the Normandy format, the Member states' endorsement of the Minsk agreements and the EU-28 support for the French and German mediation efforts indicate the Union's coordination and facilitation roles among its Member states. The Union continues to assist in the implementation of joint decisions, provides expertise and promotes consensus among its 27 (now) members (Litra, Medynskyi and Zarembo 2017, 9). The EU's coordination role is important for promoting coherence and ensuring more credibility both inside the EU and in its relations with third parties and within multilateral fora (Interview with an EU official in Brussels, February 2020). It is also a crucial element in the EU-wide support for sanctions, a mechanism that has to be renewed every six months.

There is an important information-channelling and information-sharing role the EU plays in the whole process. In her speech in Chatham House in February 2015, former High Representative Federica Mogherini said about close coordination taking place between the EU and the mediators (France and Germany). While responding to the criticism with regard to the EU's absence in the mediation format, she mentioned that France and Germany "had a constant contact with me [HRVP], for sure, over the night of the negotiations themselves" (Chatham House 2015). Although Paris and Berlin act in their individual capacities, their position is considered representative of the EU's. In this regard, the EU becomes an important part of a double track process: bilateral (between France/Germany and the Member states) and multilateral (at the EU level). Interestingly, for some member states, France and Germany are the main points of contact on the crisis in Ukraine, and, according to one official from the EU, there is "a slight rivalry between the EU and the mediators" in communicating the Ukrainian crisis (Interview with an official from EU member state, April 2020). Other countries point at the more concrete nature of coordination in Brussels, while contacts with Paris and Berlin are described as "less intense" (Interview with a Slovak diplomat, April 2020).

With the conflict still ongoing at the time of writing, the European Union appears to play the role of the "mediator inside the EU" managing the differences and varying preferences of its Member states. According to some officials, there is a complementarity between the EU and the Member states that act as mediators. Thus, the inter-state meetings organized by Paris are important for the states less affected by the conflict to have a sense of ownership and the feeling that "their position is being considered" (Interview with an EU diplomat, April 2020). At the same time, regular meetings and debriefings in Brussels provide an additional platform for dialogue and inform the coordination process (Interview with a Slovak diplomat, April 2020).

The complementarity between the EU and its Member states is arguably present not only "inside" (where the EU manages the differences between its members) and "outside" (where France and Germany mediate the conflict) but in peace mediation as well. While France and Germany negotiate with the parties, the EU, by means of sanctions, continues to push the dialogue further. With Russia denying its involvement in the war in Eastern Ukraine, restrictive measures are seen as indispensable for making the negotiation format persist (Kortunov 2016).

In addition to that, the overall agreed complementarity creates a leeway for the Member states to advance bilateral policies with Kyiv. While France and Germany try to foster dialogue between Ukraine and Russia, Central and Eastern European states (CEECs), in particular, have scaled up their policies in Ukraine. For example, Slovakia provided big support to Ukraine for dealing with the consequences of gas disruptions from Russia via reverse gas flow to Ukraine from September 2014 (Interview with a Slovak diplomat, April 2020).

Furthermore, taking into consideration Russia's denial of its role in the conflict, the member states are advancing other platforms for fostering negotiations between Russia and Ukraine. In this regard, chairmanship in OSCE and the EU-OSCE cooperation is important to note. For example, Slovakia's chairmanship in OSCE in 2019 put the conflict in and around Ukraine as the main priority of its term and tried to foster dialogue between the parties under the aegis of OSCE (Interview with a Slovak diplomat, April 2020).

Although the EU is not a party to the Normandy format, conflict mediation led by France and Germany is characterized by a big role of the EU and burden-sharing between the EU and its Member states. However, this cooperation seems to be intuitive and ad hoc. Furthermore, similar problem of information asymmetry and lack of member states' ownership is observed.

MAJOR FINDINGS AND IMPLICATIONS

Based on the study of EU conflict mediation in Georgia and Ukraine, the working paper puts forward the following policy-relevant insights that could contribute to the discussion on EU peace mediation and determine the policy implications of the outcomes of the present study.

The analysis of the two conflicts shows that the EU undertakes an important information-sharing and coordination role, hence assuming an entrepreneurial role in mitigating the member states' differences. For the member states, the EU becomes a crucial hub of information and expertise able to aggregate their preferences.

Depending on the stage of the conflict, the EU's role in conflict mediation varies. In the Russo-Georgian conflict, the EU started to act as "clearing house" inside the EU mitigating the differences among its member states. Afterwards, it took over the tasks from the member state, by appointing Special Representative, and engaged directly in mediation. At this stage, the EU benefited from support of its member states and became the main and indispensable "hub" of information and coordination. In the case of Ukraine, the EU is still at the first stage, acting via its member states. The mentioned role-sharing between the EU and its member states in conflict mediation could be considered as a practice. The analysis of EU mediation in Georgia illustrates its added-value. Member-states' lead in peace mediation at the start of a conflict gives the EU space and time to mitigate the differences among the member states. It also opens an opportunity for the EU to engage in mediation with more internal cohesiveness and external credibility at a later stage.

Based on the aforementioned, the working paper puts forward the following recommendations to improve the effectiveness of EU mediation:

- The role of the member states in mediation needs to be clarified and their potential should be seen as a window of opportunity for the EU to engage in conflict mediation.
- Further reflection on the "division of labour" between the EU and its member states could help to address the soft rivalry in mediation between the EU and its member states (in particular, France and Germany), mentioned by some interviewees.
- Information-sharing between the EU and its member states should be institutionalised. The member states-led mediation should ensure effective communication about the current state of negotiations with other member states. The interviewees contacted with regard to the studied conflicts (particularly, in Ukraine) have pointed at the need to establish regular coordinated communication both with Brussels and the EU countries acting as mediators in their individual capacities. Furthermore, such institutionalization could develop a sense of joint ownership among the EU member states.

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Appendix. List of respondents and their affiliations

Respondent	Position held in government
Anonymous	Official from the European Union
Anonymous	Official from an EU member state (7 April 2020)
Anonymous	Official from an EU member state official (31 March 2020)
Anonymous	EU official in Brussels (20 February 2020)
Anonymous	Former EU official (21 February 2020)
Anonymous	Georgian diplomat in Brussels (27 April 2020)
Anonymous	German Ambassador in Tbilisi (1 April 2020)
Anonymous	Italian diplomat in Tbilisi (22 April 2020)
Anonymous	Official from the Lithuanian MFA (1 April 2020)
Anonymous	Slovak diplomat (2 April 2020)